



PUBLIC COPY ATTACHMENTS ORDINARY COUNCIL MEETING

Wednesday, 25th March 2020
Tunnack Hall, 2147 Tunnack Main Road, Tunnack
10.00 a.m.

Item 4.1	Draft Council Meeting Minutes (Open) – 19 th February 2020
Item 4.2.1	Minutes – Lake Dulverton & Callington Park Committee – 16 th March 2020 Minutes – Southern Midlands Emergency Management Committee – 4 th March 2020 Minutes – Chauncy Vale Management Committee – 17 th February 2020
Item 4.3.1	STCA Minutes – 17 th February 2020
Item 11.1.1	Development Application documents/Representations DA 2019/105 – Firing Range, 1110 Tunnack Road
Item 14.5.1	SMC Climate Change Adaptation Plan 2020
Item 17.2.5	Grant Deed – Runnymede Cricket Ground

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

Wednesday, 19th February 2020
10.00 a.m.

Tunbridge Hall
99 Main Street, Tunbridge

INDEX

1. PRAYERS	4
2. ATTENDANCE	4
3. APOLOGIES	4
4. MINUTES	4
4.1 Ordinary Council Minutes	4
4.2 Special Committees of Council Minutes	5
4.2.1 Special Committees of Council - Receipt of Minutes	5
4.2.2 Special Committees of Council - Endorsement of Recommendations	5
4.3 Joint Authorities (Established Under Division 4 Of The Local Government Act 1993) ...	7
4.3.1 Joint authorities - Receipt of Minutes	7
4.3.2 Joint Authorities - Receipt of Reports (Annual & Quarterly)	7
PERMISSION TO ADDRESS COUNCIL	8
9. PUBLIC QUESTION TIME (10.31 A.M.)	10
5. NOTIFICATION OF COUNCIL WORKSHOPS	15
6. COUNCILLORS – QUESTION TIME	17
6.1 QUESTIONS (ON NOTICE).....	17
6.2 QUESTIONS WITHOUT NOTICE	18
7. DECLARATIONS OF PECUNIARY INTEREST	20
8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA	21
10. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015	22
<i>Motion 10.1 – OAM Recipients</i>	22
<i>Motion 10.2 – May 2020 Council Meeting</i>	24
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	25
11.1 DEVELOPMENT APPLICATIONS	25
11.1.2 <i>Development Application (DA 2019/87) for Modification to Operation of Existing Extractive Industry (Level 2 Quarry) at 1356 Tea Tree Road, Campania, owned by C & S Williams</i>	25
11.2 SUBDIVISIONS	41
11.2.1 <i>Development Application (SA 2019/13) for Subdivision (one lot and balance) at 31 Hall Lane, Bagdad owned by J Haig & L Van Beek</i>	41
11.3 MUNICIPAL SEAL (PLANNING AUTHORITY)	65
11.4 PLANNING (OTHER)	66
11.4.1 <i>Draft Planning Scheme Amendment (RZ2020/01) for Bushfire Prone Areas Overlay66</i>	
12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE) 113	
12.1 ROADS.....	113
12.1.1 <i>Craigbourne Road, Colebrook – North-Eastern Section Accessed Via Link Road, Colebrook – Part Road Closure</i>	113
12.2 BRIDGES	170
12.3 WALKWAYS, CYCLE WAYS AND TRAILS.....	170
12.4 LIGHTING.....	170
12.5 BUILDINGS.....	170
12.6 SEWERS / WATER.....	170
12.7 DRAINAGE	170
12.8 WASTE.....	170
12.9 INFORMATION, COMMUNICATION TECHNOLOGY	170
12.10 OFFICER REPORTS – INFRASTRUCTURE & WORKS.....	171
12.10.1 <i>Manager – Infrastructure & Works Report</i>	171
13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH).....	172
13.1 RESIDENTIAL	172

13.2	TOURISM.....	172
13.3	BUSINESS.....	172
13.4	INDUSTRY.....	172
14.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME –LANDSCAPES).....	173
14.1	HERITAGE	173
14.1.1	<i>Heritage Project Program Report</i>	<i>173</i>
14.2	NATURAL.....	175
14.2.1	<i>NRM Unit – General Report.....</i>	<i>175</i>
14.3	CULTURAL.....	177
14.4	REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS).....	177
14.5	CLIMATE CHANGE.....	177
15.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE).....	178
15.1	COMMUNITY HEALTH AND WELLBEING	178
15.2	YOUTH	178
15.3	SENIORS	178
15.4	CHILDREN AND FAMILIES	178
15.5	VOLUNTEERS.....	178
15.6	ACCESS	178
15.7	PUBLIC HEALTH	178
15.8	RECREATION	179
15.9	ANIMALS.....	179
15.10	EDUCATION.....	179
16.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)	180
16.1	CAPACITY.....	180
16.2	SAFETY	180
16.3	CONSULTATION & COMMUNICATION.....	180
17.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION).....	181
17.1	IMPROVEMENT	181
17.2	SUSTAINABILITY	182
17.2.1	<i>Local Government Shared Services update (Standing Item – Information Only) ..</i>	<i>182</i>
17.2.2	<i>Kempton Community Health Centre – Deed of Variation of Grant Deed</i>	<i>188</i>
17.2.3	<i>Tabling of Documents.....</i>	<i>198</i>
17.2.4	<i>Elected Member Statements</i>	<i>199</i>
	<i>Township of Oatlands (Bicentenary – 3rd June 1821).....</i>	<i>199</i>
17.3	FINANCES.....	200
17.3.1	<i>Monthly Financial Statement (period ending 31 January 2020).....</i>	<i>200</i>
18.	MUNICIPAL SEAL	213
19.	CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA.....	214
1.	<i>CLOSED SESSION (STAFF MATTER)</i>	<i>214</i>
2.	<i>RECOGNITION - DR R SIMPSON AM.....</i>	<i>214</i>
20.	BUSINESS IN “CLOSED SESSION”	216
20.1	<i>Closed Council Minutes - Confirmation.....</i>	<i>216</i>
20.2	<i>Applications for Leave of Absence.....</i>	<i>216</i>
20.3	<i>Brighton Road (Old Section of Midland Highway), Pontville / Mangalore – Transfer of Control and Management from Department Of State Growth</i>	<i>216</i>
20.4	<i>Tenders – Annual Reseal and Road Reconstruction Program.....</i>	<i>216</i>
20.5	<i>Staffing Matter.....</i>	<i>216</i>
21.	CLOSURE	218

OPEN COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL
HELD ON WEDNESDAY, 19TH FEBRUARY 2020 AT THE TUNBRIDGE HALL, 99 MAIN
ROAD, TUNBRIDGE COMMENCING AT 10:02 A.M

1. PRAYERS

Rev Dennis Cousens recited prayers.

2. ATTENDANCE

Mayor A Green, Deputy Mayor E Batt, Clr A Bantick, Clr A Bisdee OAM, Clr K Dudgeon, Clr D Fish, Clr R McDougall.

Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr D Cundall (Manager, Development and Environmental Services), Mrs J Tyson (Senior Planning Officer), Mr J Lyall (Manager, Infrastructure & Works), Miss E Lang (Executive Assistant).

Mayor Alex Green also acknowledged Clr Mary Knowles (Mayor of the Northern Midlands Council) and Leigh McCullagh (NMC Works Manager) who were in attendance.

3. APOLOGIES

Nil.

4. MINUTES

4.1 ORDINARY COUNCIL MINUTES

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 22nd January 2020, as circulated, are submitted for confirmation.

DECISION

Moved by Clr D Fish, seconded by Clr A Bisdee OAM

THAT the Minutes (Open Council Minutes) of the previous meeting of Council held on the 22nd January 2020, as circulated, be confirmed.

CARRIED

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

4.2 SPECIAL COMMITTEES OF COUNCIL MINUTES

4.2.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES

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

- Minutes – Woodsdale Hall Management Committee – 3rd February 2020.
- Minutes – Parattah Railway Station Management Committee – 30th January 2020.

RECOMMENDATION

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

DECISION

Moved by Clr R McDougall, seconded by Clr K Dudgeon

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

CARRIED

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

4.2.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS

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

- Minutes – Woodsdale Hall Management Committee – 3rd February 2020.
- Minutes – Parattah Railway Station Management Committee – 30th January 2020.

RECOMMENDATION

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

DECISION

Moved by Clr A Bisdee OAM, seconded by Clr R McDougall

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

CARRIED

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

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

4.3.1 JOINT AUTHORITIES - RECEIPT OF MINUTES

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

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

DECISION NOT REQUIRED

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

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

- Southern Tasmanian Councils Authority – Nil.

DECISION NOT REQUIRED

DECISION

Moved by Cllr K Dudgeon, seconded by Cllr R McDougall

THAT the meeting be suspended at 10.12.am for a presentation by the representative(s) from the Department of State Growth and Pitt & Sherry regarding the Blackman River Bridge.

CARRIED

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

Permission to Address Council

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

- Representatives from the Department of State Growth (DSG) & Pitt & Sherry regarding the Blackman River Bridge at 10.15 a.m.

Note: It is confirmed that the Local Government (Highways) Order 1994 (Schedule 2) includes the Blackman River Bridge, Main Road, Tunbridge (Bridge No 599) as being within the Northern Midlands Council area. This schedule lists the Bridges that are to be maintained or renewed by the State.

The representatives from the Department of State Growth (Aaron Percy) and Pitt & Sherry (Nathaniel) presented the history relating to the Blackman River Bridge at Tunbridge and addressed the issues as contained in the Concept Design Report prepared by Pitt & Sherry dated 2nd December 2019.

The Concept Design Report provides three options for renewal of the bridge:-

- Option 1 like for like – timber superstructure and barrier
- Option 2 timber girders with thin concrete deck
- Option 3 engineered timber girders with concrete deck

In reference to the report, Option 3 is the recommended renewal option and is the Department's preferred option. The DSG representative also advised that following referral of the report to Heritage Tasmania, and through subsequent discussions, Heritage Tasmania have indicated that they are agreeable to Option 3 as this is the best option in terms of impact on heritage significance.

Option 3 is the most cost efficient and effective way of renewing the bridge, noting that all three options within the report have the bridge remaining as a timber span bridge.

DSG acknowledged that the bridge is within the Northern Midlands Council area, but also recognised that the Bridge is listed in the Southern Midlands Council Planning Scheme.

Hence, a Development Application will be submitted to both Northern Midlands and Southern Midlands Councils.

The Department position is that all consultation/stakeholder issues will be directed through the Northern Midlands Council.

Questions from Council related to the likely timeframe for replacement and how long does the Department anticipate it take to be repaired? It was advised that both Options 1 and 2 will take considerable time due to the difficulty in sourcing timber. Option 3 can be progressed in the relatively short-term.

All Options within the report include visualisations of how the bridge may look, noting that the external appearance will be similar for all options. The final surface of the deck can be modified to enhance appearance.

9. PUBLIC QUESTION TIME (10.31 A.M.)

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

Councillors were advised that, at the time of issuing the Agenda, the following questions on notice (see over) had been received from a member of the public.

There were seventeen (17) members of the public in attendance.

Mayor A O Green then invited questions from members of the public in attendance.

Members of the community were provided with an opportunity to ask questions or seek clarification from the representatives from the Department of State Growth and/or Pitt & Sherry.

Questions relating to the Blackman River Bridge:

Katherine Rowan

Question relating to the Heritage Assessment that is an appendix to the Pitt & Sherry Report. Prepared by Peter Spratt who is identified as an Engineer with heritage experience. Will further expert heritage advice be sought. It was noted that part of the timber and sandstone is important to the heritage structure of the bridge & will you show exactly what it looks like?

The DSG representative advised that the Pitt & Sherry Concept Design Report will be provided to Heritage Tasmania, noting that all options within the report are trying to be sympathetic to the heritage values of the bridge. The report shows a visualisation of all options, noting that the sandstone is not altered in any of the proposed options.

Terry Bransden

Was there an option to take the timber out and only keep the timber beams and keep sandstone pillars?

It was advised that all options need to be sympathetic to the heritage values of the Bridge. Timber girders are a feature of all three options. Option 3 is preferred from both a heritage and long-term asset management perspective.

Julie Wholohan

How much of existing heritage wood would be removed and where does it go if it is removed? Has closure of the existing bridge (in order to preserve it) been considered and a picnic type facility developed in the vicinity. A new bridge crossing could be constructed.

The option to build a new bridge hasn't been considered but the existing structure would still require renewal works. It was also advised that the timber on this bridge has already been replaced 4 times. Existing timber could be used as a façade.

Barbara Stevenson

What has prompted the recommendation to increase the load capacity that can travel over the bridge? Why are options now considering heavier loads? Has there been a

survey on requirements? Only 1km from the bridge is a wider road area and why can't heavier vehicles use that access instead? Why does the status quo have to be altered? The Heritage Assessment Report raises concern about changing the bridge.

It was advised that one of the project objectives is to achieve a minimum of 25T (rigid truck) which is the minimum acceptable standard for a Bridge.

David O'Neill

Option 3 appears to be the favoured option by the Department, what is the timeframe from start to finish time for completion if this Option is approved?

The Department advised that they have not been allocated a budget at present. Depending on the outcome of the Development Application process, the Department will need to submit a funding request to deliver the project once an agreement is provided.

Ruth McDonald

Advice that she lived near a heritage bridge in NSW and all heavy vehicles were restricted due to the heritage values of the bridge.

The Department advised that even if decision was made to retain the 5t load limit, the Department's preferred option would not change (i.e. Option 3).

Julie Wholohan

Should future enquiries in relation to the Bridge be directed to the Northern Midlands Council?

The Department advised that when the Development Application is advertised there will be two applications - one to Southern Midlands Council and one to Northern Midlands Council. Members of the community will be able to provide representations through the DA process. Heritage Tasmania will also be required to provide formal advice for this process.

Brad Williams

Sought to clarify Heritage Tasmania's position based on his understanding. Option 3 is Heritage Tasmania's agreed position but from a pure heritage perspective it would not be their preferred option.

Paul Worldon

Acceptance of Option 3 as the preferred Option - do the bridge now and do it properly. Need to look at the long term.

Marianne Johnson

If Option 3 is considered and heavier vehicles do come over the bridge, they come into a narrow road/tight bend in the road and this is a safety issue.

The Department advised that the road is a council maintained road and an issue for council to consider. The bridge structure would be designed to a standard to enable use by general access vehicles, which has been the case for the majority of its life. The aim is to reinstate the original weight limit.

Other Public Question Time Issues:

Terry Bransden

Question regarding why there are trees planted in the middle of the footpath at the northern end of Tunbridge. Who made the decision to plant in that location?

Question taken on notice.

Ruth McDonald

Advice that she attended many meetings regarding the tree plantings and all trees were put in their current locations to minimise any future problems.

Julie Wholohan - Tunbridge

Advice that the tap at the Community Park is used to water trees in the town. It constantly drips and the Tunbridge Community Club pays the water bill. Why do the club have to cover the water costs?

The General Manager advised that the Tunbridge Community Park has been the subject of discussion with the Tunbridge community for many years. The park is actually owned by the Tunbridge Youth Club Inc. and to date no agreement has been reached with the community regarding preferred future ownership. A preferred ownership position needs to be adopted before the matter can be progressed. Council can certainly refund the Club for any water consumption costs.

Bill Lodge

When are the culverts at the front of the Hall going to be upgraded?

The General Manager advised that a budget has been allocated and it will be progressed as a matter of urgency.

Mayor Alex Green thanked representatives from the Department of State Growth and Pitt & Sherry for attending the meeting.

Public Question Time concluded at 11.11 a.m. and a break was then held for morning tea.

DECISION

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

THAT the meeting be reconvened at 11.43 a.m.

CARRIED

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

Question on Notice – Public Question Time

From: Griggs Family <>
Sent: Sunday, 2 February 2020 5:44 PM
To: SMC Mail <mail@southernmidlands.tas.gov.au>
Subject: Questions For Next Council Meeting

Hi All,

Thank you to all your indoor and outdoor staff on the job they are doing it is greatly appreciated and is providing good value for ratepayers money. (Can you pass these comments to all staff and General Manager + Elected Members).

1) With the current hotter weather conditions and this being the norm into the future, can council in its next budget and subsequent budgets put aside funds to do advanced tree plantings in all council owned and maintained reserves and parks. Also some small amount of funds for watering to get them growing successfully. Eg Colebrook, Campania, Oatlands, Bagdad etc.

Using deciduous tree species, with the consideration to their drought tolerance, also getting advice on the best options for this.

General Manager's response:

Council as part of reviewing its Climate Change Action Plan, has specifically identified tree planting projects as an action with the classification 'Landcare Initiatives'. This includes the desire to plant more trees within the community, and also support the activities undertaken by the Midlands Tree Committee. Council, as part of its forthcoming Budget process, will also be considering the possibility of allocating additional resources to ensure plantings can be adequately watered and maintained.

2) On the same budget type issue.

Rhyndaston Road from railway crossing around 299 Rhyndaston Road up to where road edge protective barrier ends, can this be included for a chip seal surface to be put down in the 2020 - 2021 budget, subject to budget allocation.

General Manager's response:

This request will be submitted for consideration as part of the 2020/21 Budget process.

3) How much actual usage do the lights at the Campania and Oatlands Oval get each financial year and can this be examined to increase usage. Also what is the amount of money owing on these borrowings for these assets, and what is the annual repayment amounts required.

General Manager's response:

Council does not maintain actual usage records for the lights at the Campania and Oatlands Recreation Grounds. Both grounds are continually used by the respective Football Clubs, with training taking place twice per week at evenings. In addition, both Football Clubs schedule night games in consultation with the Association. The grounds are used by other Football Clubs for practices matches etc. on an irregular basis, but this is strongly encouraged to maximise use of the infrastructure. In relation to the Campania Recreation Ground, the local Cricket Club has held night cricket games as the lighting at this Ground is suitable for night Cricket.

In terms of the Loan, as at 31st December 2019, a total of \$197,300 remains payable. Loan servicing costs (i.e. principal and interest) are \$22,417 per annum, and the Loan will be repaid in July 2030.

Regards and Thank You
David Griggs.

5. NOTIFICATION OF COUNCIL WORKSHOPS

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

One workshop has been held since the last Ordinary Meeting.

A workshop was held on the 11th February 2020 at the Council Chambers, Oatlands commencing at 9.30 a.m.

Attendance: Mayor A O Green, Clrs A Bantick, K Dudgeon, D Fish and R McDougall.

Apologies: Deputy Mayor E Batt and Clr A E Bisdee OAM.

Also in Attendance: T Kirkwood and G Green.

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

a) Climate Change

The following documents were circulated in relation to this issue:

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

Graham Green provided an overview of the amendments made to the Action Plan resulting from the initial workshop. Following this, the key components of the Climate Change Adaptation Plan were presented.

As an outcome of the workshop, it was requested that Councillors review the draft Climate Change Adaptation (as circulated) and provide any additional feedback by 3rd March 2020. This feedback will be reflected in further revisions of the Plan.

The updated Plan would then be submitted to the Council Meeting scheduled for 25th March 2020 for formal consideration by Council.

In terms of the Climate Change Action Plan, this will be put up for endorsement at a later date. In the interim a cost benefit analysis will be undertaken on some of the actions with a view to having them ready for discussion at budget workshops.

b) High Street, Oatlands – Bus Shelter

Councillors attended an on-site inspection of the proposed site for the Bus Shelter. The main focus of the discussion was the actual siting of the Shelter, and the need to be DDA compliant. It was acknowledged that the location of the Shelter be moved slightly to the south for the following reasons:

- a) The shelter will not impact on the view of the 40 km per hour School Zone sign;
- b) Parking will be retained in the vicinity of Cellabrations and opposite the Kentish;
- c) The footpath in the proposed location warrants reconstruction as there are trip hazards associated with a previous ramped entry onto the footpath.

The footpath (including gravel edge) is approximately 2.90 metres in this location. It is proposed that the Bus Shelter be placed on the road side of the footpath which will provide protection against the prevailing weather. The footpath will then remain on the fence side of the shelter (i.e. hard-up on the school property boundary).

The shelter itself is 1.50 metres wide and to retain the minimum footpath width of 1.80 metres, the concrete pad will extend into the verge by approximately 300 mm for the length of the shelter (i.e. 3.50 metres long). At the southern side of the shelter the concrete pad will extend further into the roadway by an additional 350 mm - providing a total distance of 3.55 metres from the school boundary. The 3.55 metres is the minimum to be DDA compliant. The length of the actual Shelter (i.e. 3.50 metres) will allow for the installation of an appropriate seat and allow room for a wheelchair.

The Workshop concluded at approximately 11.50 a.m.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Deputy Mayor E Batt, seconded by Clr A Bisdee OAM

THAT the information be received.

CARRIED

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

6. COUNCILLORS – QUESTION TIME

6.1 QUESTIONS (ON NOTICE)

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

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

Nil.

6.2 QUESTIONS WITHOUT NOTICE

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

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

Clr Fish – question regarding the macrocarpa logs at Maher’s Point. Was there any sale value?

At present the logs have been removed and are being stored off-site.

Clr McDougall – question regarding reinstatement of the pathway that was impacted when the upgraded entrance to the TasRail property at Parattah was constructed. Has any action been taken?

The General Manager will progress.

Clr Bantick – request to consider the installation of ‘drink bottle’ filling stations in Oatlands and Kempton as a means of reducing waste (i.e. water bottles to landfill). Suggested areas near the respective Council Chambers.

The General Manager advised that an assessment will be undertaken to determine feasibility.

Clr Dudgeon – request for council to consider an allocation of funding in the 2020/21 budget as a contribution to the Oatlands RSL in support of its grant application to upgrade the name plaques on the Memorials in the forecourt of the Oatlands Council Chambers.

To be considered as part of the 2020/21 budget discussions.

Clr Dudgeon – further advice that the Department of State Growth has once again been consulted regarding the 40km speed limit in Church Street (vicinity of MMPHC) as an issue arising from recent CAC meetings. Do not believe the Department will be granting a reduction in speed for this area but can an appropriate sign be erected in this area e.g. ‘pedestrian crossing/elderly etc.?’

Appropriate signage to be investigated.

Clr A Bisdee – advice that Dr Simpson has retired and request for a letter of appreciation be sent to Dr Simpson for providing 41 years of outstanding service to the Southern Tasmania community.

Listed for further discussion as a Supplementary Agenda Item.

Clr A Bisdee – advice that he has had discussions with TasWater regarding the upgrade of the Oatlands filling station. Options are being looked at, including an assessment of how the flow rate can be increased in this location. Commented that changes have also been made to the charging arrangements at the Kempton filling station for commercial carrier(s).

Clr A Bisdee – attended the last Community Advisory Committee meeting at the Midlands Multi-Purpose Health Centre, together with Clr Dudgeon. An issue was raised by the Chairman of the Committee that he considers Council is not providing adequate support to the MMPHC. The Chairman was advised that the facility is a state government owned facility and not Council owned. It was requested that Council support could be provided by consulting with the MMPHC prior to liaising with Federal politicians and lobbying for projects etc. within the Southern Midlands.

The Mayor advised that he will meet with the Chairman of the Community Advisory Committee to discuss this matter further, noting that Council would also welcome a formal document from the committee outlining their priorities for projects/funding etc.

Deputy Mayor Batt – question regarding whether the Green Ponds Progress Association has proceed with a valuation of the church property at Kempton?

The General Manager advised that he has not been formally advised to date.

Deputy Mayor Batt – re: qualified advice relating to the Craigbourne Road closure?

The General Manager advised that the draft report was provided to Abetz Curtis for review. The content of the report was confirmed as part of ensuring that appropriate advice has been received.

DECISION

Moved by Clr A Bisdee OAM, seconded by Clr K Dudgeon

THAT the information be received.

CARRIED

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

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*.

Nil.

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.

The General Manager reported that the following item needs to be included on the Agenda. The matter is urgent, and the necessary advice is provided where applicable:-

- 1. CLOSED SESSION – STAFF MATTER
- 2. RECOGNITION - DR R A SIMPSON AM

RECOMMENDATION

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

DECISION

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

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

CARRIED

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

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

MOTION 10.1 – OAM RECIPIENTS

Clr Karen Dudgeon has submitted the following Notice of Motion:

“THAT the Southern Midlands Council formally recognise and congratulate Mr Colin Howlett and Mr Paul Wilson for both receiving Medals (OAM) of the Order of Australia in the General Division in the 2020 Australia Day Honours”.

Comments provided by Clr K Dudgeon:

Mr Paul Wilson – for service to the community of Oatlands.

- *Oatlands Municipal Ambulance Service – Volunteer Ambulance Officer 1973-2013 (40 years).*
- *Dulverton Bowls Club – Life Member 2008; Former President; Current Committee Member and Player; Current Green Keeper.*
- *Founding member of Oatlands Christmas Pageant since 1986 and still the main organiser.*
- *Life Member of Oatlands RSL Club.*
- *Awards and recognition include:-*
 - *National Certificate of Commendation – Australasian Institute of Emergency Service 2018*
 - *Emergency Services Volunteer of the Year 2015*
 - *Returned Services League Tasmania 2015.*

Mr Colin Howlett – for service to local government and the community of the Southern Midlands.

- *Southern Midlands Council Mayor 1994-2006.*
- *Former member of various Council committees including former Chairman Australia Day Awards Committee; Tourism Advisory Board; Southern Regional Irrigation Development Board and the Midlands Multi-Purpose Health Centre Committee.*
- *Richmond Town Council Councillor 1983-1993 and held the position of Deputy Warden for quite a few years.*
- *Chairman Tasmanian Transport Council (11 years) and various other truck and operator associations.*
- *Involved with the Tasmanian Greyhound Association.*
- *Former President and Life Member of Bridgewater Speedway.*
- *Former President of Australian National Speedway Federation.*
- *Foundation Member of Sandy Bay Lions Club (12 years).*
- *Member of Clarence Masonic Lodge (8 years).*
- *Chairman of Combined Planning Association (8 years).*
- *Justice of the Peace (21 years).*

DECISION

Moved by Cllr K Dudgeon, seconded by Cllr D Fish

THAT letters of congratulations be sent to Mr Paul Wilson and Mr Colin Howlett in recognition of receiving the Order of Australia Medal in the General Division in the 2020 Australia Day Honours.

CARRIED

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

MOTION 10.2 – MAY 2020 COUNCIL MEETING

Mayor Alex Green has submitted the following Notice of Motion:

“THAT Council consider changing the May 2020 Council meeting venue to the Broadmarsh Community Hall (instead of Kempton Municipal Office) on the 27th May 2020”.

Mayor Alex Green commented that it would be appropriate to hold the May 2020 meeting at Broadmarsh which would provide an opportunity for the local community to raise any issues that may still be need to be addressed following the recent Pelham/Elderslie fire.

DECISION

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

THAT the May 2020 Council meeting venue be changed and held at Broadmarsh Community Hall (previously scheduled for the Council Chambers, Kempton).

CARRIED

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

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

11.1.2 DEVELOPMENT APPLICATION (DA 2019/87) FOR MODIFICATION TO OPERATION OF EXISTING EXTRACTIVE INDUSTRY (LEVEL 2 QUARRY) AT 1356 TEA TREE ROAD, CAMPANIA, OWNED BY C & S WILLIAMS

File Ref: T 2941285

Author: SENIOR PLANNING OFFICER (JACQUI TYSON)

Date: 12 FEBRUARY 2020

Attachment(s):

1. *Development Application documents*
2. *EPA determination Permit Part B – 1356 Tea Tree Road*
3. *EPA Environmental Assessment Report – Williams Quarry*
4. *Representations*

PROPOSAL

The Applicant, Craig Williams, has submitted a Development Application to the Southern Midlands Council seeking a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to change the operation conditions of the existing Level 2 rock/gravel quarry at 1356 Tea Tree Road, Campania.

The quarry currently operates as a Level 2 Activity under an existing permit (DA2015/122) which was granted in 2017 following a decision of the Resource Management and Planning Appeals Tribunal (RMPAT). This appeal is discussed further in the background section of this report. The operation is currently limited to extraction of 10,000 cubic metres of material, and crushing (no screening) of 2,500 cubic metres of material per year. The current permit requires that crushing must take place on 5 consecutive days per year. Notification to Council and neighbours of the planned crushing days is also required by existing conditions.

The proposed modification involves extraction of the same volume of material, 10,000 cubic metres, and crushing and/or screening of 2,500 cubic metres of material per year. The proposed changes to the operation of the quarry include:

- Allowing for screening as well as crushing of up to 2,500 cubic metres of material per year, using an independent mechanised screening unit;
- Removing the restriction on number of crushing days per year and the need to notify neighbours and Council prior to crushing;
- Changes to the operational hours to be in line with the Quarry Code of Practice; and
- Relocation of part of the access road to the quarry.

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

The environmental effects of a Level 2 Activity are assessed by the Environmental Protection Authority (“EPA”). Accordingly, the Development Application has been referred to the EPA for assessment in accordance with the requirements of EMPCA. Council officers made a submission to the EPA during the consultation process to ensure that the history of this matter, including the appeal regarding DA2015/122 and the amendment of the Scheme, was on record. The EPA Board approved the proposal on the 29 January 2020, subject to conditions addressing environmental matters including operating hours, noise levels, noise management and reporting, dust control, hazardous material handling and decommissioning and rehabilitation requirements. The EPA conditions must be included in any permit issued by the Council.

The land is zoned Rural Resource and is covered by an Attenuation Area associated with the quarry and partly covered by a Landslide Hazard Area overlay and Waterway Protection Area overlay.

Under the Planning Scheme the proposal is defined as use and development of an “Extractive Industry”. 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 two (2) representations were received. The representations were provided to the EPA for consideration in their assessment, as detailed in the Environmental Assessment Report (attached).

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

BACKGROUND

Level 1 Approval – DA2014/64

The Williams Quarry was initially approved by Council as a Level 1 operation in 2014 (DA2014/64), with extraction limited to less than 5,000 cubic metres per annum and no crushing onsite.

Level 2 Application – DA2015/122

In 2015 application was made to expand the quarry operation to Level 2 to allow for the extraction of up to 10,000 cubic metres of material per annum and crushing of up to 2,500 cubic metres of material per annum.

Council refused the application in March 2016, due to concerns including noise impacts and the encumbrance to neighbouring properties that would be created by the Attenuation Area overlay under the Attenuation Code of the Scheme. The standard Attenuation area would apply to all land within the Standard Recommended Attenuation Distance (SRAD) - which is 750m for a quarry with crushing.

RMPAT Appeal and Permit DA2015/122

The Council decision to refuse the application was appealed to RMPAT. The appeal progressed to a partial hearing on the 21 June 2016 which was then adjourned to allow the parties to attempt to resolve the appeal.

Ultimately, after lengthy negotiation and evidence, a mediated outcome was able to be reached with a consent agreement signed by all parties to the appeal including Council, EPA, the proponent (Craig and Sally Williams) and Representors (neighbours). RMPAT issued a determination concluding the appeal and a permit was issued accordingly.

The agreement between the parties and the subsequent RMPAT decision included:

- Amendment of the Southern Midlands Interim Planning Scheme 2015 to insert an agreed Attenuation Area (see below);
- Conditions to specifically manage noise and other impacts to neighbours including:
 - EPA condition N7, that the sound power output of any crusher used on the site be limited to 118 db (A);
 - EPA condition N5, limiting crushing to five consecutive days each calendar year, to limit impact on neighbours;
 - EPA condition N6, requiring notification to the Director, Council and neighbours of the dates of crushing activity at least 72 hours before crushing commencing; and
 - Council condition 2 acknowledging that screening was not included in the quarry operation.

Planning Scheme Amendment

In conjunction with the RMPAT appeal, the Southern Midlands Interim Planning Scheme 2015 was amended to include the specific Attenuation overlay for the quarry, which modified the standard 750m Attenuation overlay to a custom size and shape based on evidence regarding the noise emission levels of the crusher (without screening).

Specifically, the Attenuation area maps the 47db(A) Sound Pressure Level created by the noisiest component of the quarry operation (the crusher) when the sound power output of the crusher does not exceed 118db(A).

Outside this area the noise impact of the quarry operation is low enough to allow for sensitive uses (such as residential use) to occur without impediment.

Attempt to Amend 2015/122

In 2017 the proponents made an application to amend the permit conditions of DA2015/122 through an Application for Minor Amendment under Section 56 of the *Land Use Planning and Approvals Act 1993*, with the proposed amendments essentially the same as the proposal now considered in DA2019/87.

The Permit DA2015/122 could not be amended under Section 56 as the conditions were imposed as the result of an appeal, which would offend 56 (2)(a) and (aa):

Section 56. Minor amendments of permits issued by a planning authority

- (1) *The owner of land, or a person with the consent of the owner, may request the planning authority in writing to amend a permit which applies to that land and which is a permit issued by the planning authority.*
- (2) *The planning authority may amend the permit if it is satisfied that the amendment –*
 - (aa) *is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
 - (a) *does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
 - (b) *will not cause an increase in detriment to any person; and*

(c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.

The Proponent then lodged an application under Section 23 (6) of the *Resource Management and Planning Appeal Tribunal Act 1993* seeking to remove conditions of the permit DA2015/122. Section 23 (6) allows for RMPAT to amend a decision on an appeal if it is satisfied that the amendment does not change the effect of any condition required by the Appeal Tribunal and will not cause an increase in detriment to any person.

The changes applied for were also consistent with the amendments applied for in DA2019/87.

RMPAT determined that the proposed changes were not in accordance with Section 23 (6) and refused the application.

Current Application - DA2019/87

Subsequently, the proponent lodged a Notice of Intent with the EPA and a Development Application with Council for the proposal now considered as DA2019/87. Per Section 62 (2) of the Act:

(2) Where the Appeal Tribunal has determined an appeal, an application for a permit in respect of a use or development which is substantially the same as the use or development to which the appeal related may not, without the leave of the Appeal Tribunal, be made within a period of 2 years from the date on which the Appeal Tribunal made its decision.

The current application was lodged outside of the two (2) year period from the date of the RMPAT decision and therefore the Applicant has avoided any potential complications or need to seek leave of the Appeal Tribunal in order to lodge the application.

THE SITE

The property is located at 1356 Tea Tree Road. The property is developed with a range of improvements relating to the existing uses carried out by the owners, including the existing quarry, a single dwelling, a workshop and farm buildings, dam and other farming improvements.

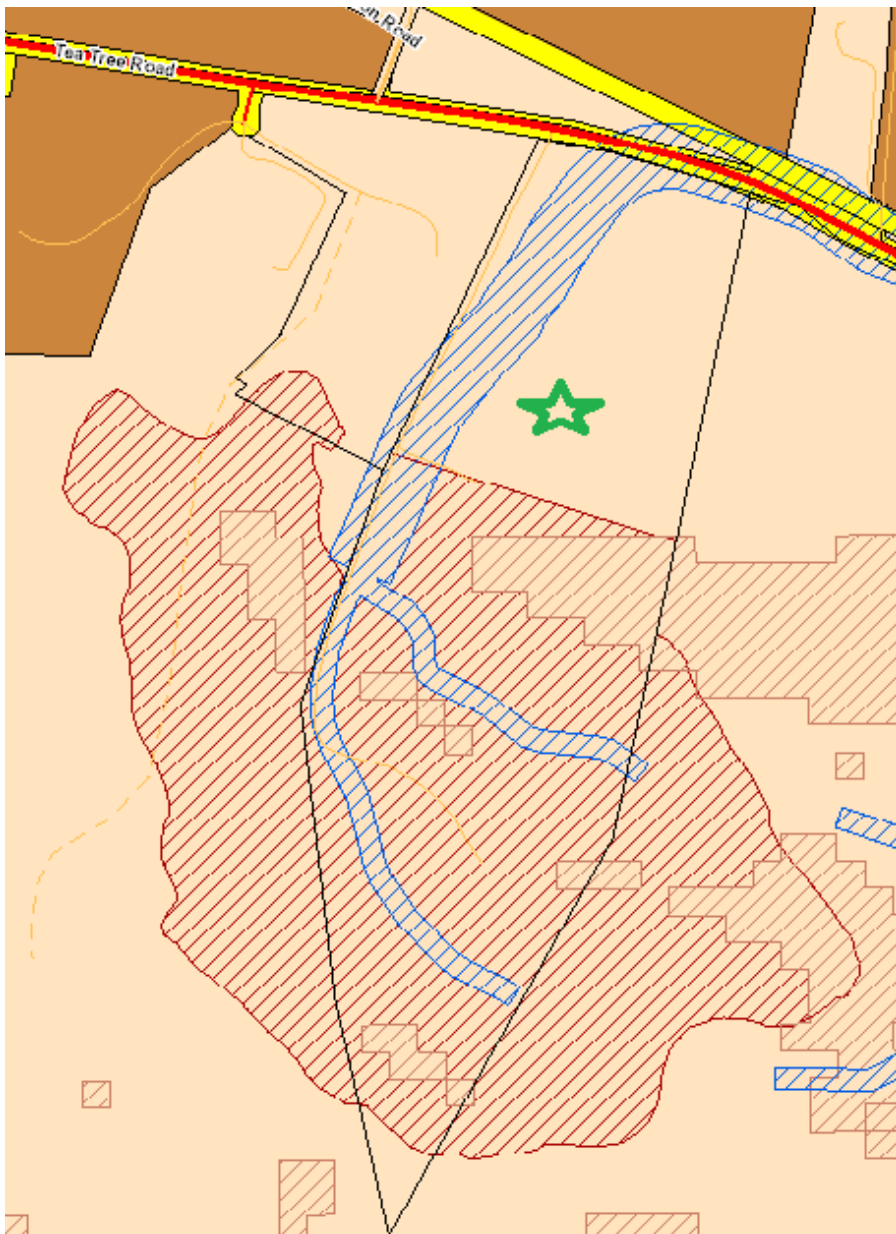
The quarry is located on the northern side of a small hill, at an elevation of approximately 200m. The quarry is approximately 450m south of Tea Tree Road and 150m south of the dwelling on the site. The land generally slopes up from Tea Tree Road, with flatter land to the north of the site towards the road and then rising more quickly in the southern section, with undulations at various levels. There is remnant bushland on the site south of the quarry, which forms part of a belt of native vegetation across the hills of the site and nearby properties.

The access to the land is from Tea Tree Road, which is a Category Two (2) road. The Road Authority is the Department of State Growth. The existing access to the land is used to serve all the uses on the site, including the quarry, dwelling, farm and a workshop. The access was upgraded to the current form as part of the approvals for the existing quarry. The quarry operations area is accessed via internal roads and tracks.

The property is surrounded by other farms, former farms and titles used as rural lifestyle land. The adjoining private land is currently in the Rural Resource Zone (at the time of writing) and the Tea Tree Road is in the Utilities Zone.

The adjoining land to the east of the site has recently been subject of a successful application to amend the Scheme, to introduce the Particular Purpose Zone 3 – Tasmanian Buddhist Cultural Park. This amendment was approved by the Tasmanian Planning Commission on the 24 January 2020 and will be active from the 14 February 2020.

Map 1 below demonstrates the zoning (at the time of writing).



Map 1_The subject land and surrounding properties are in the Rural Resource Zone (cream), Significant Agriculture Zone (brown) and Utilities Zone (yellow). The Code overlays are the Attenuation Area associated with the quarry (red hatch), Landslide Hazard Area (brown hatch) and Waterway Protection Areas (blue hatch).



Map 2 _ Aerial image of the subject land and surrounding area. The quarry is circled in green.

THE APPLICATION

The Applicant has submitted an Environmental Effects Report (“EER) prepared by the consultant Van Diemen Consulting to accompany the Development Application.

The EER contains a comprehensive description of the proposal and information required for assessment against the Scheme and addresses environmental matters as required by the EPA. The EER appendices include the Planning Permit DA2015/122 and related documents including a Landscape Plan, Noise Profiles, Noise Assessment and Crusher Noise Test. Appendix 9 is a Noise Survey and Assessment for the proposed screening and modified access spur road, dated 2019. A Supplement to the EER was also provided in response to a request from the EPA.

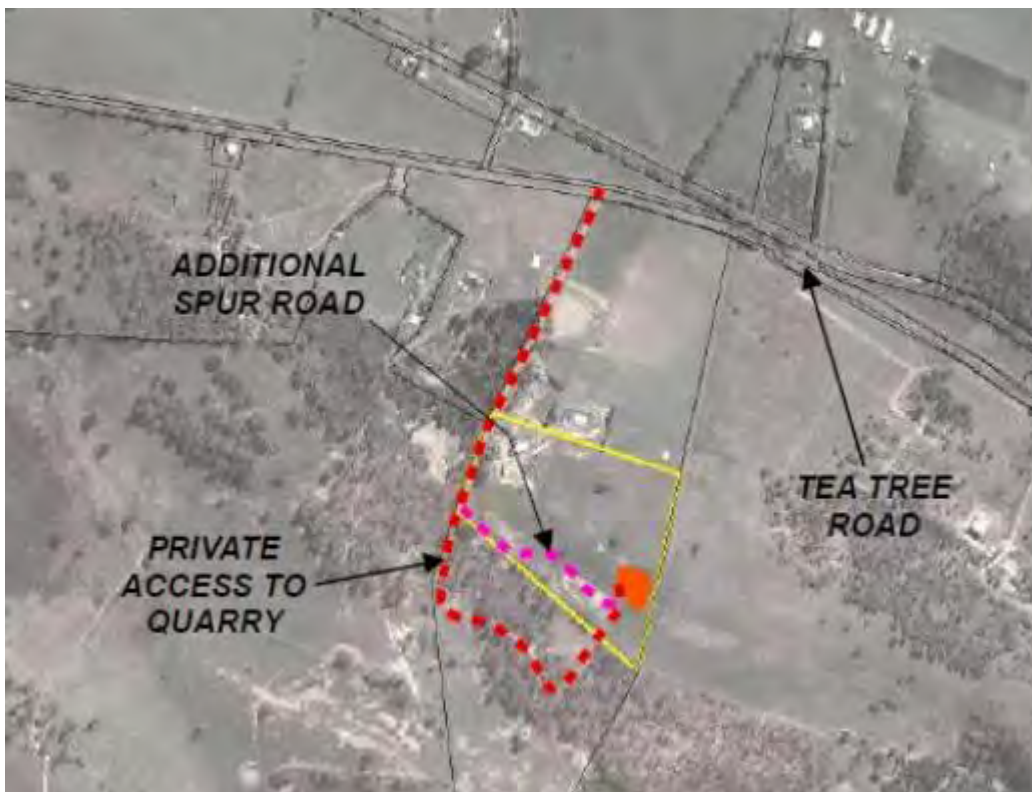
The EER indicates that the quarry will be operated by the landowner. The major equipment to be used includes a bulldozer, loader, excavator and 10 tonne truck. A track mounted, noise shielded, mobile and jaw type crusher will be brought to the quarry when required. A mobile vibratory screen will be used independently of the crusher. All of the machinery except the crusher and screen are owned and maintained by the proponent onsite.

The application indicates that cartage of material from the site will be capped at 15 10 tonne trucks per day or 30 traffic movements, which is consistent with the current approval.

The proposed new operating hours for all quarry operations are those recommended in the Quarry Code of Practice, being:

*7am to 7 pm Monday to Friday
 8am to 4pm Saturday
 No operations on Sunday or public holidays*

The proposed change to the access road involves the addition of a spur road, which will shorten the distance that trucks need to travel to access the quarry, as illustrated in the image below (taken from the EER):



Map 2 _ Proposed spur road shown in pink, existing access in red
 (Source: Figure 3: Mining lease and road network, EER Van Diemen Consulting, 21/9/2019)

The proposed changes to the quarry operation are summarised in the Table 1, comparing the existing conditions of operation to what is proposed and the relevant condition(s) of the 2020 EPA Permit Part B:

Element	Proposed Operation DA2019/87	Current Permit (DA2015/122)	Requirement
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Quarry activities	Extraction Crushing Screening No blasting	Extraction Crushing No screening separate to crushing No blasting
Extraction and Processing Limits	Extraction - 10,000m ³ Crushing – 5,000m ³ and/or Screening	Extraction - 10,000m ³ Crushing – 5,000m ³
Operating Hours	<u>All activities:</u> 7am to 7pm Monday to Friday 8am to 4pm Saturday No operations on Sunday or public holidays	<u>Extraction:</u> 7am to 6pm Monday to Friday 8am to 4pm Saturday <u>Crushing:</u> 8am to 5pm Monday to Friday only No operations on Sunday or public holidays
Crushing days	No limit to crushing days.	Crushing limited to 5 consecutive days of each calendar year
Notification of crushing	No notification required.	Notification to the Director EPA, General Manager Council and occupants of adjoining land containing a residence must be notified in writing of the dates on which crushing/screening plant will be operated. Notification at least 72 hours prior to commencement of crushing or screening.
Access road	Addition of spur road	Existing roads/tracks

EPA ASSESSMENT AND CONDITIONS

The EPA assessment report (EAR) details the reasons for the approval of the proposed changes including operating hours, addition of screening and the removal of the notification requirements.

With regard to operating hours, the EPA state that compliance with the Quarry Code of Practice is the standard requirement and there is no reason to restrict hours at this quarry beyond those limits. In any case, the proposed change to the hours is relatively minor – only adding one additional hour on week days.

In regard to noise attenuation, it is noted that the required maximum noise emission limits are the same in the new permit conditions (N2) as in the current permit, specifically:

Daytime (7am to 7pm) - 47 dB(A)
Evening (7pm – 10pm) - 40 dB(A)
Night time (10pm – 7am) - 35 dB(A)

Or, no greater than 5 dB(A) above background noise.

Additionally, the maximum sound power output of the crushing and screening units must not exceed 118 dB(A) (Condition N3), consistent with the previous permit. As no specific model of machinery has been nominated in the application, the EPA condition N3 requires

that two weeks before any plant for crushing and/or screening is operated on the site the sound power output for that particular machinery must be provided in writing to the Director to demonstrate compliance with this requirement.

Critically, these Noise Control conditions imposed by the EPA mean that the level of noise from the quarry operation will not exceed what was modelled in the original approval and the current Attenuation area will continue to operate effectively.

Other EPA conditions relating to amenity of surrounding properties include:

- A noise attenuation screen constructed from rock and earth must be maintained along the northern and western sides of the quarry working area. The screen must ensure there is no line of sight at any time between machinery operating in the quarry working area and any existing residence in other ownership (OP4). This condition is a revision of the previous permit condition OP6 which required an attenuation screen in the form of an earth bund.
- All quarry operations including crushing and screening must take place in the specified working area (OP3).
- The Director may require a noise survey at any time (N5).
- The quarry operator must report any noise complaints to the Director within 24 hours (N4) and a complaints register must also be maintained by the operator (G6).
- Dust must be controlled from the quarry operations and transport (Conditions A1-A4)

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as an 'Extractive Industry':

Extractive Industry

use of land for extracting or removing material from the ground, other than Resource development, and includes the treatment or processing of those materials by crushing, grinding, milling or screening on, or adjoining the land from which it is extracted. Examples include mining, quarrying, and sand mining.

Use/Development Status under the Planning Scheme

Under the Scheme, a Development Application to intensify an 'Extractive Industry' in the Rural Resource Zone must be considered at the discretion of Council.

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 on the 12th October 2019 for twenty eight (28) days. During this period Council received two (2) representations, as detailed in the table below.

Representation 1	Council Officer Comment
<p>I oppose the modification sought for the Level 2 Quarry at 1356 Tea Tree Road on the basis that current conditions of the quarry were raised, discussed & agreed by all the registered parties during the current operating level 2 quarry application Resource Management and Planning Appeals Tribunal hearing.</p> <p>Surely where the tribunal approves operating and management conditions the justification for future changes/modifications should require substantiated reasons and evidence for such change.</p>	<p><i>The Applicant has lodged an entirely new development application for the proposed changes.</i></p> <p><i>The Applicant had previously attempted to modify the current existing permit through a minor amendment process. This however was unsuccessful as those conditions, which the Applicant sort to modify, were imposed by RMPAT in the previous DA. Section 56 (2) (aa) and (a) specifically disallows Council from amending a permit condition that was imposed or amended by the Appeal Tribunal.</i></p> <p><i>A new DA however avoids the Section 56 amendment process altogether.</i></p> <p><i>This has allowed for full consideration by the EPA and Council as well as public advertising and appeal rights for representors.</i></p>
<p>- Crushing any day Quarry permitted to operate:- It was confirmed during Tribunal process that a crusher would be hired for crushing and that it would only be financially viable to crush the allowable yearly volume in one go and agreed crushing could be completed in a 5 day period. Mr Tearts noise surveys are also based on a hired jaw-type crusher.</p> <p>No crusher has been listed as equipment owned and no increase in amount of material crushed so what viable reason exists for open ended crushing.</p>	<p><i>The details provided to the EPA specify that a jaw type crusher will continue to be used.</i></p> <p><i>Given that the amount of material to be crushed has not increased, it is likely that the overall amount of time spent crushing will be similar to the 5 day limit currently imposed, however the operator will now have more flexibility on when it occurs and can screen separately.</i></p> <p><i>EPA condition N3 requires that two weeks before any plant for crushing and/or screening is operated on the site the sound power output for that particular machinery must be provided in writing to the Director to demonstrate compliance with this requirement.</i></p>
<p>- No neighbour notification would be provided prior to any crushing/and screening:- This condition was discussed and agreed by all parties to the Tribunal hearing on the basis of the acceptable noise levels identified. The Condition was approved by the Tribunal.</p> <p>As there is no change to the identified noise levels & vehicle movements under which this condition was imposed there is</p>	<p><i>The EPA has considered this matter in the EAR assessment.</i></p> <p><i>The EPA assessment indicates that as appropriate noise levels can be achieved there is no need to limit crushing/screening days and by extension neighbour notification is not required. See page 13 of the EAR for discussion.</i></p>

<p>no viable reason for removing this condition.</p>	
<p>-An added access spur road is proposed near the quarry:- The quarry has been operating with the current approved access road and as it is a "1 man" operation this should be sufficient. No details or evidence provided on why a 2nd road is necessary.</p> <p>Figure 5 in EER does not show full length of spur road ie where does it begin and it appears that it is coming up over the front of the hill from the Machinery/ home area. If I'm right this will have additional visual & noise impact which I can find no evidence of noise testing being conducted for this.</p> <p>B.11.3 states " Appendix 8 and 9 provide more recent information about noise compliance monitoring for the initial crushing event at the quarry (in 2017) and the predicted noise impact of introducing screen (vibratory) and added access spur road to the activity". I perused both these documents and could not see any mention of vehicular noise testing on the spur road.</p> <p>Application states that this is an existing farm track however only noticeable activity prior to quarry operation was for picking up rocks & ploughing the paddock and just recently substantial work of laying rock along so call farm track.</p> <p>Substantial noise levels have been emitted especially when the front end loader is used in the paddock and on the hill behind machinery shed/house as it is constantly revved not smoothly driven.</p>	<p><i>It is understood that the new access spur road is requested as it will reduce the distance travelled by trucks and machinery on the site.</i></p> <p><i>The spur road is shown in Map 3 above, it doesn't come over the hill from the dwelling.</i></p> <p><i>The EPA assessment includes consideration of noise levels from transport on the internal roads and time limits for these activities to address concerns.</i></p>
<p>-Operating hours would conform to those stipulated in the Quarry Code of Practice:- This condition was discussed and agreed to by all parties of the Tribunal hearing on the basis of the identified acceptable noise level & vehicle movement numbers. The condition was approved by the Tribunal.</p> <p>As there is no change to the identified noise level and vehicle movements conditions under which this was initially imposed by the Tribunal there is no viable reason for removing this condition.</p>	<p><i>The EPA has considered this matter in the EAR assessment.</i></p> <p><i>The proposed operating hours are one hour longer on week days.</i></p>
<p>-Addition of Screening</p>	<p><i>The EPA has considered this matter in the EAR assessment.</i></p>

<p>Required end product was discussed and agreed during the Tribunal process and confirmed by Mr Williams that it was a niche product for farm roads and that screening and blasting not required.</p> <p>If Mr Williams now has a market for screened product I have no objection to screening being undertaken within the currently approved 5 day crushing period as long as there is absolute acceptable evidence supporting that there is no increased noise or dust produced from the screening process.</p>	<p><i>The EAR indicates that screening can occur within the imposed noise level limits.</i></p>
<p>Representation 2 (summary)</p>	<p>Council Officer Comment</p>
<p>The (representor) objects to the granting of a permit on the terms sought because:</p> <p>1.1. the application seeks to subvert a previous agreement between the quarry operator, Council and neighbours in which the effected parties agreed to a permit issuing for the Level 2 quarry subject to conditions.</p>	<p><i>The proponent has been required to go through a full application process for the proposed changes because they involve amendment of conditions imposed by RMPAT in the previous DA.</i></p> <p><i>This has allowed for full consideration by the EPA and Council as well as public advertising and appeal rights for representors.</i></p>
<p>1.2. there is no rationale presented for: the extended operating hours, or for crushing and screening beyond the five days previously conditioned by the EPA and agreed by the parties.</p>	<p><i>These are matters for the EPA to consider and are addressed in the EAR.</i></p>
<p>1.3. the application contains insufficient information to determine the impacts on neighbouring sensitive uses. This is a critical issue under the Quarry Code of Practice 1999. There is inadequate information in relation to the crushing and screening as well as the additional access road.</p>	<p><i>These are matters for the EPA to consider and are addressed in the EAR.</i></p>

ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

Rural Resource Zone

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

<p>Use Standard 26.3.3 Discretionary Use To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1 No acceptable solution.</p>	<p>P1 A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site</p>	<p><i>The proposal is for changes to the operation of the existing Williams Quarry.</i></p>

	<p>or adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p> <p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p> <p>(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.</p>	<p><i>The area of the site to be used for the quarry operation will not be substantially increased. The only addition included in the proposal is the access spur road, which the applicant indicates is located over existing farm tracks.</i></p> <p><i>The site is used for a range of purposes, including some farming in the form of small crops (potatoes) and grazing, particularly on the flatter parts of the site towards the frontage. The proposal will not impact the continuation of agricultural use of the land.</i></p> <p><i>There is no evidence to indicate that the existence of the quarry has not limited these activities to date and therefore it is not expected to do so in the future. Similarly, the quarry operation is not impacted by the existing or potential future agricultural uses on the surrounding land.</i></p>
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Landslide Code

The site has a low risk Landslide Hazard Area close to the quarry operations area.

Clause E3.4.1 (g) of the Code exempts use or development of land for Extractive industry where a mining lease is in place.

Further assessment against this Code is not required.

Road and Railway Assets Code

The proposal does not include any new or altered access from Tea Tree Road and does not increase the number of traffic movements from the current level for the quarry, which is up to 30 per day.

Assessment against the Road and Railway Assets Code is therefore not required.

Attenuation Code

The Attenuation Code applies to applications for impacting uses (such as quarries) and sensitive uses (such as dwellings) occurring within an established Attenuation area.

In this case the quarry is existing and already has a specific mapped Attenuation area. It has been demonstrated that the existing Attenuation area is sufficient to accommodate the proposed changes to the operation of the quarry.

There are no modifications to the existing Attenuation Area required.

Clause E9.4.1 (a) of the Code exempts development of land for a Level 2 Activity.

Further assessment against this Code is not required.

Waterway and Coastal Protection Code

There are Waterway Protection Areas mapped on the land around drainage lines. The proposed spur road crosses land covered by the overlay.

Clause E11.4.1 (a) of the Code exempts development of land for a Level 2 Activity.

Further assessment against this Code is not required.

CONCLUSION

The report has assessed a Development Application for the proposed change to operation conditions of the existing Level 2 quarry at 1356 Tea Tree Road, Campania.

The proposal has been approved by the EPA subject to condition that must be included with any Council permit.

Two (2) representations were received from adjoining owners with concerns about the proposed changes to operating conditions, particularly given the history of the operation and RMPAT appeal regarding the initial expansion to a Level 2 activity. Most of the matters raised fall within the jurisdiction of the EPA assessment and are addressed in the Environmental Assessment Report.

Council officers were also concerned given the long and expensive process for all parties to the appeal (detailed in the Background section above). The critical matter of concern for Council officers was that the proposed changes would not require any alteration to the existing Attenuation area for the quarry, which is based on actual noise levels from the operation. The applicant and EPA assessment has demonstrated that the existing maximum noise levels will not be exceeded and therefore the Attenuation area does not require amendment.

The proposal has been found to comply with all the relevant standards of the Rural Resource Zone. Assessment is not required against any 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 2019/87) for Modification to Operation of Existing Extractive Industry (Level 2 Quarry) at 1356 Tea Tree Road, Campania, owned by C & S Williams 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) The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B, which the Board of the Environment Protection Authority (EPA) has required the Planning Authority to include in the permit, pursuant to section 25(5) of the Environment Management and Pollution Control Act 1994. Please find enclosed with this permit 'Permit Part B, including Schedules 1, 2 and 3 dated 29 January 2020.

Access

- 3) The quarry shall be operated to ensure that no more than thirty (30) vehicle movements are generated by quarry operations in any one day.

Services

- 4) 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.

The following advice applies to this permit:

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. Any addition to signage on the land requires separate approval from Council.

DECISION

Moved by Cllr D Fish, seconded by Cllr R McDougall

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 2019/87) for Modification to Operation of Existing Extractive Industry (Level 2 Quarry) at 1356 Tea Tree Road, Campania, owned by C & S Williams and that a permit be issued with the following conditions:**

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- 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.**

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Services

- 4) 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.

The following advice applies to this permit:

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. Any addition to signage on the land requires separate approval from Council.

CARRIED

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

11.2 SUBDIVISIONS

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

File Ref: T 5018760

Author: SENIOR PLANNING OFFICER (JACQUI TYSON)

Date: 11 FEBRUARY 2020

Enclosure(s):

Development Application documents

TasWater Submission to Planning Authority Notice

Representations

PROPOSAL

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

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

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

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

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

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

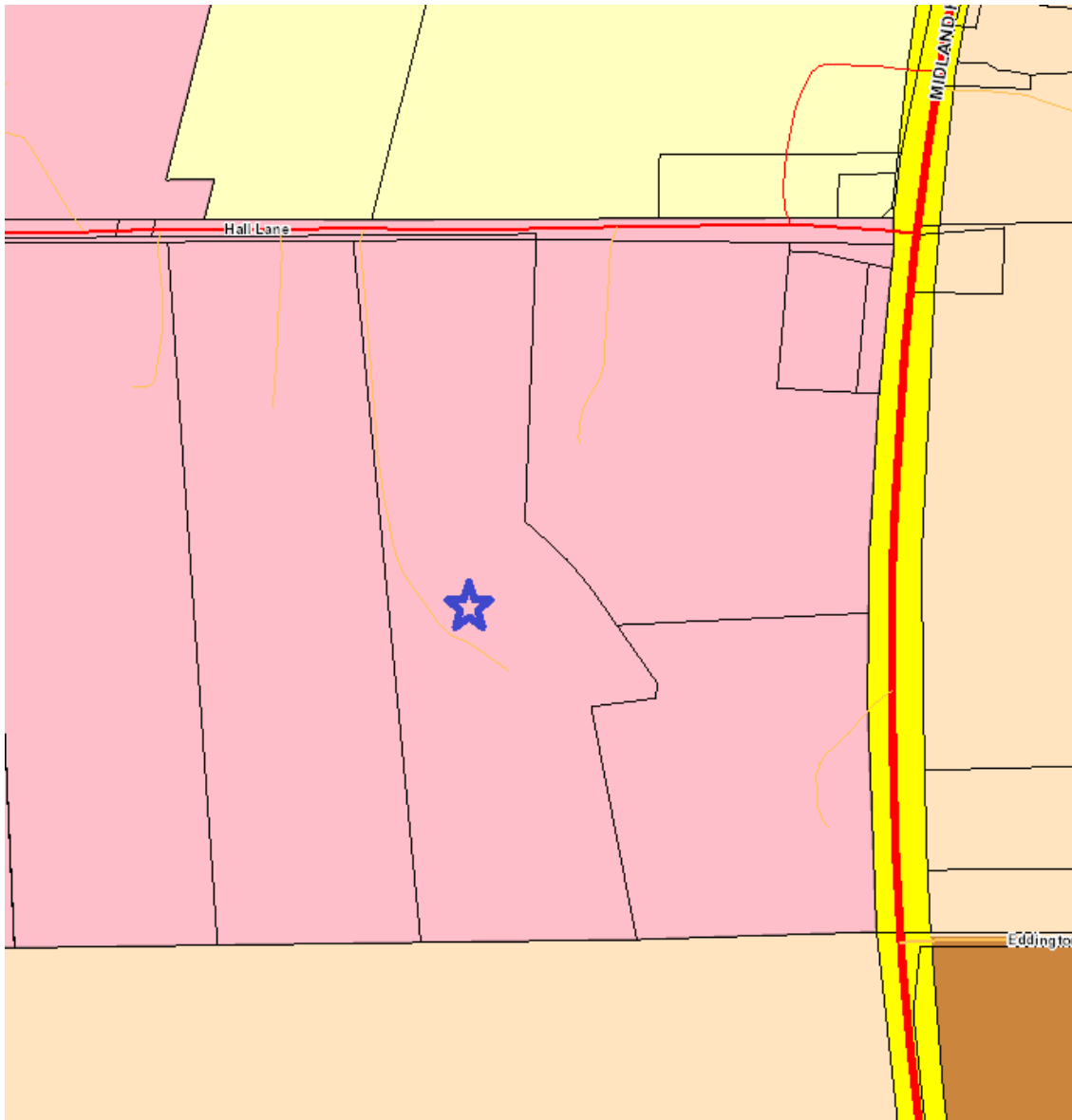
A permit for this type of development is considered at the discretion of Council.

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

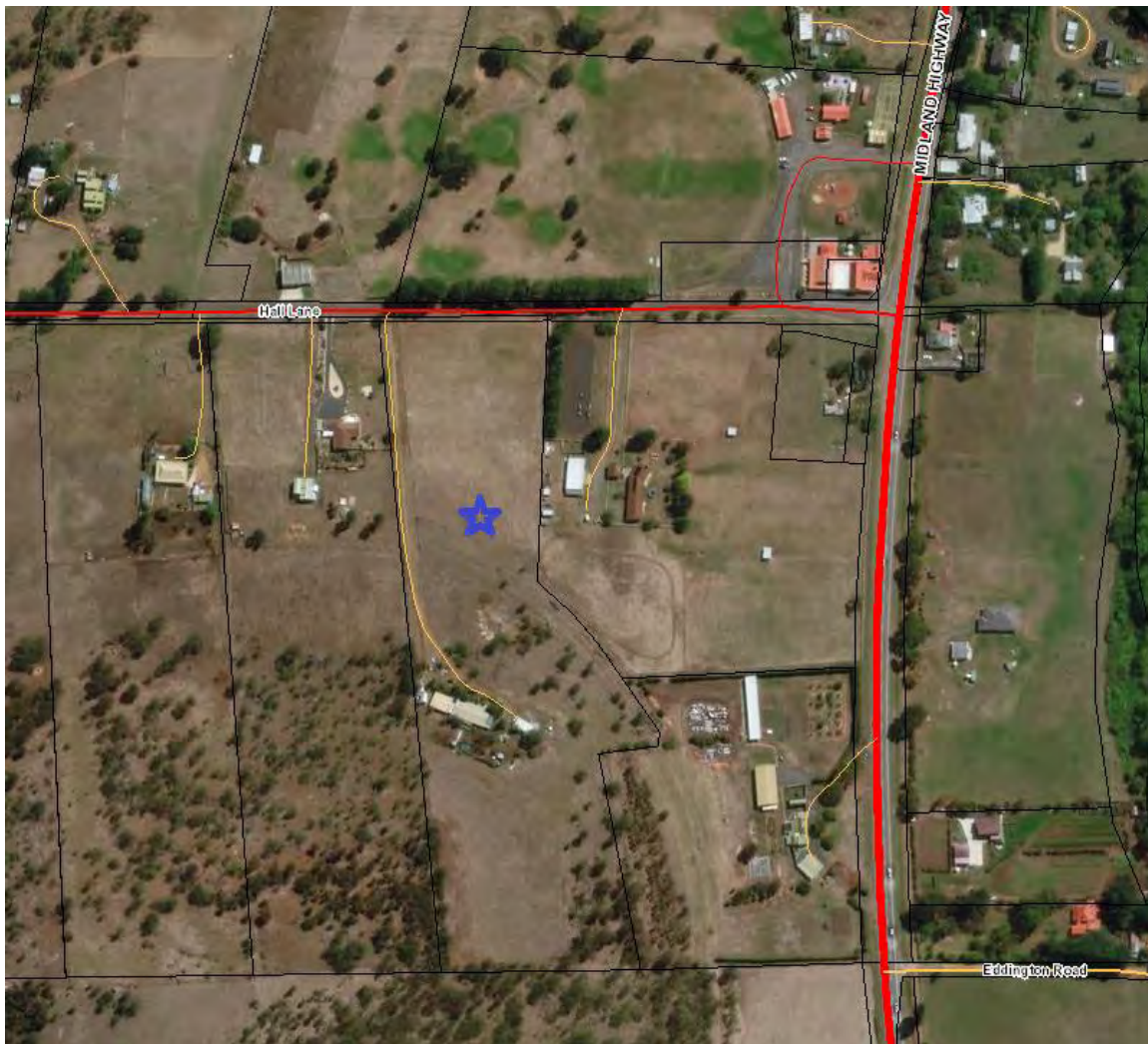
This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council approve the proposal.

THE SITE

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



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



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

THE APPLICATION

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

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

USE/DEVELOPMENT DEFINITION

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

Use/Development Status under the Planning Scheme

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

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

PUBLIC NOTIFICATION AND REPRESENTATIONS

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

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

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

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

<i>Representation 3</i>	Council Officer Comment
<p>We object to this proposed planning application on the following grounds. We moved to Bagdad because of the peaceful rural setting and country environment.</p> <p>31 Hall Lane already has two residential dwellings not one as stated in the application.</p>	<p><i>These matters are addressed in answers to Representations 1 and 2 above.</i></p>
<p>The hazardous state of Hall Lane due to its narrowness and also the damage caused to the road surface by the roots of the trees adjacent to the golf course.</p> <p>Hall Lane is recognised by many local residents as a safe and quiet road who use it regularly to exercise or walk together with their children, grand children or pets including myself and my wife along with our grand children.</p> <p>We believe there is already more than enough traffic on Hall Lane unless major road reconstruction is under taken.</p>	<p><i>Hall Lane is a local road providing access to a relatively small number of properties.</i></p> <p><i>The additional traffic generated by one additional lot is considered to be within the capacity of the road and surrounding network.</i></p>
<i>Representation 4</i>	Council Officer Comment
<p>I personally object to any form of subdivision on Hall Lane, as there has been limited information on how far this will go.</p>	<p><i>As discussed above, the minimum lot size for Rural Living zoned land in Hall Lane and other areas is 1ha. This means that there is some potential for additional subdivisions in the area, but this is really limited to land close to services and the Midland Highway.</i></p>
<p>I consider it is environmentally unstable, unviable ground due to no infrastructure to cope with a normal wet year when all properties in the upper side of Hall Lane have a big problem with water that comes from Stamford Hill range behind the existing homes. Block 31 floods water through the neighbouring property land.</p>	<p><i>These matters are addressed in answers to Representations 1 and 2 above.</i></p>
<p>It is not just the immediate neighbours of block 31 who are impacted by an unwelcome subdivision. It was designated at semi-rural or rural residential. Previous purchasers of land in Hall Lane were told it would never be considered for subdivision, so residents have over a period of time chosen their blocks for the rural setting and privacy and to enjoy our horses, sheep, dogs, chooks and gardens.</p> <p>Why would Council even consider an application so inept and unpractical? Is the Council going to be responsible for the definite problems that are going to come</p>	<p><i>These matters are addressed in answers to Representations 1 and 2 above.</i></p>

from the subdivision and no doubt future subdivisions?	
The people who have submitted this application to Council are not in tune with the rural lifestyle and have not personally lived in this district long enough to know that Hall Lane is not the place for a suburban environmental disaster!	<i>The application for a Rural Living subdivision of one additional lot is made in accordance with the planning scheme.</i>

ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

Rural Living Zone

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

Development Standards - Subdivision		
13.5.1 Lot Design		
To provide for new lots that:		
<ul style="list-style-type: none"> (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements; (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land; (c) are not internal lots, except if the only reasonable way to provide for infill development in existing subdivided areas. 		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The size of each lot must be no less than the following, except if for public open space, a riparian or littoral reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority:</p> <p>1ha minimum lot size.</p>	<p>P1 No Performance Criteria.</p>	<p><i>Both of the proposed lots are more than 1ha, complying with the Acceptable Solution A1.</i></p>
<p>A2 The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</p> <p>(a)</p>	<p>P2 The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) is reasonably capable of accommodating residential use and development;</p>	<p><i>Both of the proposed lots can accommodate a building area that complies with the requirements of the Acceptable Solution A2.</i></p>

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

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

Bushfire Prone Areas Code

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

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

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

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

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

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

	<p>undertaking of hazard management works; and (ii) fire fighting water supplies; and</p> <p>(c) any advice from the TFS.</p>	
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E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

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

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

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

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

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

Parking and Access Code

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

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

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

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

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

CONCLUSION

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

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

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

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

RECOMMENDATION

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

CONDITIONS

General

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

Public open space

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

Easements

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

Endorsements

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

Covenants

5. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's Manager Environment and Development Services.

Final plan

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

Property Services

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

Existing services

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

Telecommunications, electrical and gas reticulation

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

Drainage

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

TasWater

15. Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P (2) (b) TasWater impose conditions on the permit as per the SPAN TWDA 2020/00029-STM (attached).

Access

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

Engineering

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

Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

Construction amenity

23. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:
- Monday to Friday 7:00 AM to 6:00 PM
 - Saturday 8:00 AM to 6:00 PM
 - Sunday and State-wide public holidays 10:00 AM to 6:00 PM
24. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
- (a) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
 - (b) Transport of materials, goods or commodities to or from the land.
 - (c) Appearance of any building, works or materials.
25. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.
26. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule.
- C. This permit does not ensure compliance with the Aboriginal Heritage Act 1975. It is recommended that you conduct a property search with Aboriginal Heritage Tasmania prior to commencing works – see this website for further details: <https://www.aboriginalheritage.tas.gov.au/assessment-process>
- D. A declared weed Paterson's Curse (*Echium plantagineum*) is known to occur in this area. The prevention of spread of any declared weeds from your site is legal requirement under the Weed Management Act 1999. Follow the guidelines of the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* to ensure you are meeting this requirement. This can be found at www.dpipwe.tas.gov.au.

For information on specific weed management please discuss with councils Weed Officer (Jennifer Milne, 6254 5046) or DPIPWE - <https://dpiuwe.tas.gov.au/invasive-species/weeds>.

- E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.

DECISION

Moved by Clr A Bisdee OAM, seconded by Clr K Dudgeon

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

CONDITIONS

General

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

Public open space

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

Easements

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

Endorsements

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

Covenants

- 5. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's Manager Environment and Development Services.**

Final plan

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

Property Services

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

Existing services

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

Telecommunications, electrical and gas reticulation

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

Drainage

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

TasWater

15. Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P (2) (b) TasWater impose conditions on the permit as per the SPAN TWDA 2020/00029-STM (attached).

Access

16. A separate vehicle access must be provided from the road carriageway to each lot. The access must comply with the standards shown on standard drawings TSD-R03-v1 Rural Roads Typical Property Access, TSD-R04-v1 Rural Roads Typical Driveway Profile prepared by the IPWE Aust. (Tasmania Division), or as otherwise required by this permit, and the satisfaction of Council's General Manager. The accesses should include:

- The access must have a minimum width of 6m for a sufficient length to allow for vehicles to pass at the property boundary without encroaching on the public road.
- The access strip to the balance lot is to be sealed from Hall Lane to the lot proper; and

- Include stormwater drainage as required.

17. The subdivider must provide not less than 48 hours written notice to Council's Works Manager before commencing access works in order to arrange an onsite meeting to finalise the required works.

Engineering

18. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 (attached).

19. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by Council before development of the land commences.

27. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -

- (f) all existing and proposed services required by this permit;
- (g) all existing and proposed roadwork required by this permit;
- (h) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
- (i) measures to be taken to limit or control erosion and sedimentation;
- (j) any other work required by this permit.

20. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

21. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

Construction amenity

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

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

23. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -

- (d) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
- (e) Transport of materials, goods or commodities to or from the land.
- (f) Appearance of any building, works or materials.

24. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.

25. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule.
- C. This permit does not ensure compliance with the Aboriginal Heritage Act 1975. It is recommended that you conduct a property search with Aboriginal Heritage Tasmania prior to commencing works – see this website for further details: <https://www.aboriginalheritage.tas.gov.au/assessment-process>
- D. A declared weed Paterson's Curse (*Echium plantagineum*) is known to occur in this area. The prevention of spread of any declared weeds from your site is legal requirement under the Weed Management Act 1999. Follow the guidelines of the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* to ensure you are meeting this requirement. This can be found at www.dpipwe.tas.gov.au.

For information on specific weed management please discuss with councils Weed Officer (Jennifer Milne, 6254 5046) or DPIPWE - <https://dpiipwe.tas.gov.au/invasive-species/weeds>.

E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.

CARRIED

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

11.3 MUNICIPAL SEAL (Planning Authority)

Nil.

Clr Bantick left the meeting at 12.42 p.m.

Clr Bantick returned to the meeting at 12.45 p.m.

11.4 PLANNING (OTHER)

11.4.1 DRAFT PLANNING SCHEME AMENDMENT (RZ2020/01) FOR BUSHFIRE PRONE AREAS OVERLAY

Author: SENIOR PLANNING OFFICER (JACQUI TYSON)

Date: 11 FEBRUARY 2020

Enclosure(s):

1. *Planning Report - Bushfire-Prone Area Overlay Southern Midlands LGA (Tasmanian Fire Service, December 2019)*
2. *Bushfire Prone Areas Overlay – FAQs (Tasmanian Fire Service)*

PROPOSAL

It is proposed that Council initiate an amendment to the Southern Midlands Interim Planning Scheme 2015 (the Scheme) in accordance with Section 34 of the *Land Use Planning and Approvals Act 1993* (the Act) to insert Bushfire Prone Areas Overlay maps as recommended by the Tasmanian Fire Service (TFS).

The maps are provided in Appendix A of the Attachment 1.

Under the current Scheme bushfire prone areas are defined by the following terms in section E1.3 of the Bushfire Prone Areas Code:

Bushfire- prone area

- (a) *land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or*
- (b) *where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1ha.*

Bushfire- prone vegetation

means contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.

The proposed amendment does not change whether or not land is considered bushfire prone, it simply provides a map of all the land that is described by the current definition.

This will provide greater certainty for Council, property owners and practitioners in the application of the Bushfire-Prone Area Code under the Scheme and the *Building Act 2016*.

Council have already endorsed this mapping as part of the Southern Midlands Local Provision Schedule.

This report will assess the requested amendment against the relevant provisions of the Act and the Scheme.

If Council agree to initiate the amendment it will be advertised for public comment and referred to the Tasmanian Planning Commission for their consideration and decision.

It is recommended that Council agree to initiate the planning scheme amendment.

BACKGROUND

The Tasmania Fire Service (TFS) has been working with Local Government over several years to prepare and implement Bushfire-Prone Areas mapping for Tasmania. The process for developing the maps is described in the TFS document attached.

It was initially intended to introduce the mapping as part of the future Tasmanian Planning Scheme, however as the assessment of Local Provision Schedules is taking longer than expected most Councils are now moving forward with amendments to their current Interim Schemes to add the Bushfire Prone Areas Overlay.

The mapping has been incorporated into the Interim Schemes of 11 Councils so far, with a further 5 underway.

LEGISLATIVE REQUIREMENTS

The proposed amendment is considered under section 34 (1) (b) of the Act which reads:

34. Amendment of planning scheme

(1) A planning authority may-

(a) In response to a request under Section 33; or

(b) Of its own motion –

Initiate an amendment of a planning scheme administered by it.

The matters which Council must consider when making a decision whether to reject or exhibit the application are listed in sections 32 and 33 of the Act and are set out in detail in the body of this report.

PUBLIC NOTIFICATION

Section 38 of the Act sets out that after making a decision to initiate a planning scheme amendment it is to be publicly advertised for a minimum period of 28 days or longer period agreed to by the Council and the Planning Commission.

Following the advertising period a report will be presented to Council addressing any representations received which will then be provided to the Tasmanian Planning Commission along with the representations.

ASSESSMENT – PROVISIONS OF THE ACT

5.1 Section 32 of the Act

The requirements for amendment of a planning scheme under Section 32(1) of the Act are addressed in the table below (Table 1).

Act Section	OFFICER COMMENT
<p>32 (1) (e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;</p>	<p><i>The proposed amendment will not create any land use conflicts.</i></p>
<p>32 (1) (ea) must not conflict with the requirements of Section 300</p>	<p><i>Assessment against Section 300 is provided in Table 2 below.</i></p>
<p>32 (1) (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.</p>	<p><i>The draft amendment will not change the use and development permissible under the Bushfire-Prone Areas Code.</i></p> <p><i>The introduction of the proposed overlay will clarify the application of existing requirements – no new requirements will be introduced.</i></p>
<p>Section 32(2) - Considerations of Section 20 (2), (3), (4), (5), (6), (7), (8), (9). This Part of the Act does the following:</p> <ul style="list-style-type: none"> • Prescribes what a Planning Scheme can provide for. • Prescribes requirements and protection for the continuation of a lawfully established use or development • Provides the scope of the planning system 	<p><i>The proposed amendment does not conflict with the requirements of Section 20.</i></p>
<p>Section 20 (1)</p> <p>a) seek to further the objectives set out in Schedule 1 within the area covered by the scheme; and</p> <p>b) prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993 ; and</p> <p>c)</p> <p>d) have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; and</p> <p>e) have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000 .</p>	<p><i>Assessment against the objectives of the Act is provided in Table 3 and Table 4 of this report.</i></p> <p><i>Assessment against the State Policies are provided in Part 6 and 7 of this Report.</i></p> <p><i>Assessment against the Strategic Plan is provided in Part 9 of this Report.</i></p> <p><i>In regard to the Gas Pipeline, the proposed amendment will not impact the pipeline.</i></p>

Table 1 – Section 32 of the Act

5.2 Section 30O of the Act

The requirements of Section 30O of the Act are addressed in the Table (Table 3) below.

Act Section	OFFICER COMMENT
<p>30O (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.</p>	<p><i>The proposed amendment is consistent with the Southern Regional Land Use Strategy (STRLUS).</i></p>
<p>30O (2) An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –</p> <p>(a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and</p> <p>(b) the amendment does not revoke or amend an overriding local provision; and</p> <p>(c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.</p>	<p><i>The proposal does not include any changes that conflict with, or override, the common provisions of the Planning Scheme.</i></p>
<p>30O (3) Subject to section 30EA, an amendment may be made to a local provision if –</p> <p>(a) the amendment is to the effect that a common provision is not to apply to an area of land; and</p> <p>(b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.</p>	<p><i>The proposed amendment is not inconsistent with and does not change any common provisions.</i></p>

Table 2 – Section 30 of the Act

5.3 Objectives of the Act

The objectives of Schedule 1, Part 1 of the Resource Management and Planning System (RMPS) are addressed in the Table (*Table 4*) below.

Objective	OFFICER COMMENT
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;	<p><i>The proposed amendment will support the application of existing regulations and provide clarity to all users regarding bushfire prone areas.</i></p> <p><i>The proposal is consistent with this objective.</i></p>
(b) to provide for the fair, orderly and sustainable use and development of air, land and water;	<p><i>The proposed amendment will support the application of existing regulations and provide clarity to all users regarding bushfire prone areas.</i></p> <p><i>The proposal is consistent with this objective.</i></p>
(c) to encourage public involvement in resource management and planning;	<p><i>Should the Council decide to initiate the amendment and proceed to exhibit the application then the public will have the opportunity to comment on this proposal during the exhibition period,</i></p> <p><i>The public will have the opportunity to lodge a written representation during the public exhibition period.</i></p> <p><i>The Tasmanian Planning Commission may also hold a public hearing to consider the representations if any are received.</i></p>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);	<p><i>The proposed amendment will support the application of existing regulations regarding bushfire prone areas.</i></p> <p><i>This will assist and provide clarity for the building industry and landowners.</i></p> <p><i>The proposal is consistent with this objective.</i></p>
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	<p><i>The application represents a shared responsibility for resource management and planning by Council, the Commission, the TFS and the community.</i></p> <p><i>All relevant bodies and individuals will have either a formal role or an opportunity to participate in the approval process.</i></p> <p><i>The proposal is consistent with this objective.</i></p>

Table 3 – Objectives of the Act Part 1

The objectives of Schedule 1, Part 2 of the Planning Process established by the Act are addressed below.

Objective	OFFICER COMMENT
(a) to require sound strategic planning and co-ordinated action by State and local government;	<p><i>The proposal is consistent with the Southern Regional Land Use Strategy and will be assessed by local and State government authorities.</i></p> <p><i>The proposal is consistent with this objective.</i></p>
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;	<p><i>Objectives, policies and controls are set by Planning directives, the Act and the Scheme as considered in this report.</i></p> <p><i>The proposal is consistent with this objective.</i></p>
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;	<p><i>The proposal will provide economic and social benefit by improving the clarity of the Bushfire Prone-Areas Code.</i></p> <p><i>The proposal is consistent with this objective.</i></p>
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;	<p><i>The proposal represents an integrated approach to land use planning and is consistent with this objective.</i></p>
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;	<p><i>The proposal is for a planning scheme amendment only and is consistent with this objective.</i></p>
(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania;	<p><i>The proposal is consistent with this objective.</i></p>
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;	<p><i>The proposal will not impact these values and is consistent with this objective.</i></p>
(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;	<p><i>The proposal will not impact public infrastructure and is consistent with this objective.</i></p>
(i) to provide a planning framework which fully considers land capability.	<p><i>The proposed amendment does not impact land capability and is consistent with this objective.</i></p>

Table 4 – Objectives of the Act Part 2

State Policies

The current State Policies under the State Policies and Projects Act 1993 are:

- State Policy on the Protection of Agricultural Land 2009 (“PAL Policy”);
- State Coastal Policy 1996;
- State Policy on Water Quality Management 1997; and
- National Environmental Protection Measures (NEPMs).

The proposed amendment to introduce Bushfire Prone Areas mapping does not change the current use and development standards under the Code or the Scheme more broadly. It will simply provide a clear communication method for showing if land is bushfire prone, in the form of a Scheme overlay.

The proposed amendment is not considered to conflict with any of the State Policies.

Southern Tasmania Regional Land Use Strategy 2010–2035

The Southern Tasmania Regional Land Use Strategy (“STRLUS”) is a strategic land use plan for the twelve (12) Council areas in the southern region of Tasmania. It has a 25 year planning time horizon to 2035 for integrated infrastructure, land use and transport planning.

The proposed amendment must as far as practicable be consistent with the STRLUS in accordance with Section 30O of the Act. This is typically considered through assessment of the policies of STRLUS.

Assessment against the relevant regional policies within STRLUS are provided in Table 5 below.

Regional Policy – Managing Risks and Hazards	OFFICER COMMENT
<p>MRH 1.1 Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.</p>	<p><i>Incorporation of the proposed overlay in the Scheme will mean that bushfire-prone land will be easily identifiable early in the land use planning process by owners, Council and practitioners and ensure that the requirements of the Code are addressed as early as possible.</i></p>
<p>MRH 1.4 Include provisions in planning schemes for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.</p>	<p><i>Mapping bushfire prone areas is considered to be best practice and directly furthers this policy.</i></p>

Table 5 – STRLUS

Southern Midlands Council Strategic Plan

Section 20(d) of the Act requires consideration of the Council's Strategic Plan, as adopted in accordance with Division 2 of Part 7 of the *Local Government Act 1993*.

The Southern Midlands Council Strategic Plan 2014 to 2023 provides strategic goals and operational actions arranged under six (6) themes:

- **Infrastructure:** The need to maintain, improve and maximise the Community benefit from infrastructure provided by Council.
- **Growth:** The need to increase the population in the municipality and to grow the level of agricultural, commercial and industrial activity.
- **Landscapes:** The need to maintain, improve and maximise the benefits of the existing heritage, natural and cultural landscapes of the Southern Midlands.
- **Lifestyle:** The need to increase the opportunities for improved health and well-being of those that live in the Southern Midlands.
- **Community:** The need to retain and build on the strong sense of Community that exists within the Southern Midlands.
- **Organisation:** The need to monitor and continuously improve the efficiency and effectiveness of the way the Council provides services to the Community.

The proposed amendment is considered to be consistent with all relevant sections of the Strategic Plan.

CONCLUSION

This report has assessed a proposal to initiate an amendment to the Southern Midlands Interim Planning Scheme 2015 (the Scheme) in accordance with Section 34 of the *Land Use Planning and Approvals Act 1993* (the Act) to insert Bushfire Prone Areas Overlay maps as recommended by the Tasmanian Fire Service (TFS).

If Council agree to initiate the amendment the proposal will be exhibited for public comment and referred to the Tasmanian Planning Commission.

The proposal has found to be consistent with the applicable objectives and sections of the Act, State Policies and the Southern Tasmanian Regional Land Use Strategy.

It is recommended that the Council agrees to initiate the planning scheme amendment and exhibit it for public comment.

RECOMMENDATION

THAT Council:

1. Pursuant to Section 34(1)(b), former provisions, of the *Land Use Planning & Approvals Act 1993*, the Planning Authority, of its own motion, initiate draft Planning Scheme Amendment RZ2020/01 by inserting a Bushfire Prone Areas Overlay map as shown in Appendix A of the Planning Report Bushfire-Prone Areas Overlay Southern Midlands LGA (Tasmanian Fire Service, December 2019).
2. Pursuant to Section 35(1), former provisions, of the *Land Use Planning & Approvals Act 1993*, resolves that draft Planning Scheme Amendment RZ2020/01 meets the requirements specified under Section 32 former provisions of the Act.

- Pursuant to Section 35(2) of the *Land Use Planning & Approvals Act 1993*, former provisions, resolves to prepare and certify draft Planning Scheme Amendment RZ2020/01 and sign and seal the instrument as required.
3. Pursuant to Section 35(4) of the *Land Use Planning & Approvals Act 1993*, former provisions, that a copy of draft Planning Scheme Amendment RZ2020/01 and certified instrument be provided to the Tasmanian Planning Commission.
 4. Pursuant to Section 38 of the *Land Use Planning & Approvals Act 1993*, former provisions, resolves to place the draft Planning Scheme Amendment RZ2020/01 on public exhibition for a period of 28 days.

DECISION

Moved by Clr R McDougall, seconded by Clr K Dudgeon

THAT Council:

1. Pursuant to Section 34(1)(b), former provisions, of the *Land Use Planning & Approvals Act 1993*, the Planning Authority, of its own motion, initiate draft Planning Scheme Amendment RZ2020/01 by inserting a Bushfire Prone Areas Overlay map as shown in Appendix A of the Planning Report Bushfire-Prone Areas Overlay Southern Midlands LGA (Tasmanian Fire Service, December 2019).
2. Pursuant to Section 35(1), former provisions, of the *Land Use Planning & Approvals Act 1993*, resolves that draft Planning Scheme Amendment RZ2020/01 meets the requirements specified under Section 32 former provisions of the Act.
Pursuant to Section 35(2) of the *Land Use Planning & Approvals Act 1993*, former provisions, resolves to prepare and certify draft Planning Scheme Amendment RZ2020/01 and sign and seal the instrument as required.
3. Pursuant to Section 35(4) of the *Land Use Planning & Approvals Act 1993*, former provisions, that a copy of draft Planning Scheme Amendment RZ2020/01 and certified instrument be provided to the Tasmanian Planning Commission.
4. Pursuant to Section 38 of the *Land Use Planning & Approvals Act 1993*, former provisions, resolves to place the draft Planning Scheme Amendment RZ2020/01 on public exhibition for a period of 28 days.

CARRIED

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

ENCLOSURE

Agenda Item 11.4.1

PLANNING REPORT



Tasmania Fire Service

**Bushfire-Prone Areas Overlay
Southern Midlands LGA**

December 2019

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Disclaimer

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Table of Contents

Executive Summary	2
1. Introduction	3
1.1 Purpose of this Report.....	3
1.2 Background.....	3
2. Study Area	5
3. Bushfire-Prone Area Overlay.....	6
3.1 Purpose of Overlay.....	6
3.2 Mapping Process.....	6
3.3 Overlay Refinement.....	9
3.4 Outcome	9
4. Implementation.....	10
5. Future Revisions	18
6. Planning Framework	11
6.1 LUPAA Schedule 1 Objectives	13
6.2 State Policies	16
6.3 Southern Tasmania Regional Land Use Strategy	16
6.4 Southern Midlands Council Strategic Plan 2014-2023.....	17
7. Conclusion.....	18

Appendix A – Bushfire-Prone Areas Overlay

Executive Summary

The Tasmania Fire Service ('TFS') is working with Local Government to prepare and implement bushfire-prone areas mapping for Tasmanian Local Government Areas ('LGA'). Draft mapping for the Southern Midlands LGA has now been completed following collaborative work between TFS and Council officers.

The purpose of the bushfire-prone area mapping is to spatially define land where potential exposure to bushfire hazard is sufficient to warrant a building and/or planning response to achieve a tolerable level of residual risk. The mapping does not imply that there is nil risk to use and development outside of the overlay, rather that residual risk to use and development outside of the overlay is deemed to be tolerable through reliance on other external measures, such as firefighter intervention.

The starting point for the map preparation was the production of a 'modelled overlay' that was generated by applying a 100m buffer to existing vegetation map data. The overlay was then progressively refined based on assessment of local conditions including bushfire behaviour and fuel management regimes. The local knowledge provided by Council officers was critical to this process.

By spatially defining bushfire-prone areas the mapping will provide clarity for permit authorities, landowners, developers, consultants and the broader community with respect to the application of existing statutory requirements for bushfire protection. The process of reviewing local conditions has also allowed for some areas that would currently trigger bushfire requirements to be 'mapped-out', thereby reducing compliance and development costs for the local community.

For the mapping to serve its intended function it needs to be incorporated within the relevant planning instrument established under the *Land Use Planning and Approvals Act 1993* ('LUPAA'). It is anticipated that the mapping will be incorporated into Council's Local Provision Schedules, which will form part of the Tasmanian Planning Scheme.

To introduce the overlay sooner, Council may initiate a draft amendment to the Southern Midlands Interim Planning Scheme 2015. In this transitional period before the Tasmanian Planning Scheme is enacted, Schedule 6 of LUPAA provides the statutory basis for amending interim planning schemes under the 'former provisions'.

Adoption of the bushfire-prone areas overlay is consistent with the Schedule 1 Objectives of the *Land Use Planning and Approvals Act 1993*, the State Policies created under the *State Policies and Projects Act 1993* and the relevant regional land use strategy.

1. Introduction

1.1 Purpose of this Report

This report has been prepared in support of the bushfire-prone areas mapping for the Southern Midlands LGA and provides the following information:

- The background and context of the mapping;
- Description of the mapping process;
- Consideration of overlay implementation;
- Consideration of the relevant statutory planning requirements and strategic planning framework.

1.2 Background

The Tasmania Fire Service is working with Local Government to produce and deliver the bushfire-prone area mapping for Tasmania. Once completed for each municipality the mapping is intended to be integrated within the relevant planning instrument to formally identify 'bushfire-prone areas' for the purpose of planning and building control.

Bushfire has been a constant, natural phenomenon in Australia for thousands of years and south-eastern Australia is one of the most bushfire-prone regions in the world. Whilst fire has important ecological functions in the Australian context, its effects on human life, built assets and economic resources can be catastrophic if risk is not adequately managed. Not surprisingly, bushfire is identified in the Tasmanian Emergency Management Plan as Tasmania's most prominent natural hazard due to its prevalence and historical impacts on communities¹. Recent analysis of climate data confirms that this is unlikely to change with fire danger in some parts of Tasmania expected to progressively increase over the course of this century².

Managing bushfire risk to communities requires a multifaceted approach that considers all aspects of the potential emergency (i.e. Prevention, Preparedness, Response and Recovery). Government interventions accordingly include a combination of measures including land use and development control, community education, fuel reduction, firefighter response and emergency management. Regulation of land use and development aims to improve the resilience of communities and their built assets when exposed to a bushfire hazard.

Planning and building controls are now recognised in Australia as an important tool that can be used to facilitate more resilient and sustainable communities. Bushfire protection requirements are applied to use and development for the purpose of ensuring a tolerable level of residual risk is achieved. It is essentially a form of market intervention that seeks to achieve a better outcome for society than the market would otherwise deliver. Numerous public enquiries have recognised the importance of planning and building as a means for supporting community fire safety, most notably the 2004 National Enquiry on Bushfire Mitigation and Management and the 2009 Victorian Bushfires Royal Commission.

¹ Department of Police and Emergency Management 2015, *Tasmanian Emergency Management Plan - Issue 8*, DPEM, Hobart.

² Fox-Hughes P, Harris RMB, Lee G, Jabour J, Grose MR, Remenyi TA & Bindoff NL (2015) *Climate Futures for Tasmania future fire danger: the summary and the technical report*, Antarctic Climate & Ecosystems Cooperative Research Centre, Hobart, Tasmania

The Tasmanian Government responded to the 2009 Victorian Bushfires Royal Commission by initiating significant planning and building reforms, including the introduction of Planning Directive No.5 Bushfire-Prone Areas Code within planning schemes in 2012 and state variations to the Building Code of Australia. This provided – for the first time – state-wide consistency in relation to use and development standards for bushfire protection. The importance of these reforms was confirmed by the 2013 Tasmanian Bushfires Inquiry, which recommended that the Tasmanian Government make land use planning and building construction for bushfire a high priority and that it progress improvements in this area³.

The planning and building regulatory system in Tasmania includes bushfire protection requirements to mitigate risk to communities and assets in bushfire-prone areas. The existing framework includes:

- The Bushfire-Prone Areas Code, which applies through local planning schemes under the *Land Use Planning and Approvals Act 1993*; and
- The Director's Determination – Requirements for Building in Bushfire-Prone Areas, which applies through the *Building Regulations 2016* and *Building Act 2016*.

This framework is structured in a way that enables application of bushfire controls through the planning approvals process for proposals involving land subdivision, vulnerable and hazardous uses. Bushfire requirements for other types of use and development are applied through the building approvals process.

For the purposes of both planning and building permit approvals it is necessary to determine whether proposed works are located within a 'bushfire-prone area'. This term is currently defined as follows:

Bushfire-prone area
Means:
(a) Land that is within the boundary of a bushfire-prone area shown on an overlay on a planning scheme map; or
(b) Where there is no overlay on a planning scheme map, land that is within 100m of an area of bushfire-prone vegetation equal to or greater than 1 hectare.

In the absence of mapping, planning authorities, permit authorities, landowners and developers are reliant on interpretation of subclause (b).

Incorporation of the mapping within the relevant local planning scheme overlay map will enable the use of subclause (a) of the abovementioned definition, thereby reducing the amount of assessment required to determine applicability.

The 100m rule that forms the basis of the abovementioned definition has historically been accepted as a benchmark for the application of development control for bushfire and is the maximum distance considered in Australian Standard 3959-2009. Post-fire investigations have indicated that 85% of building loss resulting from major bushfires has historically occurred at distances within 100m of the urban interface⁴. Notwithstanding this, bushfire

³ Department of Premier and Cabinet, 2013 Tasmanian Bushfires Inquiry, DPAC, Hobart.

⁴ Ahern, A., and M. Chladil (1999), *How far do bushfires penetrate urban areas?* paper presented at 1999 Australian Disaster Conference, Emergency Manage. of Aust., Canberra, A. C. T.

behaviour is not uniform across all situations some circumstances application of a 'blanket' 100m buffer is considered unnecessarily conservative.

2. Study Area

The study area for the purpose of this mapping project is the Southern Midlands Local Government Area ('LGA') as shown in Figure 1. Southern Midlands is located in the Southern Tasmania region and adjoins Northern Midlands, Glamorgan-Spring Bay, Sorell, Clarence, Brighton and Central Highlands.

A number of rural townships and villages are located within the Southern Midlands with the largest activity centres being Oatlands, Kempton, Colebrook, Campania, Bagdad/Mangalore and Tunbridge. Residential growth in recent years has focused in Oatlands, Campania, Bagdad/Mangalore.



Figure 1 – Southern Midlands LGA location map

3. Bushfire-Prone Area Overlay

The draft Bushfire-Prone Area Overlay for Southern Midlands has been completed following collaborative work between the Tasmania Fire Service and Council officers. The draft maps are enclosed as **Appendix A** to this report.

3.1 Purpose of Overlay

The bushfire-prone area overlay primarily relates to use and development control. Its purpose is to spatially define areas where risk is sufficient to require specific bushfire protection measures in order to achieve a tolerable level of residual risk. The mapping will provide a definitive trigger for assessment under the existing planning and building requirements for bushfire protection. Spatially defining bushfire-prone areas is consistent with the approach adopted for other natural hazards within Tasmanian planning schemes (inundation, landslip hazard).

The mapping is not intended to identify all land that may be impacted by bushfire hazard, nor does it imply that there is nil residual risk to use and development outside of the overlay. Rather, residual risk to use and development outside of the mapped areas is deemed to be tolerable through reliance on other external measures, such as firefighter intervention.

By removing the need to evaluate whether vegetation is 'bushfire-prone' before confirming whether a site is within a 'bushfire-prone area', the mapping will remove ambiguity and improve the development assessment process to the benefit of permit authorities, land owners and developers.

The mapping also provides a more sophisticated mechanism than the standard 100m rule trigger that is currently relied upon. Evaluation of local conditions and likely bushfire behaviour has informed the mapping process and has allowed for some reductions to the standard 100m buffer in situations where it has been determined that the risk does not warrant application of planning or building standards to achieve a tolerable level of residual risk. In doing so, the mapping will refine application of bushfire requirements and reduce circumstances whereby a bushfire report is required for low-risk development.

The overlay can also have other uses. It can be used to support community education in support of community fire safety as it will be accessible through multiple websites including the LIST, iplan, and the TFS website. Additionally, TFS will use the map as the basis for issuing fire permits and when advising the community about using fire and burning off. TFS will not issue Fire Permits outside bushfire-prone areas and will advise the community to not use fire for fire hazard removal outside bushfire-prone areas. Council staff will be able to use the mapped areas when dealing with hazard complaints and abatement issues.

3.2 Mapping Process

The process that has been followed in preparing the draft overlay and that will be followed for implementation is summarised conceptually in Figure 2. The draft overlay has been prepared by the TFS in collaboration with Council's planning officers.

The starting point for the mapping was the generation of a 'modelled overlay', which was created by applying a 100m buffer to all TASVEG 3.0 vegetation communities, excluding those types deemed to be 'low threat' and exclusions as specified under AS 3959-2009.

The mapping provided in TASVEG 3.0 provides high-level guidance with respect to vegetation distribution and as such, its accuracy is limited when applying it to individual properties. The modelled overlay was therefore based on imperfect spatial data and it was important to verify

the boundaries that were produced and adjust accordingly. An initial desktop assessment was undertaken to identify obvious discrepancies and ascertain any key areas that required closer examination.

Verification of specific areas was completed through physical inspection and/or enquiries into the development status and management regime of particular properties where necessary. As discussed previously, bushfire impact is not uniform across all situations and in some cases, relaxation of the standard 100m buffer has been adopted where site characteristics will effectively limit fire intensity, spread and subsequent impact on surrounding development. Relevant factors include the total area, type and location of vegetation, fire run potential, effective slope, prevailing wind and the use, development or land management status of the property.

The overlay was then aligned with cadastral title boundaries. This was necessary to ensure that application of the overlay to specific properties and future developments can be easily determined. For urban lots in particular there is little merit in mapping a property as partially bushfire-prone, hence this has been avoided as far as possible. For lots 2,000sqm (or less) in area the overlay was aligned to include the entire title if an area of 15% (or greater) was affected. For these lots, it is considered increasingly unlikely that a future development on the site would be able to wholly avoid the overlay and - as vegetation communities are not static - the actual separations from hazardous vegetation should be verified at the time a development is proposed. Where the overlay covered less than 15% of an urban title, the title was generally excluded entirely from the overlay, as it is considered increasingly likely that future development will be 100m or further from the hazard source.

The approach used is consistent with that used for the existing bushfire-prone areas overlays within the Clarence Interim Planning Scheme 2015 and the Hobart Interim Planning Scheme 2015. Furthermore, in preparing the overlay TFS has sought to ensure consistency with Tasmanian Planning Commission's *Practice Note 7: Draft LPS Mapping Technical Advice*.

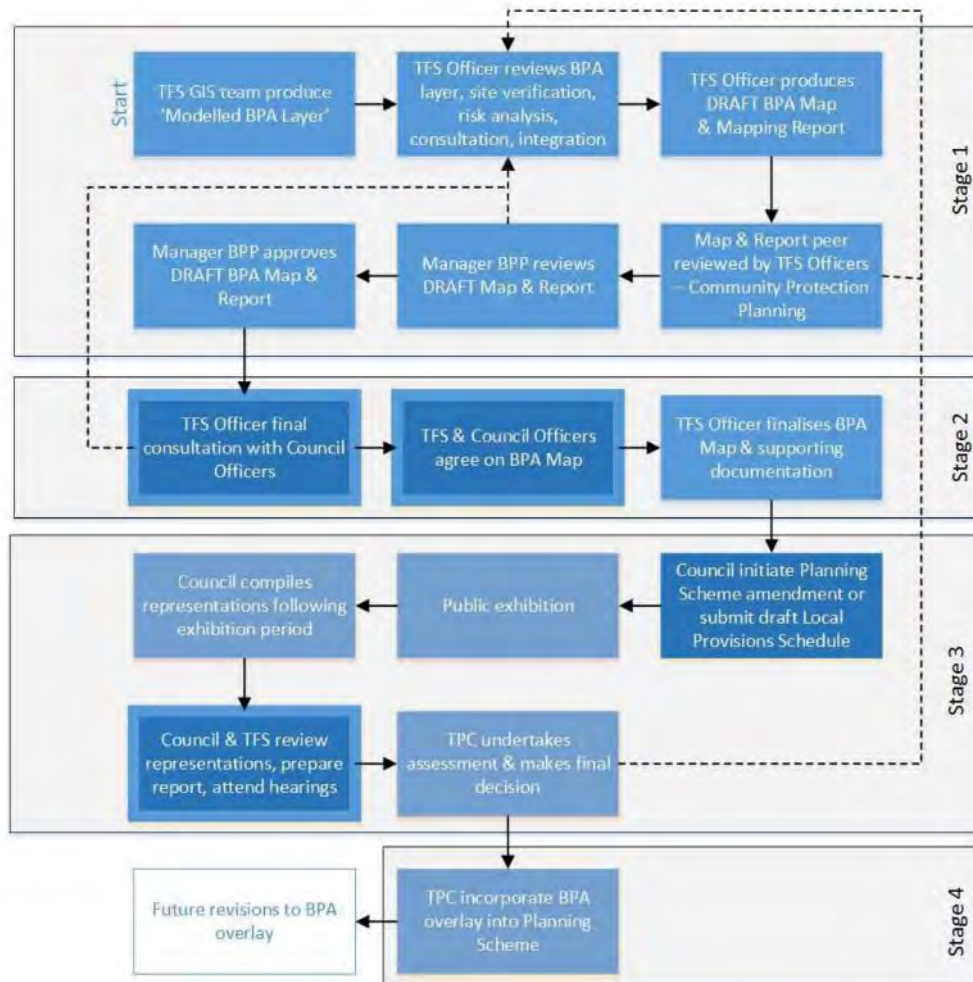


Figure 2 – Overview of mapping preparation and implementation

3.3 Overlay Refinement

As discussed previously, refinement of the original 'modelled overlay' into the final draft overlay has been informed by evaluation of local conditions.

A significant portion of the Southern Midlands is vegetated with improved pasture. Where Grassland fuels are predominant the overlay has been limited to include properties within a maximum of 50m (a relaxation from the standard 100m). This relaxation reflects the reduced ember potential associated with Grassland fuels and is consistent with the minimum distance required for a BAL-LOW rating under AS 3959-2009.

A number of approved greenfield subdivisions have been identified through consultation with Council. These include:

- Reeve Street, Campania – Permit SA2010/37 (75 lots in Village Zone. Stage 4 of 7 completed - final stage expected to be completed by late 2019);
- Main Street, Kempton – Permit DA2007-3009 (45 lots in Village Zone – no lots created as yet);
- Iden Road, Bagdad – Permit SA1986/GP102 (17 lots in Village Zone remaining to be created in old subdivision).

Each of the above developments are located centrally within their respective townships and have received substantial commencement. In each case the balance land is currently vegetated with remnant pasture (grassland fuel). Council has confirmed that these properties will be monitored through its hazard abatement program with abatement notices issued if required until such time as the balance land is subdivided and developed in a way that mitigates the potential for grassfire hazard.

The existing titles that have been created in each development have been excluded from the overlay on the basis that Grassland within at least 50m of the existing lots will be maintained at <100mm height during bushfire season.

3.4 Outcome of Mapping

The draft overlay confirms that the majority of land within Southern Midlands is designated as bushfire-prone.

Table 1 provides a comparison of the number of lots that intersect with the computer generated modelled overlay versus the final draft overlay. The modelled overlay more closely reflects the number of lots that would currently be subject to bushfire requirements under the current 100m rule that operates in the absence of the overlay as it is based on a 100m buffer from TASVEG mapping. The statistics show that the overall number of properties affected has been reduced as the overlay has been refined.

Table 1 - Comparison of properties affected by modelled overlay versus final draft overlay

Cadastral type ('CAD_TYPE1')	Final draft Overlay (n)	Modelled overlay (n)
Authority Land	462	485
Local Government Reserve	5	7
Private Parcel	4,676	5,006
Public Land Classification	187	188
Total intersected	5,330	5,686

Of most significance in Table 1 are the statistics for private parcels. The mapping process has enabled TFS to identify approximately 330 private properties that will no longer require further bushfire assessment, should they be developed or redeveloped in future.

To illustrate the benefit of the overlay to these mapped out properties, if each of the properties were to be developed/redeveloped at some stage in the future, the mapping at a minimum would deliver an economic benefit to private landowners within the municipality in the range of approximately \$130K-310K from the avoided cost of bushfire assessment fees alone. Further economic benefit is derived from the reduced time required for building work to be designed, documented and approved and potentially also avoided constructions costs for some of the excluded properties (if an exemption were not obtained).

4. Implementation Options

For the mapping to serve its intended statutory function it is necessary to incorporate it within the relevant planning instrument established under the *Land Use Planning and Approvals Act 1993* ('LUPAA').

4.1 Tasmanian Planning Scheme

All Tasmanian Councils are required to transition into the Tasmanian Planning Scheme ('TPS') as part of the Government's reform agenda.

The TPS will be comprised of the State Planning Provisions ('SPP') and Local Planning Schedules ('LPS'), the latter of which is to be prepared by Local Government. It is understood that Council's draft LPS includes the bushfire-prone areas overlay.

Once the public exhibition and hearing process is completed and the Commission completes its assessment, the TPS will become active and will supersede Council's interim planning scheme. This timing of this process is unclear at present and may not be completed until late 2020.

4.2 Southern Midlands Interim Planning Scheme 2015

To introduce the overlay sooner, there is provision to amend the Southern Midlands Interim Planning Scheme 2015 under the Savings and Transitional Provisions of the *Land Use Planning and Approvals Act 1993*.

Schedule 6 of the *Land Use Planning and Approvals Act 1993* provides the statutory mechanisms to amend interim planning schemes under the former provisions. Council may initiate a Draft Amendment of its own motion under s.34(1)(b) of the former provisions.

Amending the interim planning scheme will allow for the benefits of the overlay to be delivered within a relatively short timeframe and would avoid unnecessary delay. Accordingly, this is TFS's preferred mode of implementation.

5. Statutory Planning Requirements

5.1 Requirements for Local Provision Schedules

It is anticipated that the overlay will be included as part of Council's draft Local Provision Schedules that will form part of the Tasmanian Planning Scheme. At that time, the overlay will need to be considered under s.34(2) of the *Land Use Planning & Approvals Act 1993* (current provisions).

S.34(2) states:

<p>34. LPS criteria</p> <p>(1) ...</p> <p>(2) <i>The LPS criteria to be met by a relevant planning instrument are that the instrument –</i></p> <p><i>(a) contains all the provisions that the SPPs specify must be contained in an LPS; and</i></p> <p><i>(b) is in accordance with section 32 ; and</i></p> <p><i>(c) furthers the objectives set out in Schedule 1 ; and</i></p> <p><i>(d) is consistent with each State policy; and</i></p> <p><i>(e) is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and</i></p> <p><i>(f) is consistent with the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and</i></p> <p><i>(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and</i></p> <p><i>(h) has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000 .</i></p> <p>(3) ...</p>
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Incorporating the mapping as an overlay is consistent with the relevant provisions of the State Planning Provisions (specifically clause 1.2.3 and the definition of 'bushfire-prone area' in clause C13.3.1). The overlay is therefore consistent with s.34(2)(a).

Relevant to s.32, the map overlay will provide for the spatial application of the State Planning Provisions to particular land and is accordingly consistent with s.34(2)(b).

With respect to the strategic considerations referred to in s.34(2)(c),(d),(e) and (f):

- The Schedule 1 Objectives of the *Land Use Planning & Approvals Act 1993* are considered in section 6.2.1 of this report;
- The State policies are considered in section 6.2.2 of this report;
- The Regional Land Use Strategy is considered in section 6.2.3 of this report; and
- Council's Strategic Plan is considered in section 6.2.4 of this report.

The overlay has been designed to integrate with the draft mapping completed for adjoining LGAs. The overlay accordingly satisfies s.34(2)(g).

The overlay will not introduce any new development standards, rather it will support the application of an existing Code. As such, it is not considered to be in conflict with the *Gas Pipelines Act 2000* and therefore satisfies s.34(2)(h).

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5.2 Requirements for Interim Planning Scheme Draft Amendments

Section 34 (1) of the former provisions of the *Land Use Planning & Approvals Act 1993* is relevant to an amendment of an interim planning scheme and allows a planning authority to initiate such an amendment of its own motion.

Prior to certifying a draft amendment, s.35 of the former provisions requires that the planning authority be satisfied that it meets the requirements of s.32, which states:

32. Requirements for preparation of amendments

(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –

(a) – (d) ...

(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(ea) must not conflict with the requirements of section 300; and

(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

The introduction of the proposed overlay will clarify the application of existing planning and building requirements – no new requirements will be introduced. Accordingly, a draft amendment that introduces the overlay will not create any new land use conflict issues and is considered to satisfy (e).

With regards to (ea):

- s.300(1) requires consistency with the relevant regional land use strategy. As is discussed further in this report, the overlay is consistent with the relevant regional land use strategy;
- s.300(2)-(5) relates to conflict between local and common provisions. No changes to any development standards are proposed.

The draft amendment will therefore satisfy (ea).

Introduction of the overlay will provide a range of social and economic benefits, as discussed previously in this report. As it relates to existing development standards, it will have no significant environmental effects. The draft amendment will therefore satisfy (f).

6. Strategic Considerations

6.1 LUPAA Schedule 1 Objectives

Schedule 1 of the *Land Use Planning and Approvals Act 1993* specifies the strategic objectives for the Resource Management and Planning System and for the planning process established by the Act.

The Schedule 1 Objectives are considered in Table 2 and Table 3.

Table 2 - Schedule 1, Part 1 Objectives

Objective	Response
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	Adoption of the overlay will support the application of existing regulations. It will not facilitate any loss of natural values, nor any development of physical resources. The overlay is accordingly considered to be consistent with (a)
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	The proposed overlay will improve clarity for the community, for developers and for authorities responsible for regulating planning and building matters. In developing the mapping, the Tasmania Fire Service has excluded some areas that could currently be considered as being within a 'bushfire-prone area' but which have been deemed to be suitably low threat. This was based on expert judgement in bushfire behaviour and evaluation of local conditions. By refining the application of the bushfire requirements in this way, the planning scheme amendment will facilitate fairer outcomes for landowners. The overlay is accordingly considered to be consistent with (b).
<i>(c) to encourage public involvement in resource management and planning; and</i>	In developing the overlay the Tasmania Fire Service has sought and considered input from Council's officers. This dialogue has provided important local knowledge into the project, in relation to land use practices and management of specific sites. The general public will have an opportunity to review the draft overlay and submit a representation on any aspect they would like the Planning Authority to consider. This is a requirement of the statutory approvals process. The overlay is accordingly considered to be consistent with (c).
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	Incorporation of the overlay within Council's planning provisions will improve clarity with respect to whether a site is within a 'bushfire-prone area'. This supports the property industry in the following ways: <ul style="list-style-type: none"> • It will ensure landowners and developers can easily determine whether their site is in a bushfire-prone area early in the development process and therefore factor this into concept design and feasibility assessments.

	<ul style="list-style-type: none"> By removing areas from the mapping that have been deemed to be suitably low threat by the Tasmania Fire Service, the overlay will reduce costs and delays from the approvals process for applicants (e.g. costs of engaging a bushfire hazard practitioner to certify an exemption, delays associated with s.54 requests). <p>As stated previously, the overlay will not facilitate any loss of natural values, nor any development of physical resources.</p> <p>The overlay is accordingly considered to be consistent with (d).</p>
<p><i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i></p>	<p>The Tasmania Fire Service has collaborated with Council officers in preparing the draft overlay to ensure that it is technically sound and appropriate to local circumstances.</p> <p>By incorporating the overlay within local planning provisions it will support the application of the Bushfire-Prone Areas Code and Building Regulations, which Local Government is obliged to enforce.</p> <p>The approvals process requires the support of both Council and the Tasmanian Planning Commission for the overlay to become effective.</p> <p>The overlay is accordingly considered to be consistent with (e).</p>

Table 3 - Schedule 1, Part 2 Objectives

Objective	Response
<p><i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i></p>	<p>The introduction of the Bushfire-Prone Areas Code as a state-wide Planning Directive was a strategic response by the Tasmanian Government to the recommendations produced by the Victorian Bushfires Royal Commission. Incorporating the bushfire-prone areas mapping as part of Council's planning instrument will support the application of the Bushfire-Prone Areas Code.</p> <p>The approach used in developing the mapping is consistent with that used for Clarence and Hobart's interim planning schemes. Tasmania Fire Service seeks to maintain a consistent approach as it progresses mapping for remaining Local Government Areas.</p> <p>As is discussed further in this report, the overlay is consistent with current State Policies and the Regional Land Use Strategy.</p> <p>The overlay is accordingly considered to be consistent with (a).</p>
<p><i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</i></p>	<p>As discussed previously in this report, the proposed overlay will support the efficient application of existing regulations by clearly identifying which land is subject to bushfire requirements.</p> <p>The overlay is accordingly considered to be consistent with (b).</p>
<p><i>(c) to ensure that the effects on the environment are considered</i></p>	<p>The overlay will not facilitate any loss of biodiversity or any other impacts on natural values.</p>

<p><i>and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land, and</i></p>	<p>The social and economic benefit of the mapping will be to improve clarity with respect to what land is considered bushfire-prone and to avoid application of the planning/building regulations to land that has insufficient risk to warrant planning or building control.</p> <p>The overlay is accordingly considered to be consistent with (c).</p>
<p><i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i></p>	<p>As occurs at present, future development in bushfire-prone areas will be required to comply with all other applicable planning and environmental requirements. The overlay is not considered to be in conflict with any environmental, social, economic, conservation or resource management policies.</p> <p>The overlay is accordingly considered to be consistent with (d).</p>
<p><i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i></p>	<p>At present, bushfire requirements are triggered through either the planning approvals process or the building approvals process, depending on the type of development proposed. Under each process the definition of 'bushfire-prone area' refers to planning scheme overlay mapping (where available). The completion of the mapping will ensure that assessments as to whether a site is bushfire-prone will be consistent throughout the entire process.</p> <p>Single dwellings, visitor accommodation and some other types of buildings are triggered through the building approvals process and not at planning. This can give rise to situations whereby a development may receive planning approval that does not account for the vegetation removal required to comply with the bushfire requirements at the building approvals stage. Inclusion of the mapping will ensure that assessing planning officers and developers consider at the development application stage of any requirement to consider vegetation removal.</p> <p>The overlay is accordingly considered to be consistent with (e).</p>
<p><i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</i></p>	<p>The overlay will support the application of planning and building requirements for bushfire protection, the key purpose of which are to reduce risk to life and property. The overlay will accordingly support the aim of securing a safe environment for working, living and recreation.</p> <p>The overlay is accordingly considered to be consistent with (f).</p>
<p><i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i></p>	<p>The overlay is not considered to be in conflict with the conservation of any places identified as holding heritage, aesthetic, architectural or other cultural value.</p> <p>The overlay is accordingly considered to be consistent with (g).</p>
<p><i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for</i></p>	<p>Introduction of the overlay will simply focus the application of existing regulations. Standards for water and access infrastructure in bushfire-prone areas will remain unchanged. The overlay is therefore not considered to be in conflict with public infrastructure</p>

<i>the benefit of the community; and</i>	and will not compromise the orderly provision and co-ordination of public utilities. The overlay is accordingly considered to be consistent with (h).
<i>(i) to provide a planning framework which fully considers land capability.</i>	Incorporation of the proposed mapping will have no significant effect on agricultural land capability. The overlay is accordingly considered to be consistent with (i).

6.2 State Policies

Current State Policies created under the *State Policies and Projects Act 1993* include:

- State Policy on the Protection of Agricultural Land 2009;
- State Coastal Policy 1996; and
- State Policy on Water Quality Management 1997.

Adoption of the draft overlay does not introduce any new development standards, rather, it will improve the application of the Bushfire-Prone Areas Code. It will accordingly not facilitate the loss of productive agricultural land, nor the degradation of coastal land or water resources. The overlay is accordingly not considered to be in conflict with any of the existing State Policies.

Section 12A of the *State Policies and Projects Act 1993* also requires that a national environment protection measure is taken to be a State Policy. The current NEMPs provide objectives for the protection of air, land and water quality, the protection of amenity from noise, the control of hazardous wastes and recycling of used materials. The adoption of the bushfire-prone areas overlay is considered to have no impact with respect to compliance with the current NEPMs.

6.3 Southern Tasmania Regional Land Use Strategy

Local Provision Schedules must be consistent with the relevant regional land use strategy. For Kingborough, this is the Southern Tasmania Regional Land Use Strategy ('STRLUS').

The key section of STRLUS is Section 8, which provides regional policies for managing risks and hazards. The majority of the policies pertaining to bushfire hazard relate to ensuring that planning schemes provide suitable requirements for vegetation removal and subdivision design and therefore do not directly relevant to the overlay. The relevant policies are considered in Table 4.

Table 4 - Regional Policies

Regional Policy	Response
<i>MRH 1.1 Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification</i>	Incorporation of the proposed overlay will mean that bushfire-prone land will be easily identifiable early in the land use planning process. In doing so, it will help signal to developers that there are Code requirements that require consideration when looking at subdivision or rezoning opportunities.

<i>and protection (in perpetuity) of buffer distances or through the design and layout of lots.</i>	The overlay is accordingly considered to be consistent with MRH 1.1.
MRH 1.4 <i>Include provisions in planning schemes for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.</i>	The existing '100m from 1ha' trigger for determining application of bushfire requirements is a simplistic approach that is used in the absence of mapping. The proposed mapping will provide a more refined mechanism for triggering the bushfire requirements as the spatial extent of the overlay has been adjusted based on expert judgement. The overlay is accordingly considered to be consistent with MRH 1.4.

6.4 Southern Midlands Council Strategic Plan 2014-2023

The Southern Midlands Council Strategic Plan 2014-2023 is the relevant strategic plan prepared under s.66 of the *Local Government Act 1993*. It provides high-level guidance in the form of municipal goals, supporting strategies and key project that seek to guide Council's delivery of services to the community.

Table 5 - Regional Policies

Action	Response
<i>2.1.1.1 Seek opportunities to increase the number of subdivisions providing affordable land in areas that can utilise the existing water, sewer and road infrastructure within the framework of the Planning Scheme</i>	It has been possible to map out land that has been approved for future land release as part of the mapping process on the basis of Council's ongoing commitment to hazard abatement. In doing so, introduction of the overlay will reduce development costs associated with new residential development in the municipality, thereby supporting Action 2.1.1.1.
<i>3.4.1.1 Continue to support the State Government's Regional Planning Initiative and to work in co-operation within the Southern Tasmanian region to finalise a new planning scheme</i>	The proposed overlay is a required part of Council's Local Provisions Schedule, therefore supports Action 3.4.1.1.
<i>3.4.1.2 Encourage the State Government to provide more direction to the planning system through the introduction of more State Planning Policies, State Planning Directives and common statewide planning scheme provisions</i>	The proposed overlay will provide clear direction for the application of the Bushfire-Prone Areas Code, which was introduced through a State Planning Directive. The overlay supports Action 3.4.1.2.
<i>3.5.1.3 Establish collaborative partnerships with other Councils, key stakeholders and other tiers of government, that</i>	Building and planning are important tools for improving the resilience of townships and communities to bushfire hazard, particularly in the context of climate change and worsening fire danger. Production of the draft overlay through collaboration

<i>strengthen Council's response to climate change</i>	between Council and the Tasmania Fire Service will improve the application of existing bushfire standards and will inform other risk mitigation strategies, thereby supporting Action 3.5.1.3.
<i>5.3.1.7 Work in partnership with the Tasmania Fire Service to keep Southern Midlands fire safe</i>	Collaboration between Council and TFS has led to important refinements of the final draft overlay and confirmation of hazard abatement commitments. Production and implementation of the overlay supports Action 5.3.1.7.

7. Future Revisions

The Bushfire-Prone Areas Overlay should be reviewed and updated periodically to ensure it remains accurate. This will logically occur as part of Council's periodic review of their Local Provision Schedules under the Tasmanian Planning Scheme. Section 350 of the *Land Use Planning & Approvals Act 1993* requires that this review occur every five years at a minimum, however a draft amendment may be prepared at any time.

In the situation where a scheme amendment is required to facilitate a new development (e.g. a combined rezoning and greenfield subdivision proposal) it may be appropriate to review and modify the overlay as part of the amendment process. It is anticipated that TFS will be consulted as part of this process.

TFS is committed to working with Council as part of any future review of the overlay.

8. Conclusion

The Tasmania Fire Service in collaboration with Council officers have completed a draft bushfire-prone areas overlay for the Southern Midlands.

The overlay identifies land where potential exposure to bushfire hazard is considered sufficient to warrant a planning or building response to reduce risk to life and property. In doing so, it will ensure reliability, certainty and simplicity of process to the benefit of landowners, designers, the planning authority, the permit authority and the wider community.

In the process of developing the overlay, a significant number of properties have been able to be mapped out on the basis of insufficient risk to warrant a built response. Introduction of the overlay thereby presents an economic benefit to those landowners should they seek to develop their site in future.

The overlay will also support community education on community fire safety and will provide a useful resource for the administration of the fire permit system and hazard abatement programs.

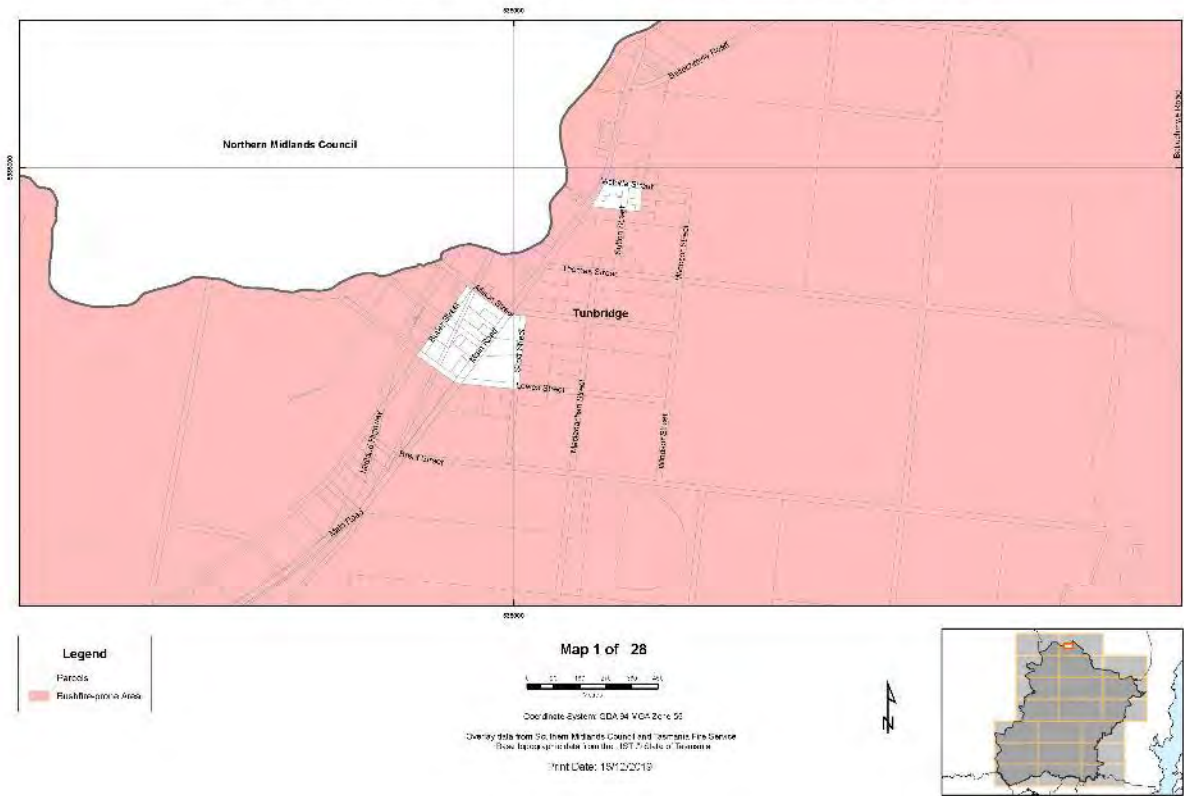
For the overlay to serve its statutory purpose it must be incorporated into Council's planning provisions. This can be achieved through an amendment to the Southern Midlands Interim Planning Scheme 2015 or through the Tasmanian Planning Scheme process. Due to the timeframes associated with the Tasmanian Planning Scheme process, TFS recommends that Council consider initiating an amendment to the Interim Planning Scheme.

Implementing the overlay as part of Council's planning provisions is considered to be consistent with all relevant strategic planning considerations.

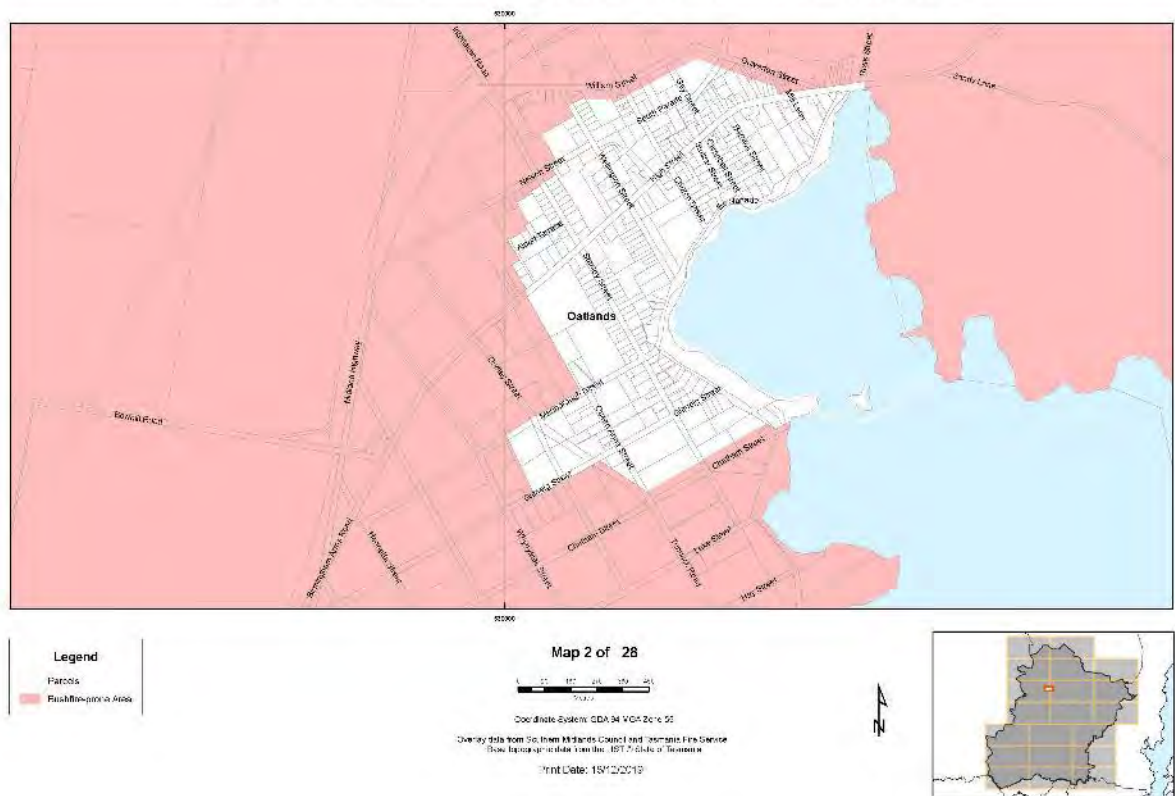
APPENDIX A

Bushfire-Prone Areas Overlay

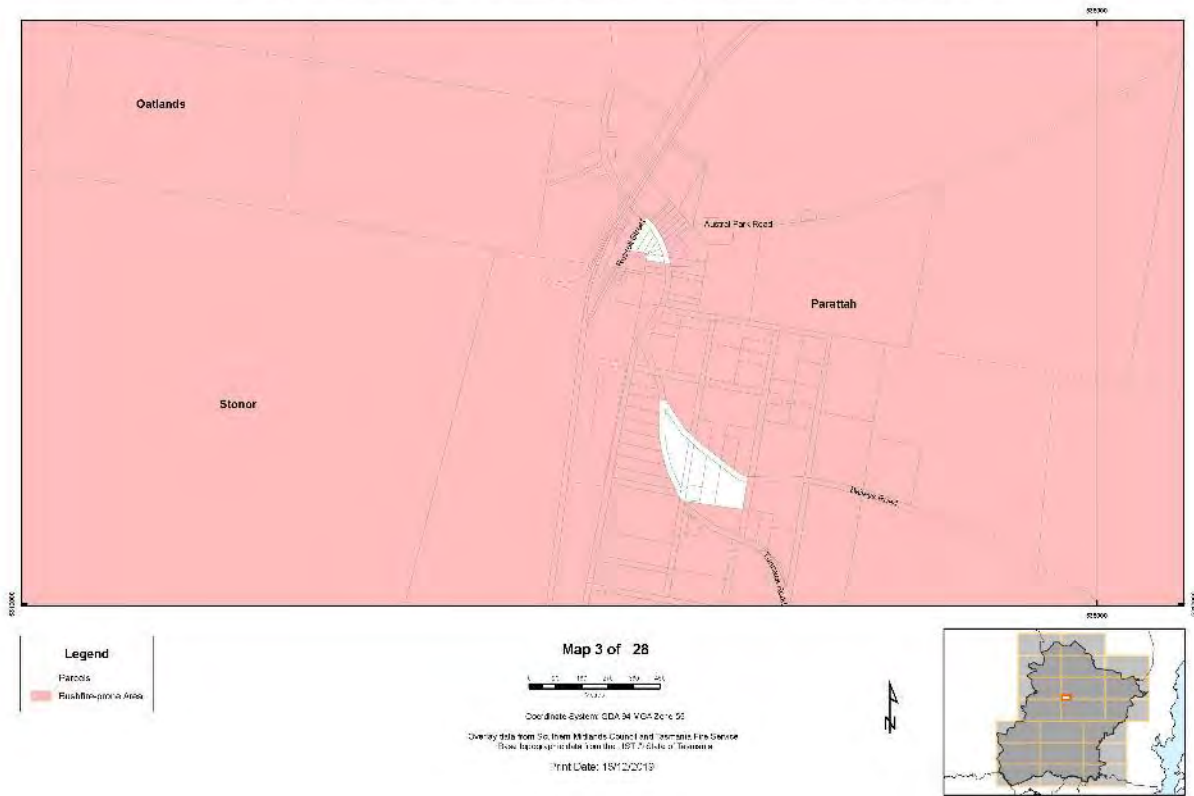
Southern Midlands Interim Planning Scheme 2015 - Bushfire-Prone Areas Overlay



Southern Midlands Interim Planning Scheme 2015 - Bushfire-Prone Areas Overlay



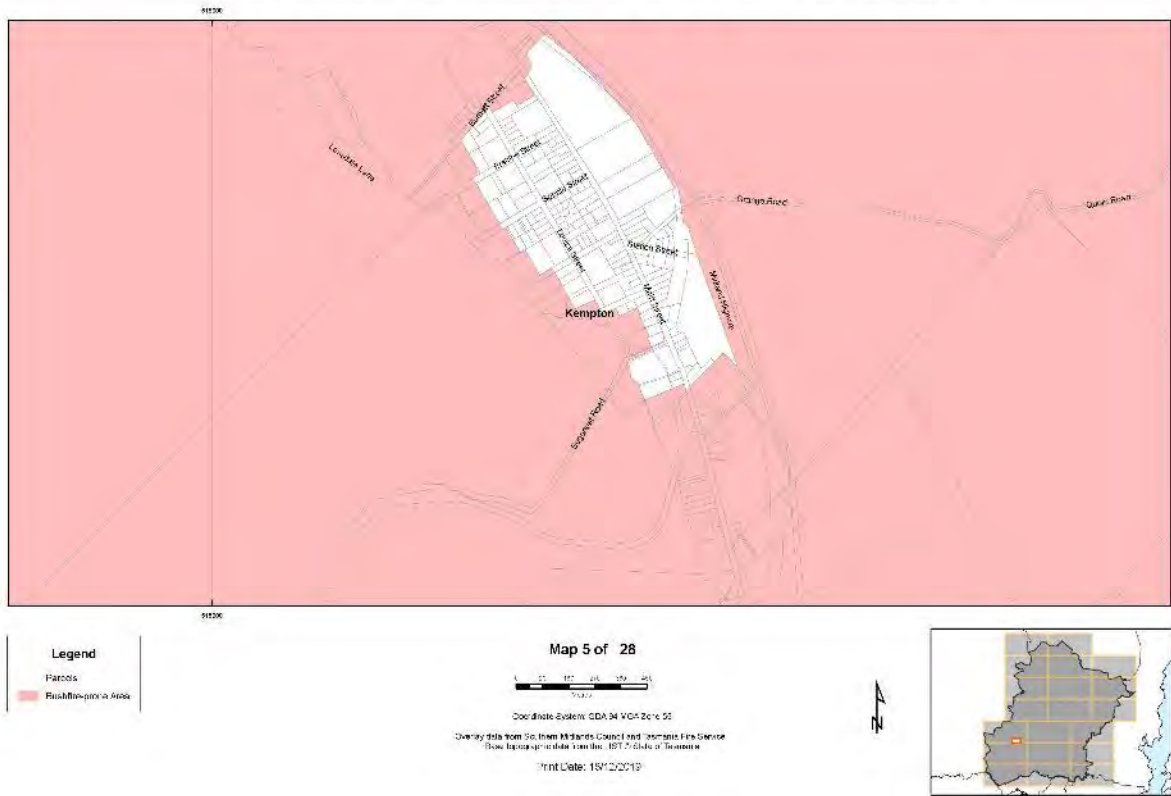
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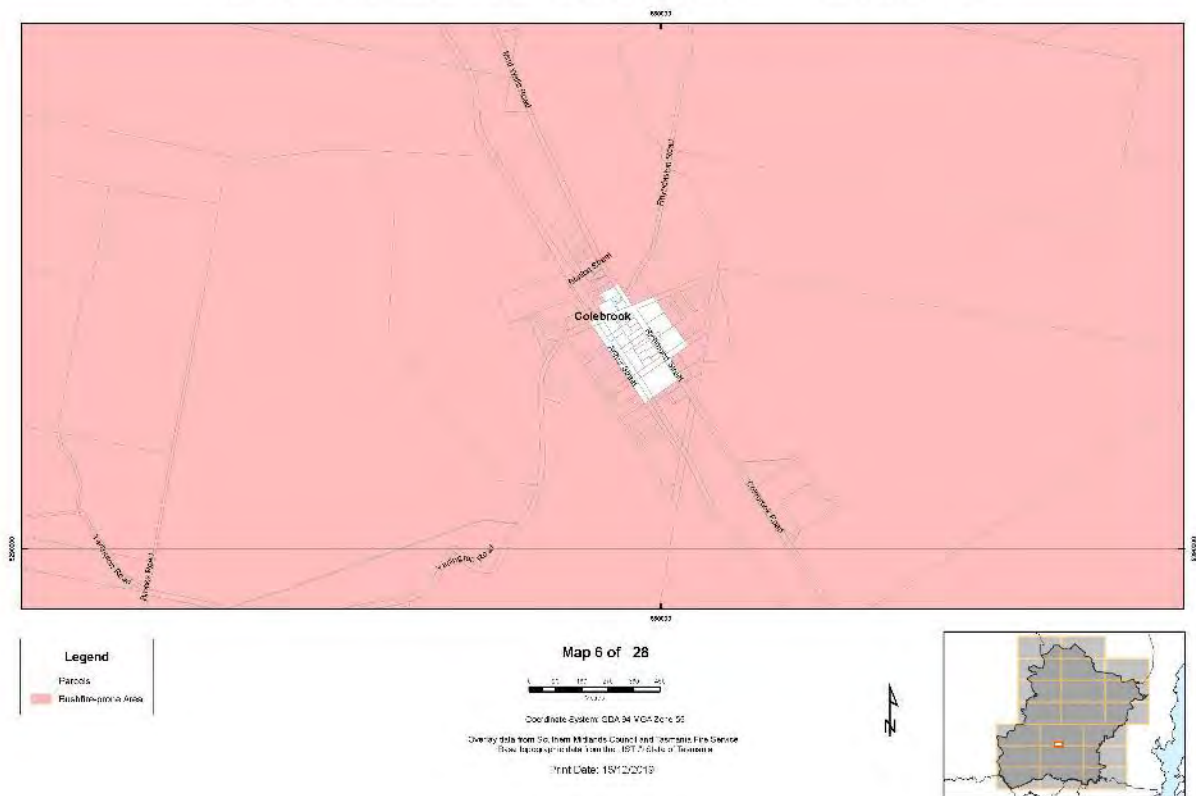
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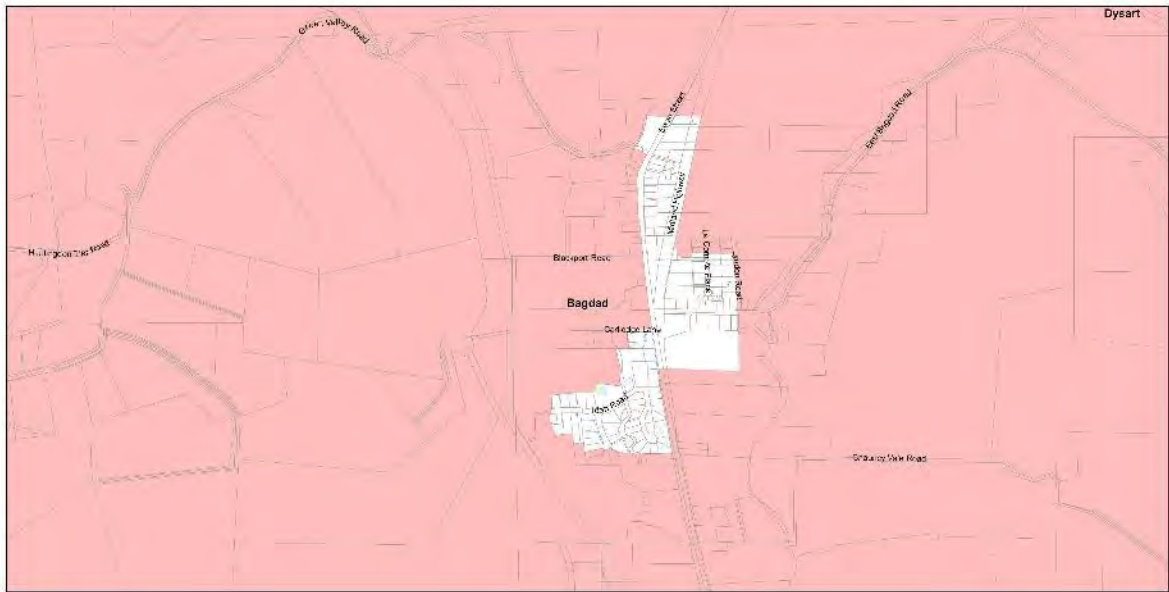
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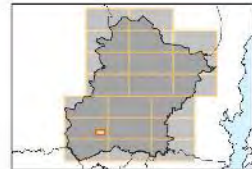


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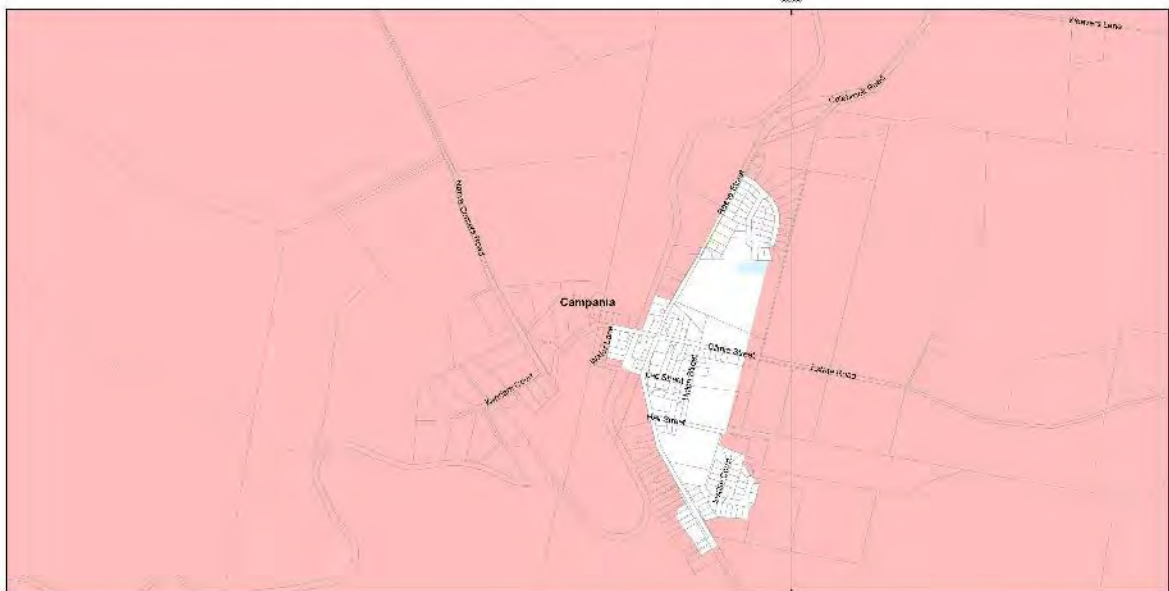
- Parcels
- Bushfire-prone Area

Map 7 of 28

Coordinate System: GDA 94 WGA Zone 56
 Overlay data from Southern Midlands Council and Geomatics Fire Service
 Base layer provided from the 1:50,000 State of Tasmania
 Print Date: 15/12/2019



Southern Midlands Interim Planning Scheme 2015 - Bushfire-Prone Areas Overlay

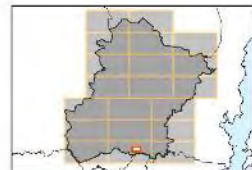


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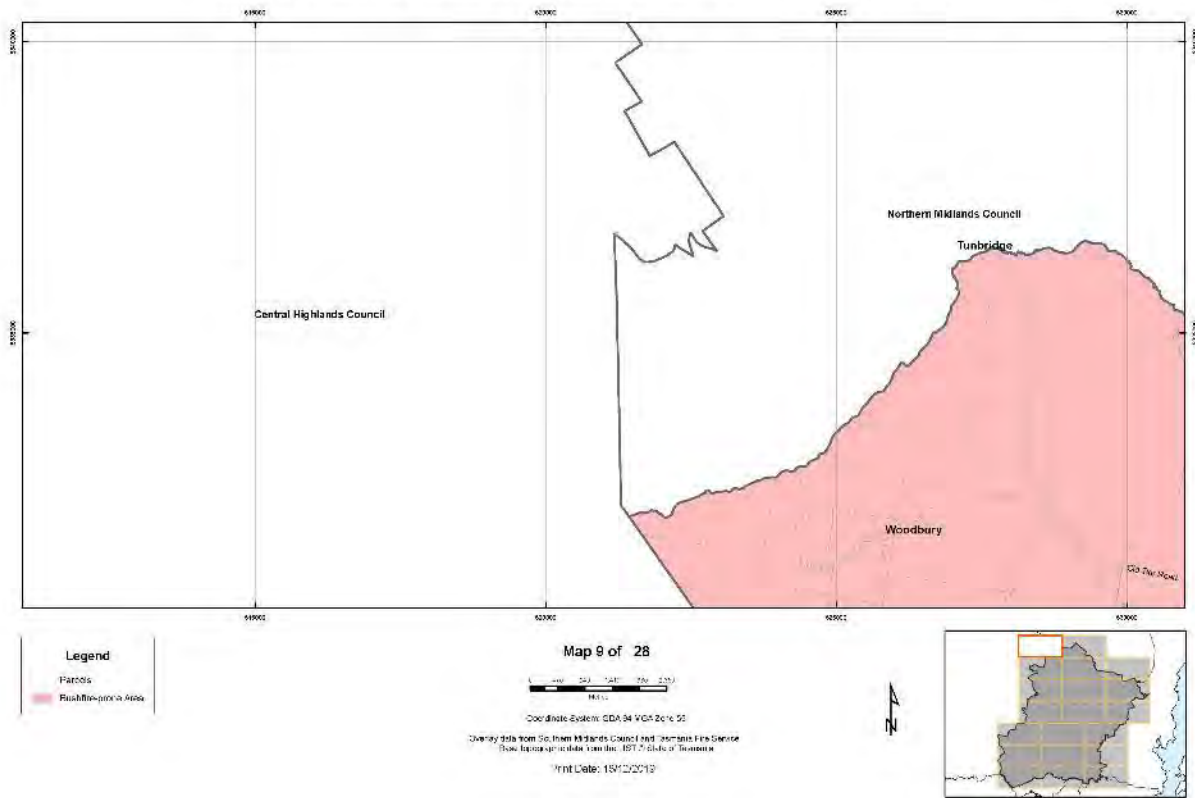
- Parcels
- Bushfire-prone Area

Map 8 of 28

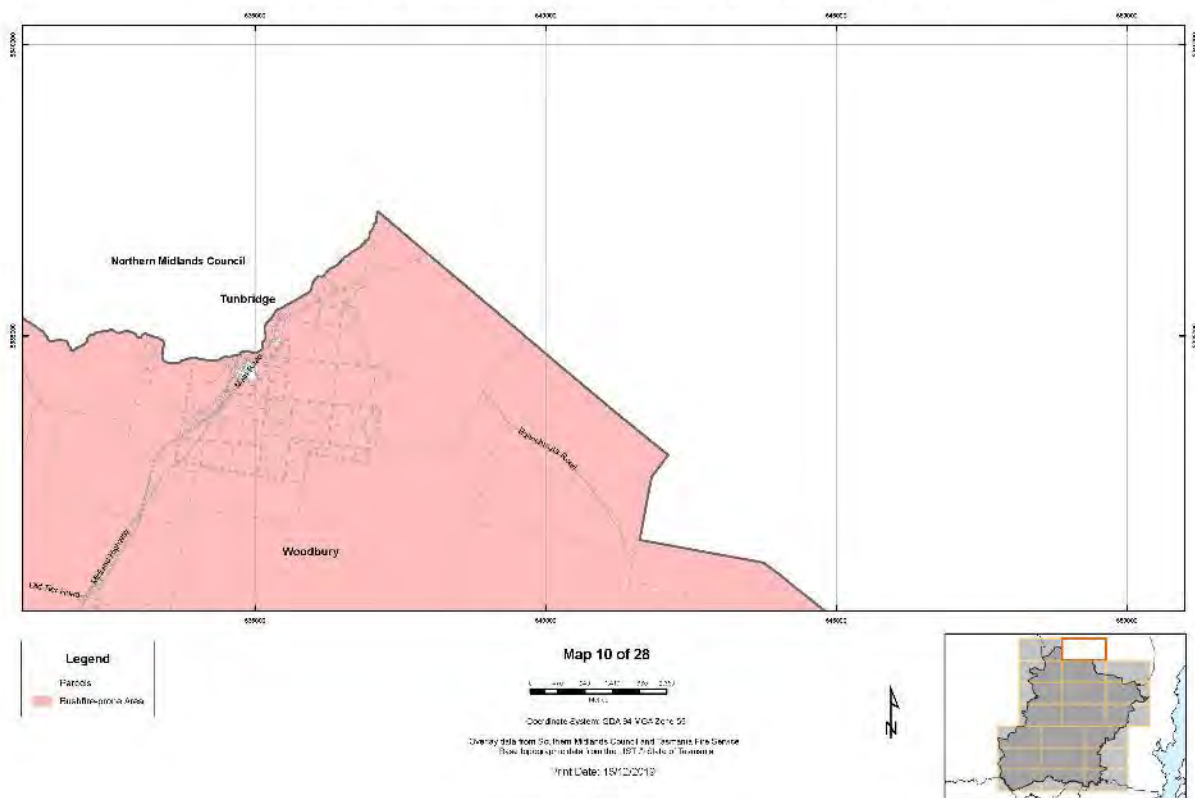
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 Overlay data from Southern Midlands Council and Geomatics Fire Service
 Base layer provided from the 1:50,000 State of Tasmania
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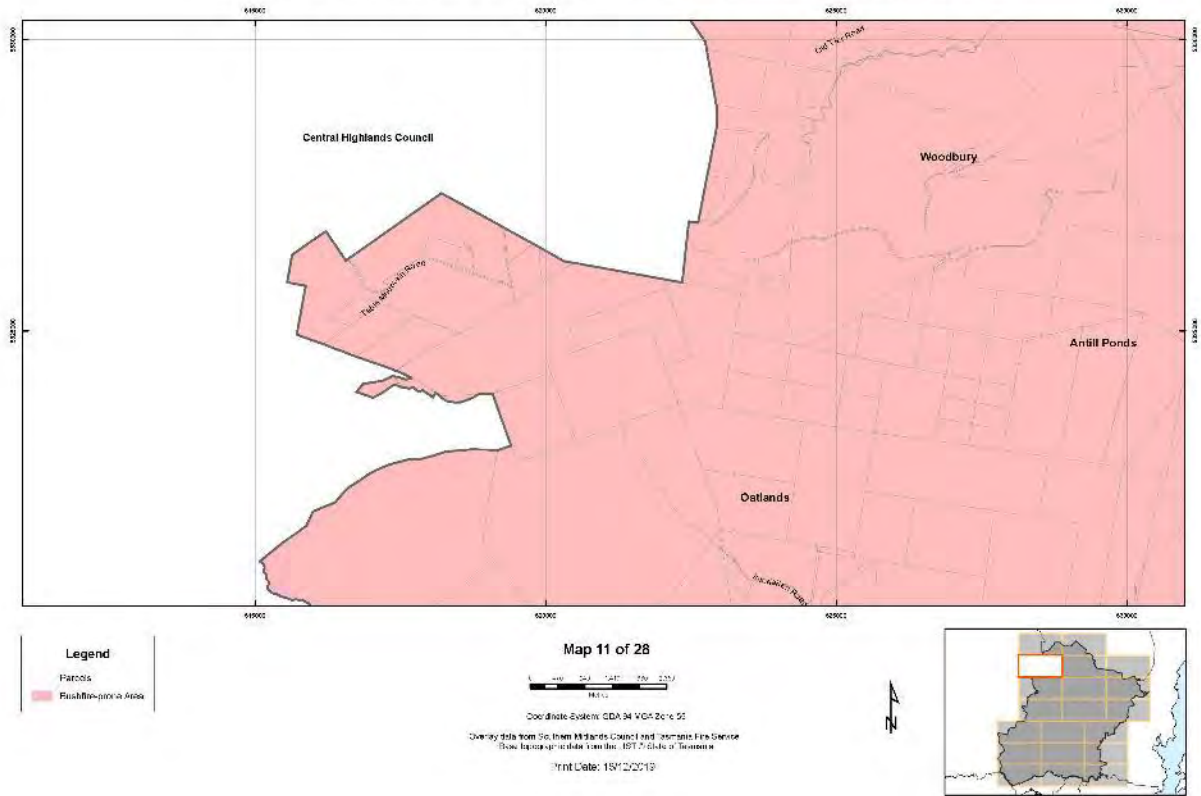
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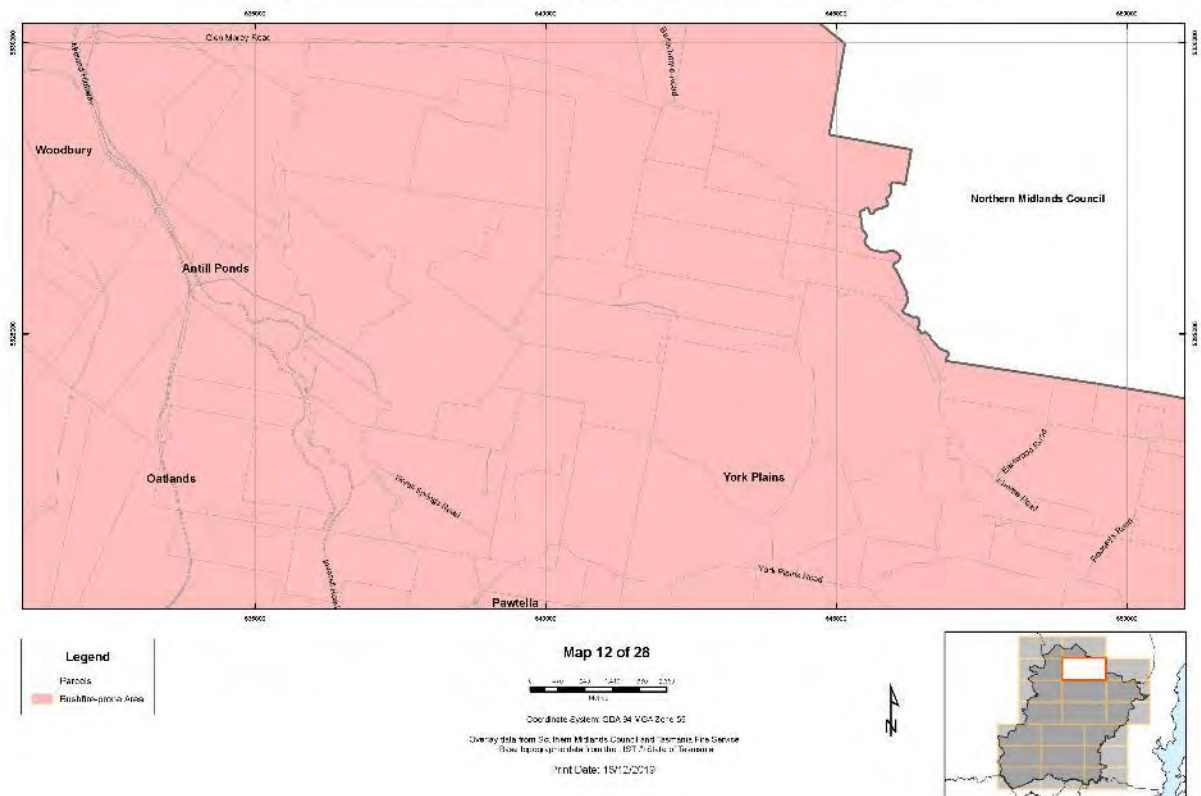
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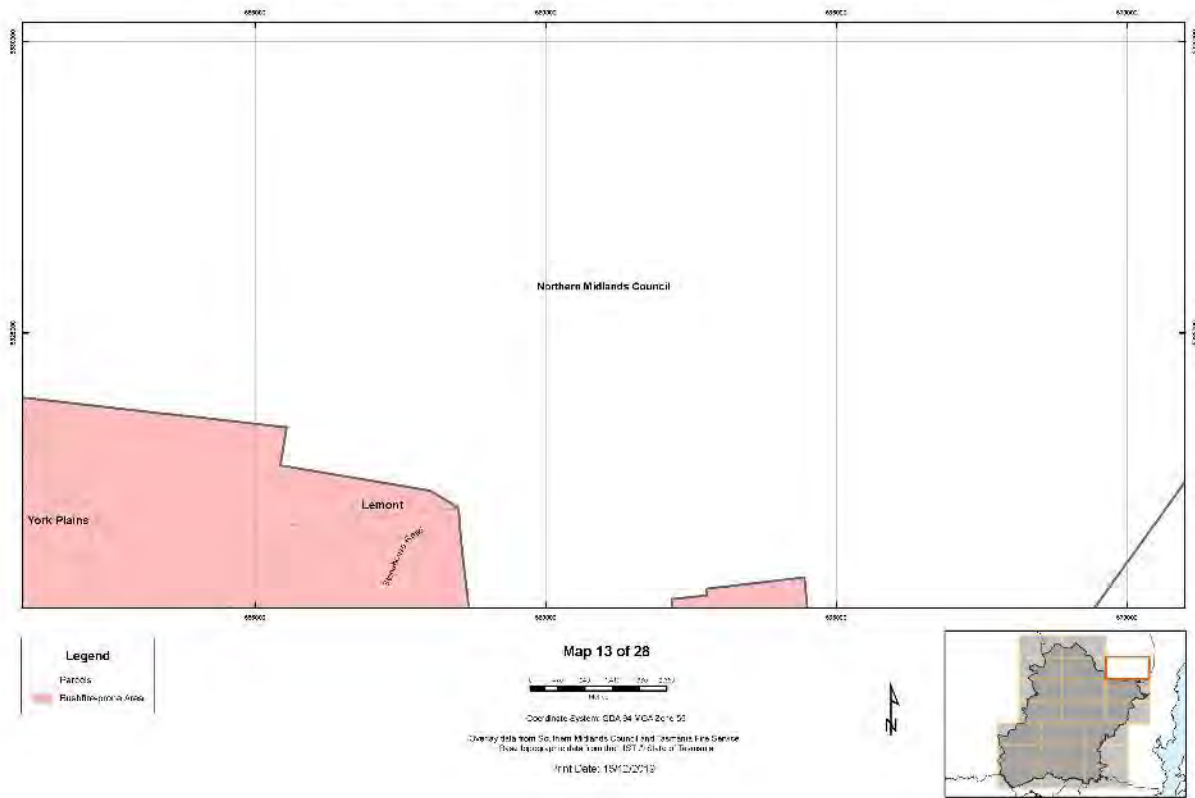
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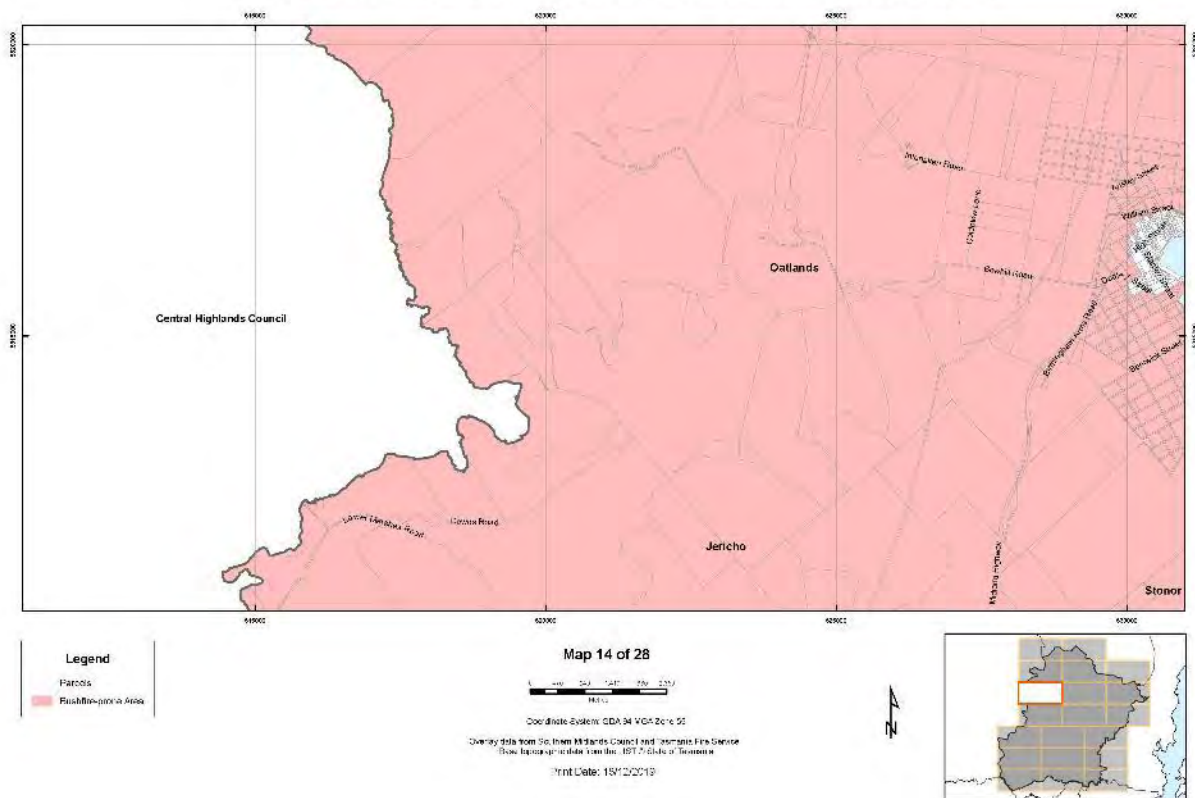
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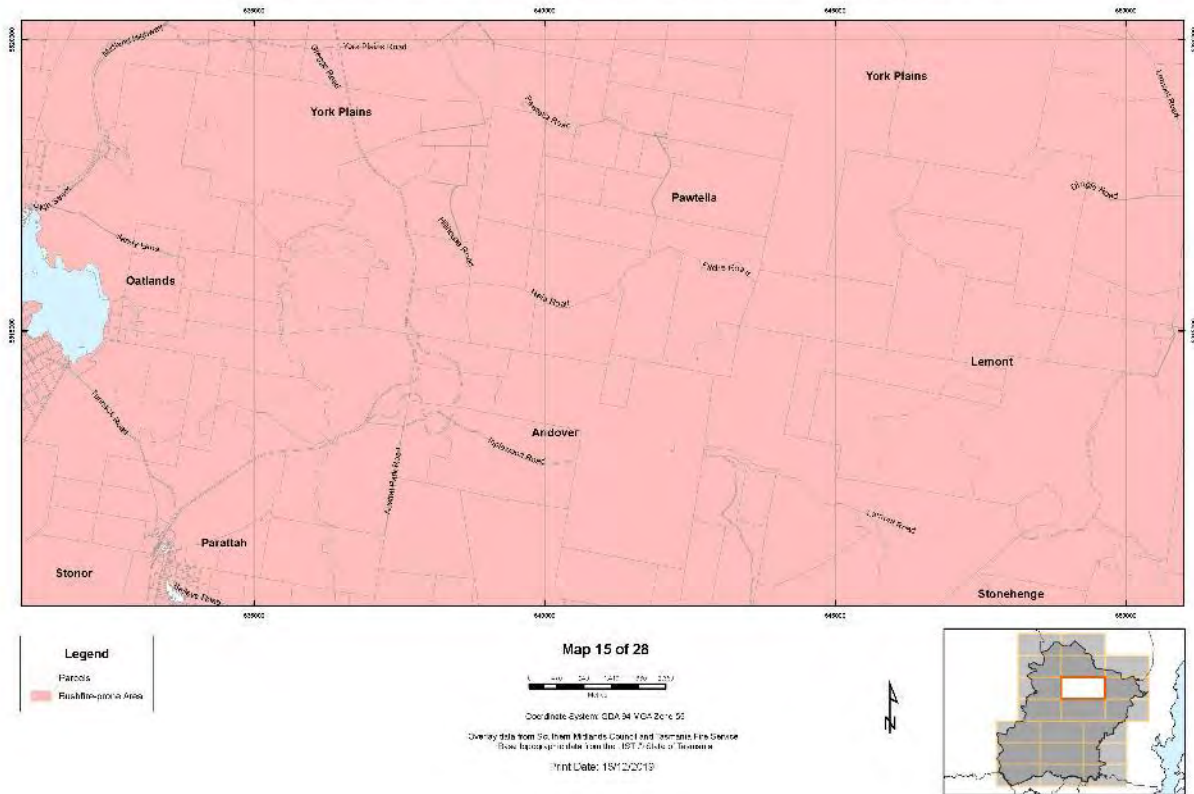
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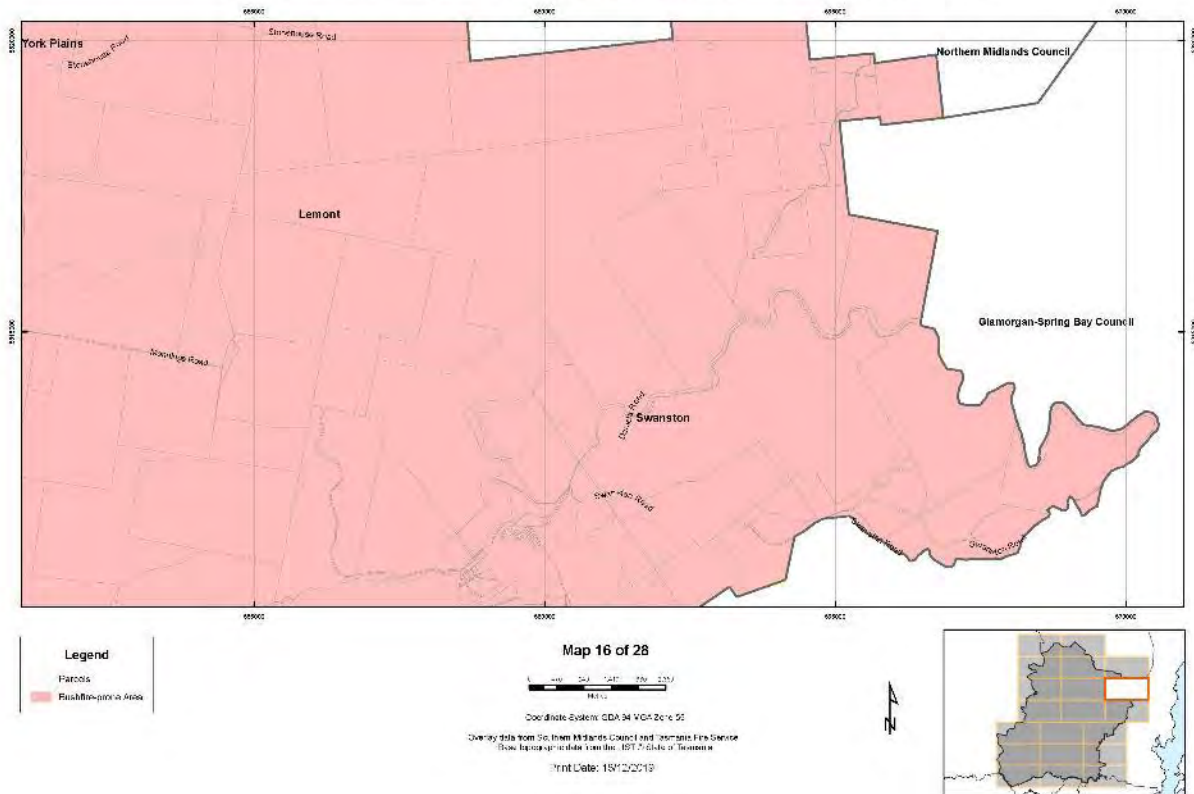
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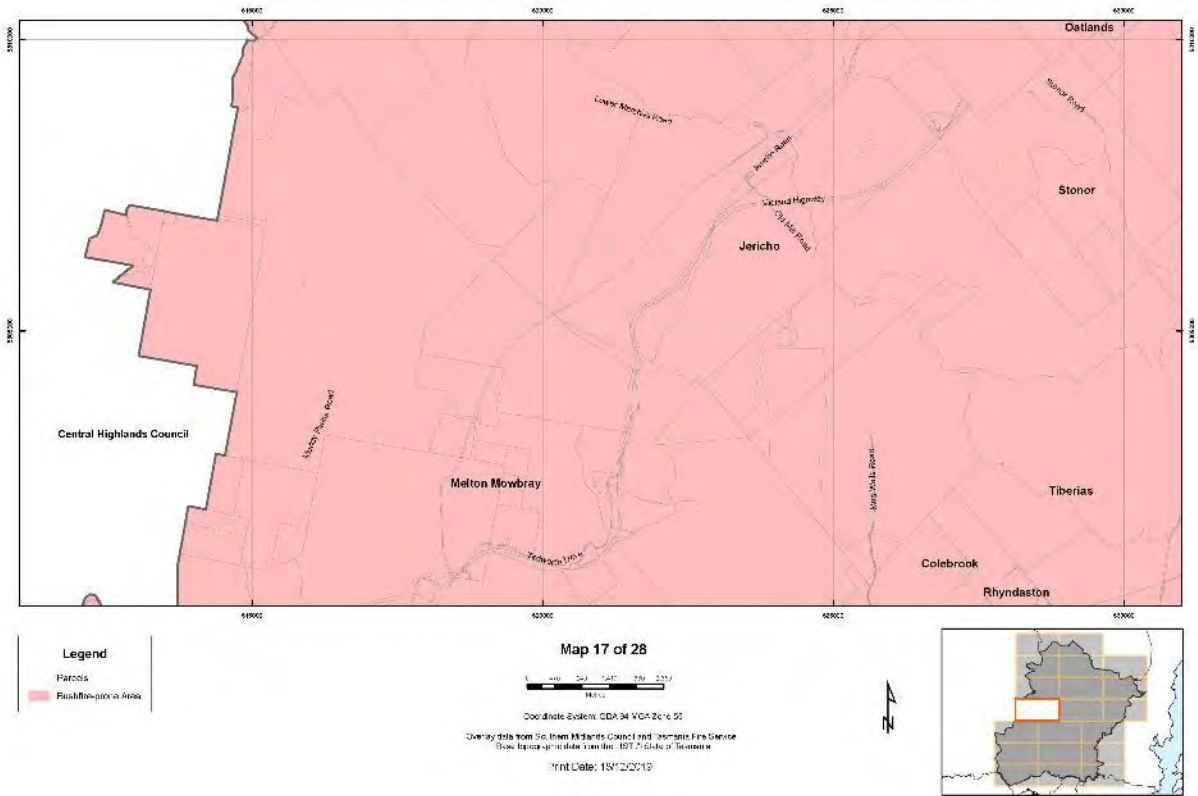
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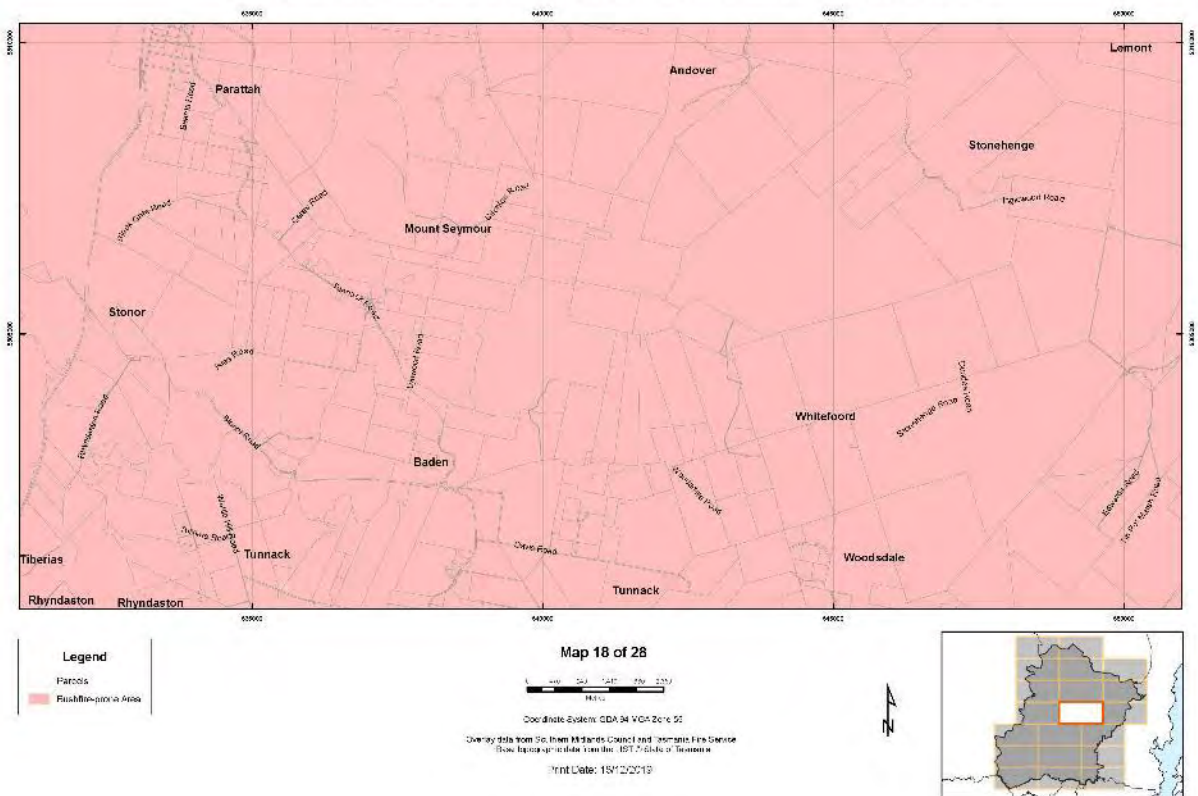
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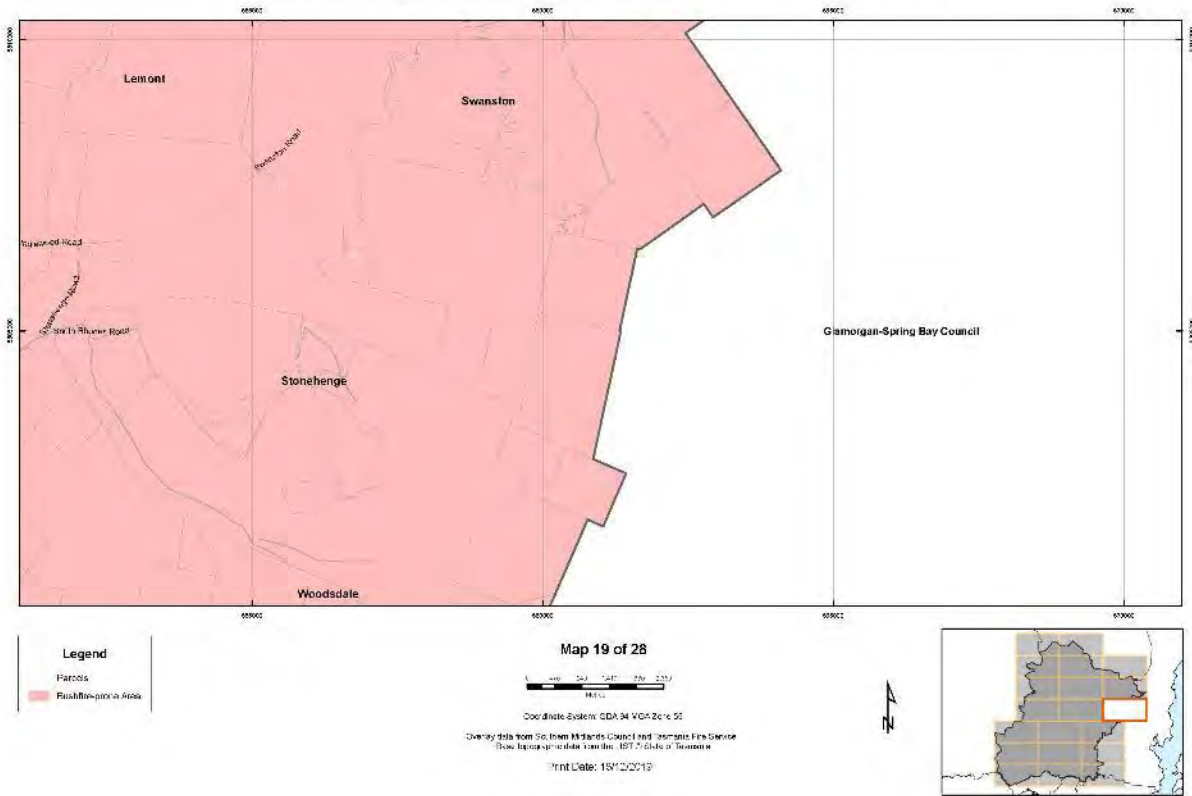
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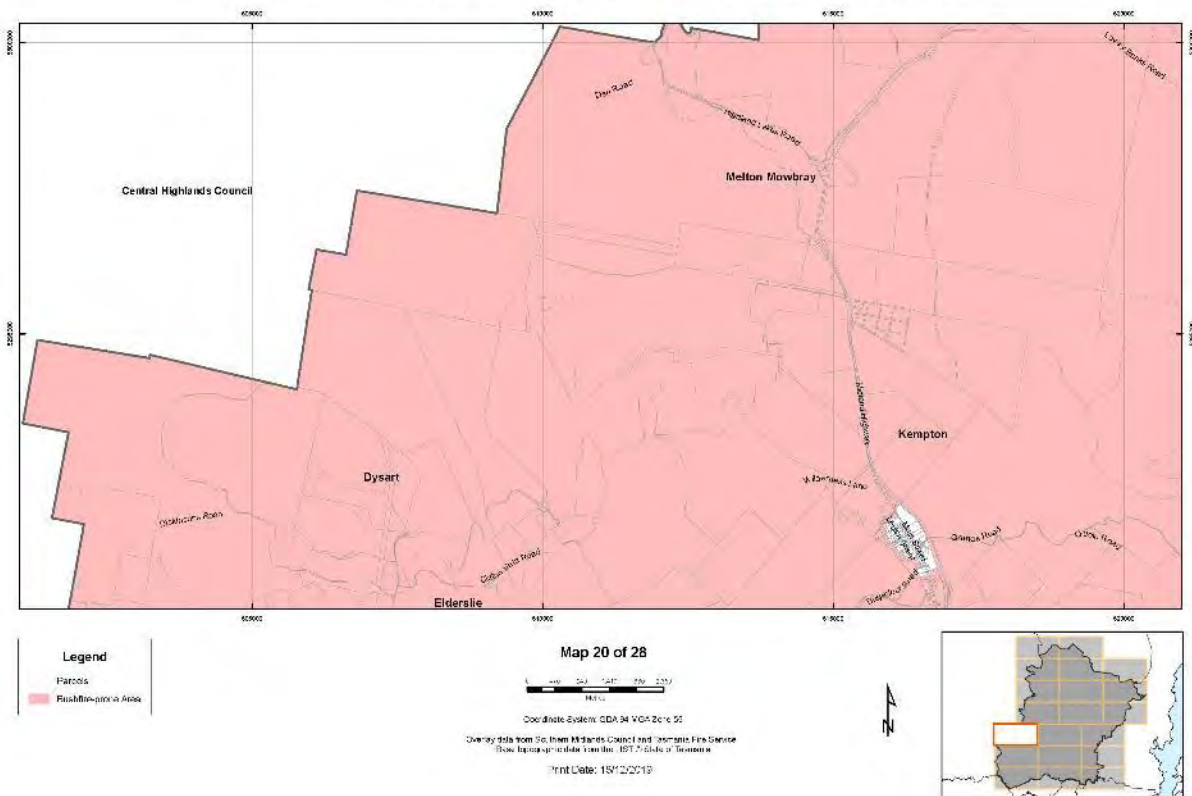
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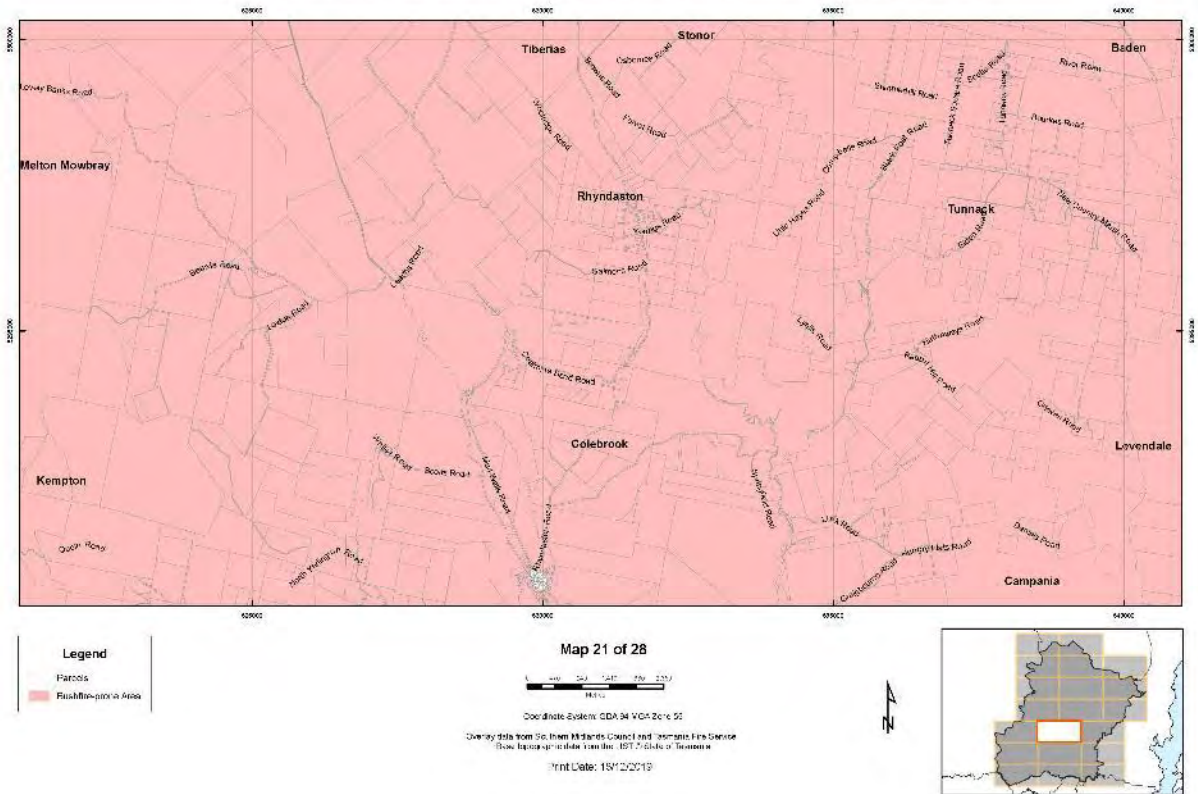
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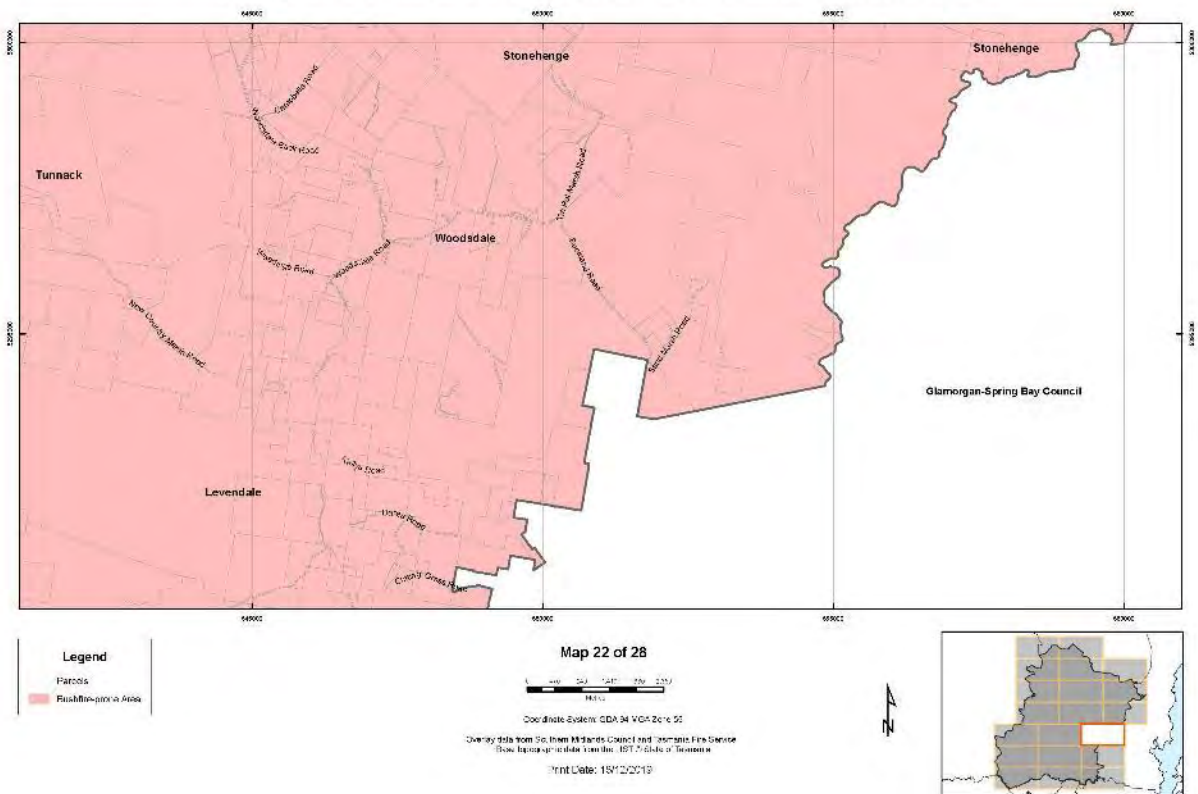
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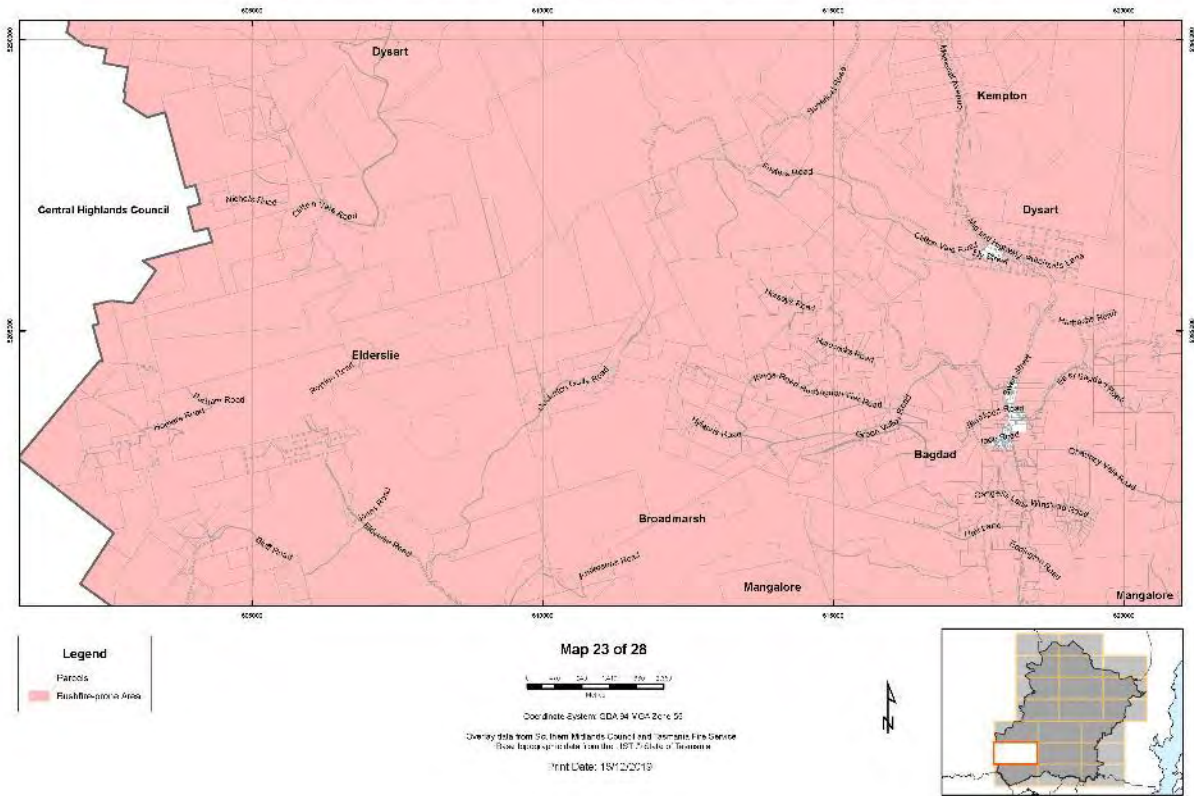
Southern Midlands Interim Planning Scheme 2015 - Bushfire-Prone Areas Overlay



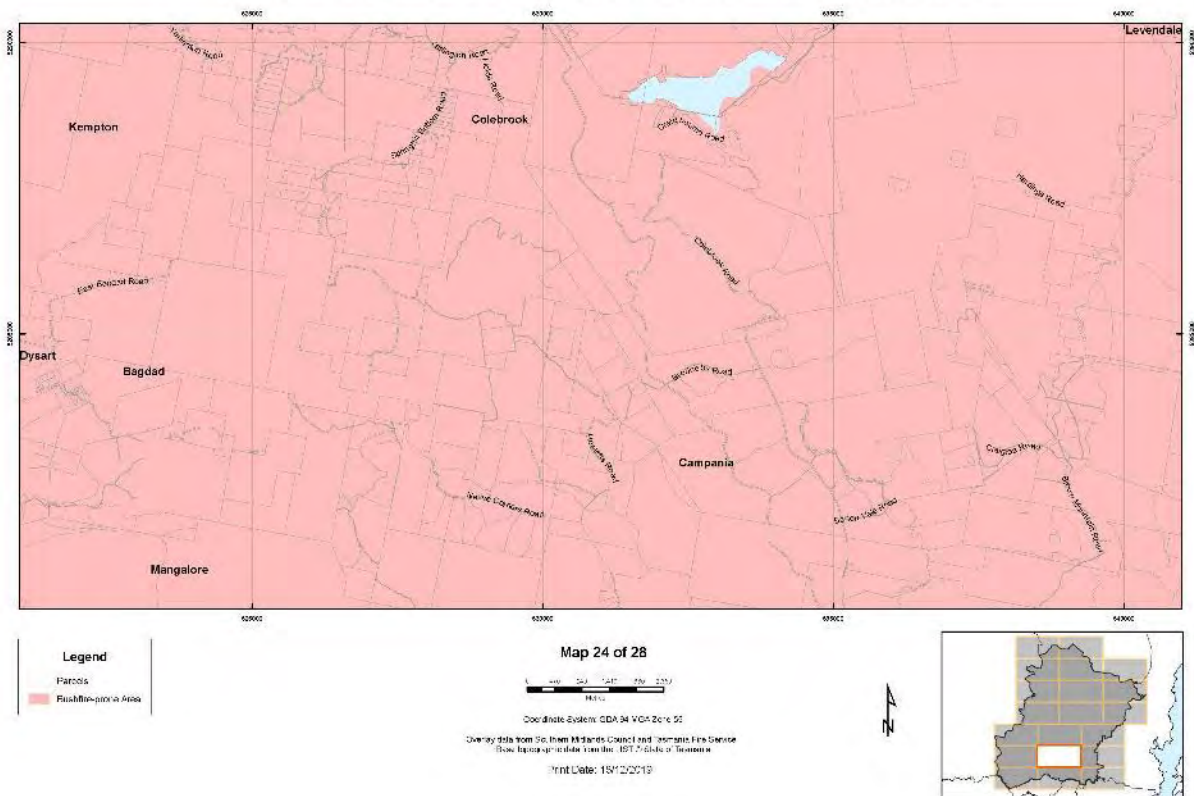
Southern Midlands Interim Planning Scheme 2015 - Bushfire-Prone Areas Overlay



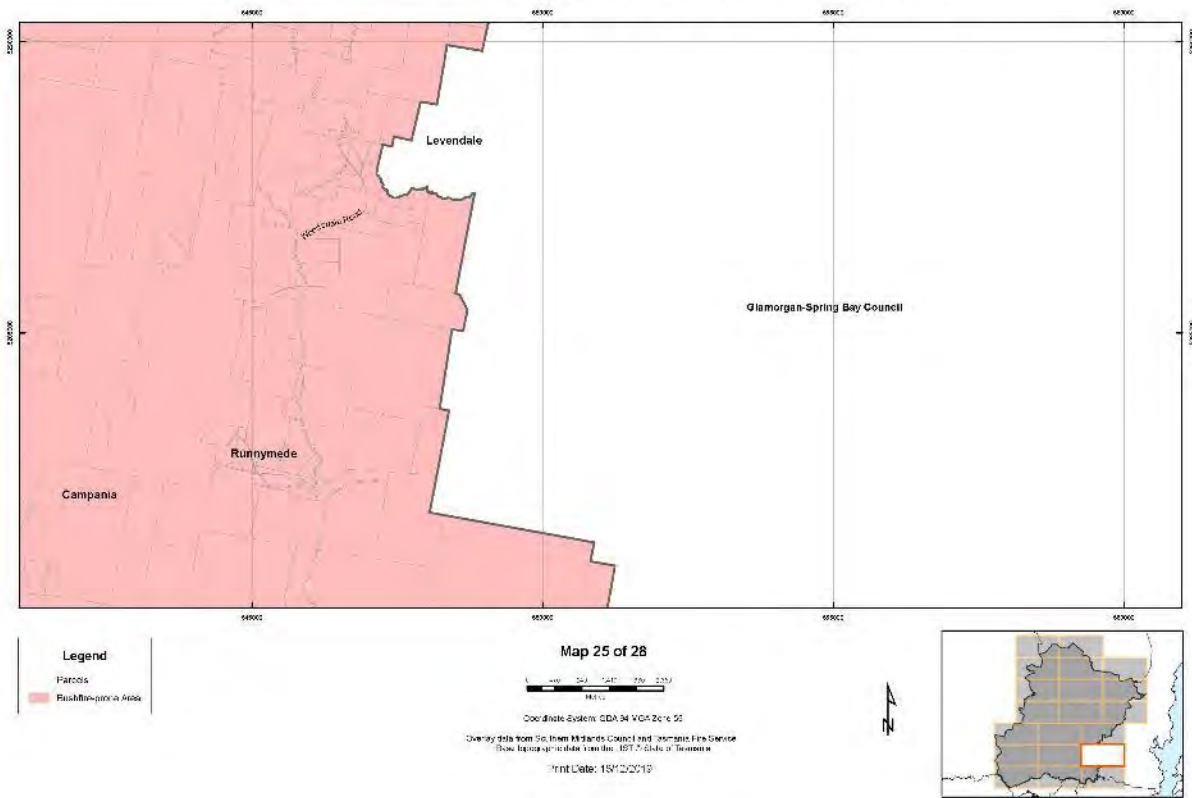
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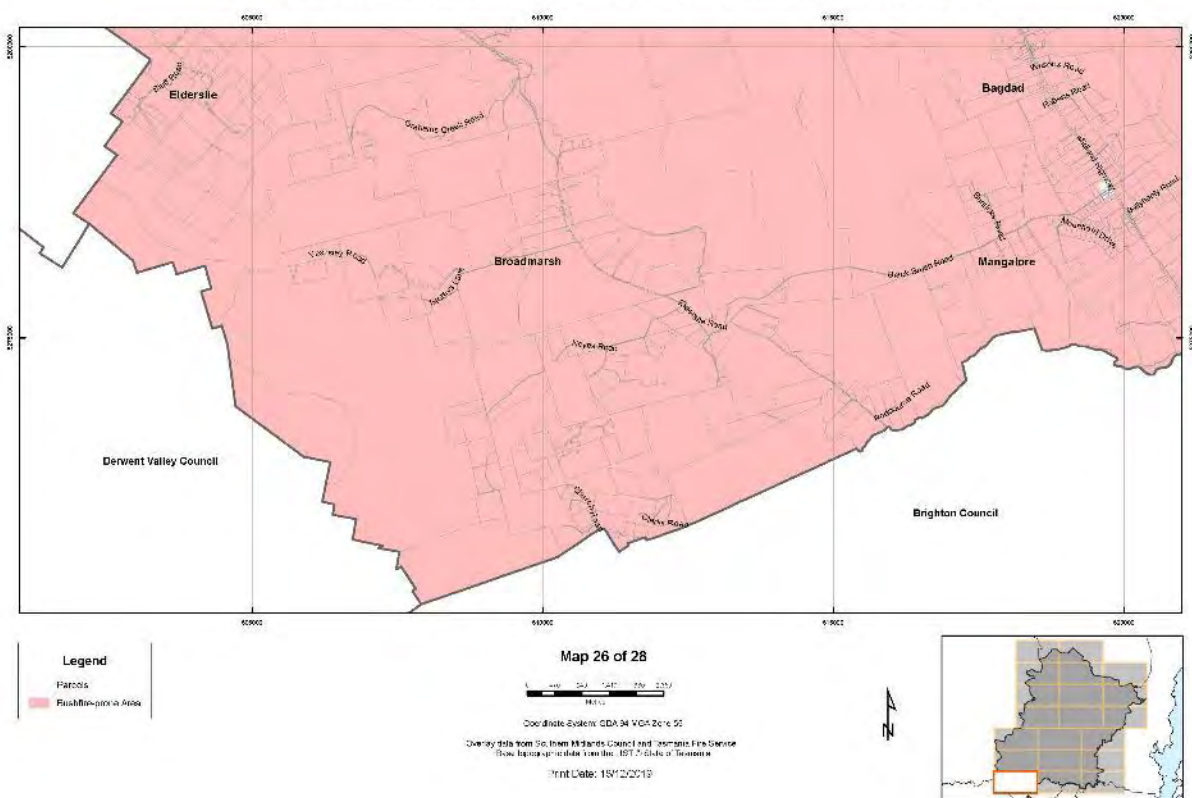
Southern Midlands Interim Planning Scheme 2015 - Bushfire-Prone Areas Overlay



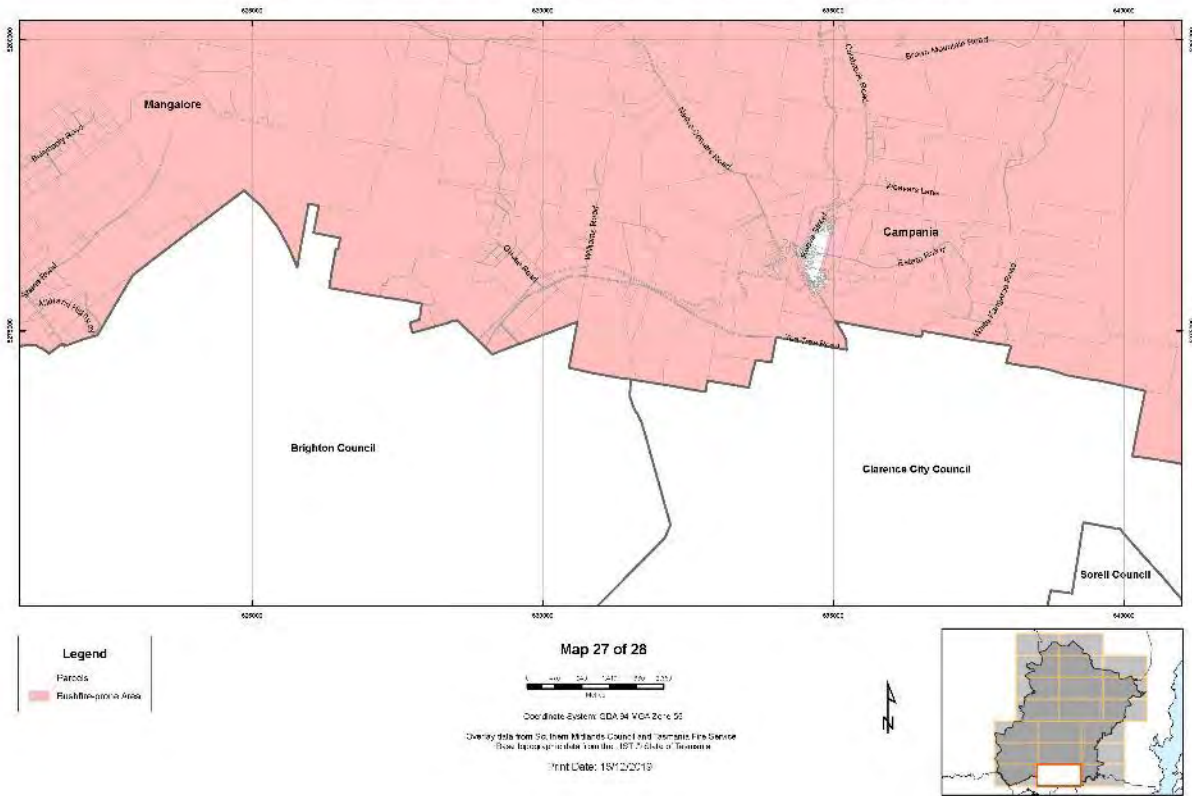
Southern Midlands Interim Planning Scheme 2015 - Bushfire-Prone Areas Overlay



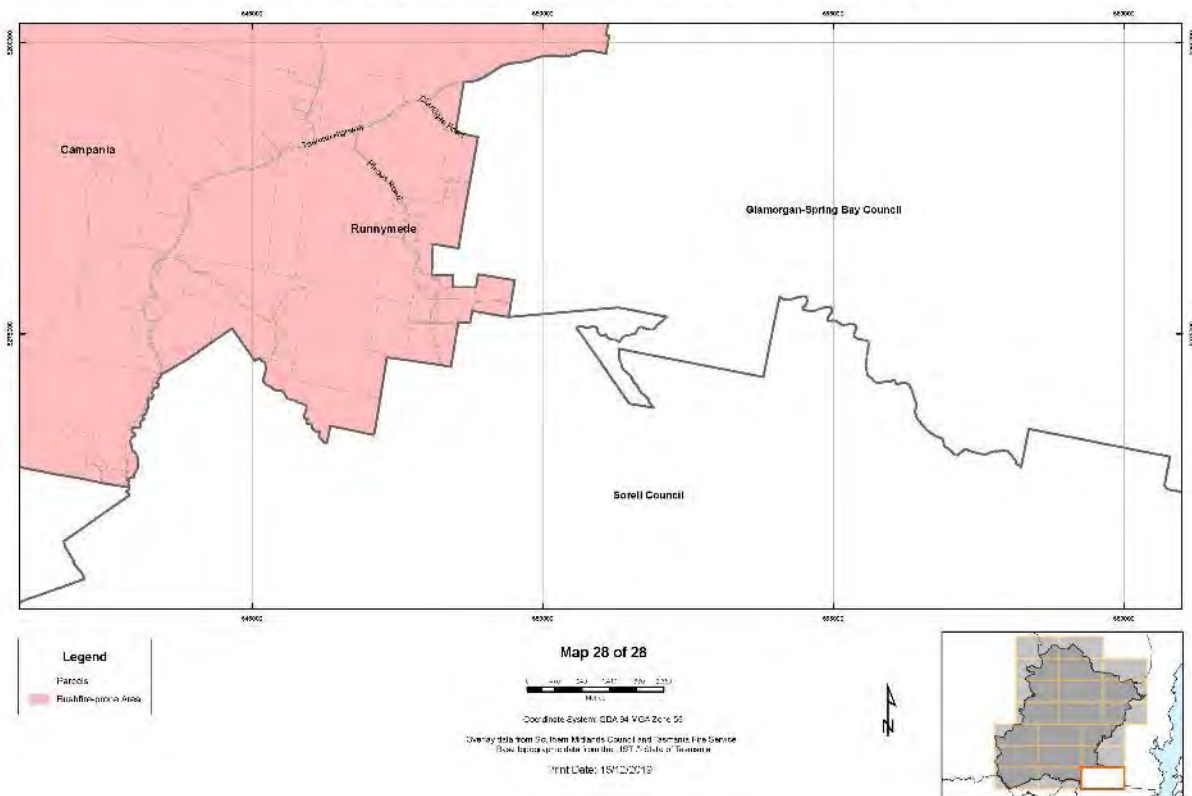
Southern Midlands Interim Planning Scheme 2015 - Bushfire-Prone Areas Overlay



Southern Midlands Interim Planning Scheme 2015 - Bushfire-Prone Areas Overlay



Southern Midlands Interim Planning Scheme 2015 - Bushfire-Prone Areas Overlay





BUSHFIRE-PRONE AREAS OVERLAY

Frequently Asked Questions

1. *Why do we need a bushfire-prone areas overlay?*

The key function of the overlay is to spatially define areas that are considered 'bushfire-prone' for planning and building compliance purposes.

Since 2012 Tasmanian planning and building legislation has required certain land uses, subdivision and building work within a 'bushfire-prone area' to satisfy minimum safety standards. In the absence of an overlay however, there is sometimes ambiguity in relation to what is or isn't considered to be a 'bushfire-prone area'. The overlay will provide landowners, regulators, developers and designers with much needed certainty with regards to application of these requirements.

It is noted that stakeholders including the Housing Industry Association and the Master Builders Association actively participated in the development of the current regulatory system and have strongly urged government to have suitable mapping of bushfire-prone areas provided as soon as possible.

All Tasmanian Councils will be required eventually to have a bushfire-prone areas overlay as part of the Tasmanian Planning Scheme. To avoid unnecessary delay, TFS recommends that Councils introduce their overlays sooner by amending their existing planning scheme where it is feasible to do so. In doing so, the benefits of the overlay can be delivered sooner rather than later.

2. *Can the overlay be amended?*

As with any planning scheme overlay, Council may initiate an amendment at any time if there is good reason to do so. Also the overlay may be amended in conjunction with future combined rezoning and subdivision proposals.

It is anticipated that the overlay will also be periodically reviewed and updated as part of Local Government's routine review of its Local Provision Schedules once the transition to the Tasmanian Planning Scheme is complete.

3. *Will the overlay affect insurance premiums for property owners?*

The insurance industry has its own long standing risk mapping products which inform their premiums.

If insurance providers choose to base their premiums on whether or not land is classed as 'bushfire-prone' within the planning scheme, this still would be of no real significance given the overlay will not result in any additional properties being classed as 'bushfire-prone' that aren't already .

To the contrary, the overlay will actually reduce the number of properties that are classified as 'bushfire-prone' for the purposes of planning and building compliance.

It is noted that Clarence introduced their bushfire-prone areas overlay in 2015 and Hobart in 2017. TFS is not aware of any evidence of resultant effects on insurance premiums in either local government area.

4. *Will the overlay negatively affect property values?*

All properties that are mapped within a draft overlay are already 'bushfire-prone' under existing planning and building legislation. The overlay does not introduce any new development standards - it simply clarifies the application of existing requirements. Therefore, it is highly unlikely that the overlay has any effect on property value. Given that so much of Tasmania is identified as bushfire-prone any effect would be widespread and have minimal effect between similar properties.

It is noted that Clarence introduced their bushfire-prone areas overlay in 2015 and Hobart in 2017. TFS is not aware of any evidence of resultant effects on property values in either local government area.

5. *Will the overlay increase the cost of land development?*

Complying with the existing planning and building requirements for bushfire protection inevitably adds cost to development. There are two cost elements, firstly the costs of assessment and secondly the costs of the bushfire mitigation measures. The extensive consultation that occurred when the Bushfire-Prone Areas Code was introduced concluded that the compliance costs are outweighed by the benefit of increased community safety.

All properties that are within the draft overlay are already considered 'bushfire-prone' under existing planning and building legislation. As such, introduction of the overlay will have no effect on the cost of land development. The introduction of the overlay will actually reduce the number of properties that are classified as 'bushfire-prone' for the purposes of planning and building compliance. These properties will no longer require the expenditure of the costs of the assessment and the overlay will therefore actually reduce compliance costs to the Tasmanian community as a whole.

6. *My property is in a residential area and adjoins farmland – why is it within the bushfire overlay?*

Grasslands are a commonly underestimated fire hazard but present a significant risk to Tasmanian communities. Furthermore, living in a suburban street is not a guarantee that nearby fuels are being adequately managed and that the suburban home is appropriately prepared for a bushfire event.

Clearly risk profiles will vary across the landscape depending on a range of factors, as does the perception of risk perception within affected communities. In some areas

and to some people being located within a bushfire-prone area may not be consistent with their own perceptions, in other areas it will confirm existing perceptions. It is worth noting that the overlay does not delineate between 'high', 'medium' and 'low' risk.

7. Will Council be exposed to litigation if it approves building work on land outside the overlay area that is subsequently damaged in a bushfire?

The overlay is not intended to comprehensively identify all land that may be subject to bushfire attack in all scenarios. It identifies land where the risk is considered high enough during a 'design bushfire' scenario to warrant a built response.

The overlay is similar in some ways to other hazard maps used in planning schemes, such as those for flood-prone areas and landslip. These overlays are also applied to land where risk exposure is considered sufficient to warrant a built response but none imply that there is no risk to properties in rarer events that are outside of the overlays.

The bushfire-prone areas overlay does not apply to properties further than 100m from a potential fire front. This reflects the maximum distance considered in Australian Standard 3959 Construction of buildings in bushfire-prone areas. History has shown that ember attack can impact properties several hundred metres from a fire front although the probability of loss of life and built assets decreases with increased distance. There always will be some level of risk to properties outside of the overlay however it is considered tolerable without requiring landowners to go to the added expense of building for bushfire protection.

The overlay has been prepared in good faith and informed by expert judgement and it is highly unlikely that Council would be subject to successful litigation as a result of property loss outside of the overlay area.

8. Being on a town water supply means there is no bushfire risk doesn't it?

The greatest component of bushfire risk is the location of the property in relation to bushfire fuels. Having water available for firefighting is an important protection measure but it does not mean the threat from the fuels is removed.

9. We have had our block for years and there's never been a fire so why worry now?

Tasmania is well known for very infrequent but very severe fires. If bushfire protection measures only have to be tested once every few decades it is still a good investment in community safety to have development on the urban fringe and in rural areas resilient to bushfires.

12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

12.1 Roads

Strategic Plan Reference 1.1.1

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

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

Author: SPECIAL PROJECTS OFFICER (D MACKEY)

Date: 13 JANUARY 2020

Enclosure(s):

Simmons Wolfhagen – Letter dated 30th January 2020 (incl. Listmap attachment)

Extract from Council Minutes held 22nd January 2020.

F Miller – Email dated 9th December 2019

Simmons Wolfhagen – Letter dated 4th December 2019

F Miller – Email dated 1st December 2019

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

Survey Plans

ISSUE

Council to formally consider the submissions regarding the future of the north-eastern section of Craighourne Road, Colebrook, received from Simmons Wofhagen, acting on behalf of the abutting property owners (F Miller and M Nardi), dated 4th December 2019, associated emails received from Mr F Miller dated 1st & 9th December 2019 and verbal request made by the property owners and their legal representative at the Council meeting of 22nd January 2020.

BACKGROUND

Council considered this matter at the 22nd of January Council meeting, at which further verbal submissions were received from the abutting property owners and their legal representative (subsequently provided in writing – refer letter dated 30th January 2020 – attached).

At the meeting, the owners and their legal representative proposed that Council close the road to enable the possibility of the matter being determined by a magistrate. They also requested that Council further consider whether the road is unsafe and therefore should be closed pursuant to S.42 of the Local Government (Highways) Act 1982.

It was resolved to delay a determination so that advice could be sought on these matters, and on the status of those sections of the road formation that lie outside the road reservation.

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

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

Council's current position is that:

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

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

DETAIL

General

In summary, the intent of the various correspondence and verbal submission listed above received from Simmons Wolfhagen and the abutting landowners is to request Council to reconsider its position regarding the closure of the north-eastern section of Craighourne Road.

The submissions seek to provide Council with a proper understanding of the impact that the decision not to close this section of Craighourne Road is having on the adjoining landowners.

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

From a Council perspective, previous discussions relating to alleged trespassing can be addressed through fencing of the property along its Craighourne Road frontage. In this regard, Council engaged (and funded) a Surveyor to 're-peg' the relevant boundaries between the road reservation, the Craighourne Dam land and the private property. Mr Miller has been provided with a copy of the Survey Plan in an endeavour to address this very concern.

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

The Road

The survey found that sections of the actual formed road are outside the road reservation. This has led the adjoining landowners, through their solicitor, to:

1. Request that, if the road is not closed, it be reconstructed within the road reservation, and

2. Claim that the road, in its current form, is a risk to public safety as vehicles should be driving on the unformed sections of the road in places where the formed road is outside the road reservation. Therefore, they claim, the road is unsafe and should be closed pursuant to S.42 of the *Local Government (Highways) Act 1982*.

Portions of public roads lying outside road reservations are not an unusual occurrence in rural areas. Such sections of road are nevertheless legitimate public roads under common law.

Section 9 of the Highways Act 1951 defines the width of the 'road reserve' applying to such common law roads, as being the land between the fences where the width is not excessive and, where such roads are not fenced, the boundary is 2.5 metres from the edge of earthworks (in the absence of evidence to the contrary). If there is debate about where the boundary lies, there is provision for a determination to be made by a magistrate.

Therefore, there is no need for the road formation to be rebuilt within the road reservation indicated on the title plans and it cannot be argued that users must travel on this road reservation and therefore the road is unsafe.

The 4 December 2019 Submission

The following comments are provided in response to other specific issues raised in the Letter:

- Page 1 – 4th Paragraph – the letter makes reference to the Craighourne Road which passes over their land. It is important to note that the Craighourne Road is a Council-maintained public road. Their private property abuts the road.
- At the base of Page 1 of the letter, it makes reference to a Council concern relating to the cost of funding an application to the Magistrates Court if the Council decides to close Craighourne Road.

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

- Background Section: - on the construction of the Craighourne Dam in 1986, the relevant Council was Richmond Council, which was mostly absorbed into Clarence Council. It is on the creation of the Southern Midlands Council in April 1993 that the area around Craighourne Dam fell within the municipal area of the Southern Midlands. Council has not taken any steps to close that that part of the road that is unpassable. However, it can be assumed that this did occur following, or at the time, the Craighourne Dam was constructed although Council holds no record of this.
- Background Section – Public Access Point (north-eastern section of the Dam).

The Southern Midlands did write to the Minister for Primary Industries and Water (Hon G Barnett MHA) as his portfolio includes responsibility for Inland Fisheries. The intent of that submission was to seek assistance from the State Government to construct some form of basic infrastructure (and installation of signage) which clearly identifies the property boundaries and provides an area whereby vehicles can park; turn around; and be directed to the Dam without trespassing. This action was consistent with Council's earlier decision to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

- Page 3 – final paragraph – Road reservation. It is acknowledged that the Survey Plan shows:
 - a) that there are some minor deviations where the road, in its existing position, is not wholly within the surveyed road reservation; and
 - b) That in some locations, the existing wire fence on the eastern side of the road encroaches into the road reserve.

This was highlighted in a letter dated 8th March 2019 to F Miller and M Nardi, which included a comment that the most practical solution is to simply erect a fence on the western side of the road in its present location and avoid the need to relocate any fences on the eastern side.

As mentioned above, those sections of the formed road lying outside the road reservation are nevertheless sections of public road at common law, and if a new fence is erected along the road frontage where none has existed before, it should be setback 2.5 metres from earthworks (in the absence of evidence to the contrary).

- Page 7, Point 1: The landowners are not powerless to prevent significant financial impacts if the road remains open. They have the same option as all other property owners in rural areas, of fencing their public road frontage.
- Page 7, Point 2: Tasmania Police can provide the same level of support that they provide to other property owners in rural areas.
- Page 7, Point 3: The fencing of road frontage boundaries is not the responsibility of local government. Council must treat all property owners equally. To construct and maintain one owners' fence would, firstly, be unfair to other property owners and, secondly, set a precedent that would have enormous financial implications for Council.
- Page 7, Point 4: It is not accepted that the abutting landowners "will not gain anything" by the closure of the road and "there is no private benefit" to them. If the road were closed, they would not have to incur the cost of fencing the road and they would also have exclusive private access to the eastern side of Craighourne Dam, a significant public asset for which Inland Fisheries expends considerable resources to maintain its status as one of the key components of Tasmania's world renowned trout fishery.
- Page 7, Point 5: It is acknowledged that the closure of the road would, from a practical point of view, be a simple and cheap thing to do.

- Page 7, Point 6: The public consultation process carried out by Council revealed very strong support for the retention of the road. Whilst traffic counts have not been done, it is clear that the fishing fraternity, and others, greatly value public access to the eastern side of Craighourne Dam. Given Tasmania's international reputation as one of the best trout fisheries in the world, it is not surprising that some overseas submissions were received.
- Page 8, Point 7: The vast majority of members of the public are respectful of private property. Unfenced land adjacent to water bodies is usually public land, and assumed to be such by members of the public. This is not an unreasonable assumption. The existence of a fence not only creates a physical barrier to unauthorised entry, it sends a clear message that the land is in fact private land.

Closure of the Road to Prompt a Possible Determination by Magistrate

The verbal submission received at the 22nd of January 2020 Council meeting included the suggestion that Council close the road to open-up the possibility that the matter will ultimately be determined by a magistrate.

A decision by Council to refuse a request to close a public road cannot be then appealed before a magistrate. However, a decision to grant such a request can be, if members of the public choose to launch such an appeal.

If it is Council's view that the road remain open, (which is the currently the case), then it would be inappropriate to determine to close the road, on the basis that such a decision would enable the possibility that the matter be ultimately determined by a magistrate. This course of action is not recommended.

CONCLUSION

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

Council, Inland Fisheries and Tasmanian Irrigation remain committed to formalising a parking area and fishing access at the end of Craighourne Road on Tasmanian Irrigation land, including signage and physical barriers to prevent unauthorised vehicular access to private land. However, this can only be done in cooperation with the abutting landowners who, crucially, would need to fence their road frontage at the same time.

Human Resources & Financial Implications – Refer comment above.

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

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

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

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

- *Highly popular public fishery destination due to close proximity to Hobart and high level stocking policy;*
- *Primary cause of problems being experienced by the property owner by a small minority are a direct result of their failure to properly fence their property which would deter any unauthorised access;*
- *Council should remove the illegal gate which is frequently locked that obstructs access to the public road and reinstate a cattle grid or have the owner erect proper fencing;*
- *This area is the best sheltered access for people to fish from shore (for those that don't own a boat) and to utilise kayaks and canoes – also ideal access point to fish from for the elderly, those with mobility issues, young families etc;*
- *Closure will damage the efforts of Inland Fisheries Service to promote the lake as a tourism drawcard and economic benefits for Southern Midlands lost;*
- *Disagree with public safety aspect of closure, any trespassing/anti-social issues experienced are a police matter and would be dealt with accordingly;*
- *Believe the closure will solely benefit one property owner only but in the process will disadvantage thousands of recreational anglers; the vast majority of anglers who visit this area do the right thing and shouldn't be disadvantaged by a very small minority who may do the wrong thing;*
- *Dam used to access water for firefighting purposes;*
- *Craigbourne Road is a public road, the property was purchased knowing this road was public access - urge Council to maintain its status as a public road.*

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

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

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

- *Express support for the permanent closure of Craigbourne Road as I am satisfied that this road serves no public use and does not impact my ability to use the Craigbourne Dam for recreational pastimes as I can use the public carpark and facilities on the southern end of the Dam – 9 signatories;*
- *Person has witnessed continued vandalism and trespass on the Mt Baines and adjoining property; seen fences damaged and cut as people use this road to illegally*

- hunt and fish the dam; person has been verbally abused and physically assaulted when asking people to leave his property (and Mt Baine's property);*
- *Witnessed drunken persons illegally hunting and discharging firearms; only a matter of time before someone is seriously injured or killed; have seen the dangers first hand of people putting themselves in danger trying to launch boat in the Dam from the shoreline; witnessed antisocial behaviour and for the safety of the public close the road.*
 - *Person has lived in close proximity for some years and has had nothing but concern for their property's safety and the poor livestock that call this area home. The traffic and action of many at all hours on this road it is clear that it is not being used for its intended use and is cause for concern or all.*
 - *Seen burn out circles on pasture; rubbish, broken bottles etc.; cutting down anything that will burn. Has been informed that a person must be on the property every night to prevent break-ins; state of the dam foreshore shows what goes on at night after the people who follow the rules leave.*
 - *Agrees with the property owners, access to the dam over their land should be restricted. Council either buys the land to make it public access or (support the landowners) fence so that fishers must drive to the ramp. To be intimidated and suffer damage on your own land is insufferable.*

Policy Implications – Policy position.

Priority - Implementation Time Frame – N/A.

RECOMMENDATION

THAT Council:

1. Maintain its position that the north-eastern section of Craighourne Road (accessed via Link Road) remain open;
2. Maintain its offer to work with Inland Fisheries and Tasmanian Irrigation to develop a formal area at the end of the road on Tasmanian Irrigation land for vehicle parking and access to Craighourne Dam, including signs and physical barriers to prevent access to private land, in conjunction with the fencing of the Craighourne Road road frontage by the abutting landowners.

DECISION

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

THAT Council:

1. **Maintain its position that the north-eastern section of Craighourne Road (accessed via Link Road) remain open;**
2. **Maintain its offer to work with Inland Fisheries and Tasmanian Irrigation to develop a formal area at the end of the road on Tasmanian Irrigation land for vehicle parking and access to Craighourne Dam, including signs and physical barriers to prevent access to private land, in conjunction with the fencing of the Craighourne Road road frontage by the abutting landowners.**

CARRIED

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

ENCLOSURE
Agenda Item 12.1.1



Contact: Adam Eeason
Our Ref: ARB-NAB-192490

30 January 2020

Mr R Curtis
Abetz Curtis Lawyers
83 Davey Street
HOBART TAS 7000

By email: rcurtis@abetzcurtis.com.au

Dear Mr Curtis

Closure of Craighourne Road

I refer to the Council meeting which took place on 22 January 2020 at the Colebrook Memorial Hall.

Firstly, could you please pass on our thanks to the councillors for their attention during our presentation.

This letter provides our understanding of the outcome of the meeting and next steps in this process.

During the meeting Councillor Bisdee asked my client about the photographic evidence of the vandalism and other unlawful behaviour which is regularly taking place on his property due to the relevant Council road being open. He also referred to a chronology of events.

My client will prepare a document which sets out the chronology and provides photographic material to assist the councillors to understand the scale of the issue confronting my client.

The Deputy Mayor raised the issue of actual use of the road in terms of weighing its benefit against Council's costs of realignment, making safe and maintenance. The prospect of installation of a vehicle counter was raised.

My client strongly supports an assessment of actual use. Having reflected on the best means to get good information on this, he is concerned that a vehicle counter in isolation may not provide reliable data. Persons may seek to inflate the results during the measurement period. To ensure verifiable data, a motion sensing

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- Employment & Industrial Relations Law
- Regulatory, Insurance, Insurance Claims, Professional Indemnity
- Personal Injury, Personal Injury Litigation
- Building, Construction and Engineering Law

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camera should be installed to photograph vehicles as they cross the counter. These cameras are in regular use and are not expensive.

Further to that a camera should also be placed at the end of the Council road where the Tasmanian Irrigation land commences. Responsible use of the Council road occurs when it is used to access the dam (to fish or for other recreational activities) from the Tasmanian Irrigation land.

My client's experience is many users leave the Council road before the dam (meaning they are immediately trespassing) and go north. A camera placed at the end of the Council road will enable verification as to which users actually traverse the road in the intended and appropriate fashion.

It should also be noted some road users continue beyond the end of the Council road and trespass and vandalise property to the south. A camera in this area will enable the number of vehicles doing this to be determined.

For clarity we **enclose** a map showing the suggested location for these devices.

The presentation to Council included reference to section 42 of the *Local Government (Highways) Act 1982*. My client believes the road is unsafe and that pursuant to section 42, the road should be closed until it is made safe. The safety issues arise from:

- 1) The gravel surface is not entirely within the road reserve meaning people (to lawfully use the Council road) must leave the surface and travel across an unmade section.
- 2) At the west end of the Council road there is a steep slope and precipitous drop with no barrier or signage. If vehicles entered that area, property damage and personal injury is very likely.
- 3) There is also nothing preventing persons continuing to drive along a very dangerous and rough stretch of road along the dam edge. My client has evidence that people drive along this road. It is apparent unauthorised persons have removed obstructions put in place by previous landowners and also large boulders that have fallen onto the road from the road cut.

Under section 42, Councils engineer, or an authorised officer is tasked with considering whether a local highway is unsafe to traffic or a particular class of traffic.

It was indicated during the meeting that Council would consider this safety issue and have the necessary assessment conducted by its engineer and authorised officer.

That assessment may benefit from an understanding of the use of the road from my client. I would encourage Council's engineer to contact Mr Miller directly. My client also gives his permission for Councils engineer or authorised officer to enter

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his property in the area where the road is currently aligned outside the road reserve. If access into my client's property is otherwise required, Mr Miller consents to that, subject to being given 24 hours prior notice of the time and place the officer(s) intend to enter the land.

We understand that following the use and safety assessment Council will again consider whether the road should be closed under section 14 and whether it should be closed under section 42.

If the process and actions summarised above are inaccurate, please let me know.

Please contact me if you would like to discuss this letter.

Yours faithfully
Simmons Wolfhagen



Adam Beeson

Senior Associate | Local Government, Environment, Planning & Development Law
adam.beeson@simwolf.com.au

Listmap

www.thelist.tas.gov.au

Land Tasmania

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Southern Midlands Council
DRAFT Minutes – 22 January 2020 EXTRACT

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

Author: SPECIAL PROJECTS OFFICER (D MACKEY)

Date: 13 JANUARY 2020

Enclosure(s):

F Miller – Email dated 9th December 2019

Simmons Wolfhagen – Letter dated 4th December 2019

F Miller – Email dated 1st December 2019

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

ISSUE

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

BACKGROUND

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

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

In terms of Council's current position:

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

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

DETAIL

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

Southern Midlands Council
DRAFT Minutes – 22 January 2020 EXTRACT

The letter seeks to provide Council with a proper understanding of the impact that the decision not to close this section of Craighourne Road is having on their clients. In reference to the letter, circumstances are detailed which relate to trespass on the property which adjoins the Craighourne Dam.

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

The following comments are provided in response to other specific issues raised in the Letter:

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

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

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

- Page 3 – final paragraph – Road reservation. It is acknowledged that the Survey Plan shows:
 - a) that there are some minor deviations where the road, in its existing position, is not wholly within the surveyed road reservation; and
 - b) That in some locations, the existing wire fence on the eastern side of the road encroaches into the road reserve.

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

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

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

Human Resources & Financial Implications – Refer comment above.

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

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

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

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

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

Southern Midlands Council
DRAFT Minutes – 22 January 2020

EXTRACT

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

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

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

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

- *Express support for the permanent closure of Craigbourne Road as I am satisfied that this road serves no public use and does not impact my ability to use the Craigbourne Dam for recreational pastimes as I can use the public carpark and facilities on the southern end of the Dam – 9 signatories;*
- *Person has witnessed continued vandalism and trespass on the Mt Baines and adjoining property; seen fences damaged and cut as people use this road to illegally hunt and fish the dam; person has been verbally abused and physically assaulted when asking people to leave his property (and Mt Baine's property);*
- *Witnessed drunken persons illegally hunting and discharging firearms; only a matter of time before someone is seriously injured or killed; have seen the dangers first hand of people putting themselves in danger trying to launch boat in the Dam from the shoreline; witnessed antisocial behaviour and for the safety of the public close the road.*
- *Person has lived in close proximity for some years and has had nothing but concern for their property's safety and the poor livestock that call this area home.*

Southern Midlands Council
DRAFT Minutes – 22 January 2020

EXTRACT

The traffic and action of many at all hours on this road it is clear that it is not being used for its intended use and is cause for concern or all.

- *Seen burn out circles on pasture; rubbish, broken bottles etc.; cutting down anything that will burn. Has been informed that a person must be on the property every night to prevent break-ins; state of the dam foreshore shows what goes on at night after the people who follow the rules leave.*
- *Agrees with the property owners, access to the dam over their land should be restricted. Council either buys the land to make it public access or (support the landowners) fence so that fishers must drive to the ramp. To be intimidated and suffer damage on your own land is insufferable.*

Policy Implications – Policy position.

Priority - Implementation Time Frame – N/A.

Southern Midlands Council
DRAFT Minutes – 22 January 2020

EXTRACT

RECOMMENDATION

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

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

Permission to Address Council

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

- Mr Fraser Miller and his legal representative.

Mr Miller addressed Council advising that no progress has been made and no solution has been provided. Mr Miller highlighted ongoing cases of vandalism, trespass, illegal hunting, stock losses and illegal 'rave parties' on his property.

He is concerned that Craighourne Road is not being used responsibly and he is being denied lawful use of a significant part of his land. He believes that now is the time to act and resolve the ongoing issues that have been occurring for many years for this section of the road.

Mr Miller's legal representative then addressed Council. It was requested that Council reconsider its decision not to close this section of the road. He understands the public benefit in access to the dam but there is an escalation of problems being experienced on his client's property. Police are unable to help in this situation due to lengthy response times given the remote location of the road. Fencing is not a realistic option as the length is approximately 2.4 klms, and there is an alternative access to the Dam.

It was commented that the best way forward is for council to have an independent third party resolve the matter (i.e. Magistrate) noting that to go down this pathway Council would need to decide to close the road. Any objections can then be referred to the Court to decide. Mr Miller has offered to make a contribution for Councils reasonable legal fees if this course of action is undertaken.

Reference was also made to Section 42 of the *Local Government (Highways) Act 1982* which enables Council to close a 'dangerous highway' following report by an engineer or an officer authorised to prepare a report as provided in section 41 of that Act.

Southern Midlands Council
DRAFT Minutes – 22 January 2020

EXTRACT

DECISION

Moved by Cllr A E Bisdee OAM, seconded by Cllr R McDougall

THAT, in light of the issues raised during the presentation by the property owner and the representative from Simmons Wolfhagen, Council defer a decision at this meeting pending receipt of further qualified advice.

CARRIED

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

Timothy Kirkwood

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

Sent from my iPhone

Begin forwarded message:

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

Alex,

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

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

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

I have reported these matters to the police.

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

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

Cheers,

Fraser





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

4 December 2019

Nathan Street
Abetz Curtis

By email: nstreet@abetzcurtis.com.au

Dear Mr Street,

Closure of Craighourne Road

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

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

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

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

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

Hobart Office

Address: Level 4, 99 Bathurst Street
Hobart TAS 7000
www.smlaw.com.au

Launceston Office

Address: 45 Cameron Street
Launceston TAS 7250
www.smlaw.com.au

ABN: 31635248978

Phone: 081 422 2222

Lawyers specialising in

- Business Acquisitions, Partnerships, Company & Commercial Law
- Conveyancing, Property Development, Estates & Wills
- Family & Dispute Resolution Law

SIMMONS WOLFHAGEN

Background

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

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

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

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

Impacts

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

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

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

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

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

Council Response

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

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

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

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

SIMMONS WOLFHAGEN

Ongoing Concerns

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

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

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

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

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

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

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

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

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

SIMMONS WOLFHAGEN

Closure of part of Craighourne Road

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

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

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

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

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

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

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

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

SIMMONS WOLFHAGEN

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

Outcome Sought

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁶ For example, there were people who reside in Canada who signed the petition

SIMMONS WOLFHAGEN

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

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

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

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

Yours faithfully
Simmons Wolfhagen



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

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

Alex,

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

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

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

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

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

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

Cheers,
|
Fraser

Southern Midlands Council
Minutes – 23 January 2019

12.1 Roads

Strategic Plan Reference 1.1.1

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

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

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 15 JANUARY 2019

Enclosure(s):

Map of proposed road closure point

Extract from Council Minutes held 24th October 2018

Legal Advice from Abetz Curtis dated 6th November 2018

Extract from Council Minutes held 28th November 2018

Attachment:

Submissions received regarding proposed closure.

ISSUE

To:

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

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

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

BACKGROUND

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

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

Council resolved as follows:

Southern Midlands Council
Minutes – 23 January 2019

THAT:

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

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

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

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

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


Council resolved as follows:

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

Southern Midlands Council
Minutes – 23 January 2019

DETAIL

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


**SOUTHERN
MIDLANDS
COUNCIL**

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

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

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

Written submissions can be sent to the General Manager, 71 High Street, Oatlands or can be emailed to mail@southernmidlands.tas.gov.au. Written submissions will be received up until close of business on 17th December 2018.

TF Kirkwood
GENERAL MANAGER

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

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

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

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

Southern Midlands Council
Minutes – 23 January 2019

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

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

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

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

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

Southern Midlands Council
Minutes – 23 January 2019

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

General Managers' Comments:

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

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

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

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

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

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

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

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

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

Southern Midlands Council
Minutes – 23 January 2019

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

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

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

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

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

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

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

Southern Midlands Council
Minutes – 23 January 2019

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

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

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

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

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

THAT:

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

Human Resources & Financial Implications – Refer comment above.

Southern Midlands Council
Minutes – 23 January 2019

Community Consultation & Public Relations Implications – Refer detail provided.

Policy Implications – Policy position.

Priority - Implementation Time Frame – N/A.

RECOMMENDATION

THAT:

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

DECISION

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

THAT

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

CARRIED

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

Southern Midlands Council
Minutes – 23 January 2019

ENCLOSURE(S)
Item 12.1.1



Southern Midlands Council
Agenda – 23 January 2019

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

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

10.1 CRAIGBOURNE ROAD, COLEBROOK

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

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

BACKGROUND (Comments provided by Deputy Mayor A Green)

Supporting comments to be provided at the meeting.

General Manager's Comments:

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

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

"14. Closure and diversion of highways

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

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

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

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

(ii) has been served on the Transport Commission;

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

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

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

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

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

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

Southern Midlands Council
Minutes – 23 January 2019

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

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

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

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

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

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

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

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

Craigbourne Road

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

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

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

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

Background Comments

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

Southern Midlands Council
Minutes – 23 January 2019

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

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

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

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

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

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

Southern Midlands Council
Minutes – 23 January 2019

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

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

Notes:

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

Actions:

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

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

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

[End – Site Meeting Notes]

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

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

Concluding Comments

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

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

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

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

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

Southern Midlands Council
Minutes – 23 January 2019

RECOMMENDATION

For discussion.

DECISION

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

THAT:

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

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A R Bartick	√	
Cllr E Batt	√	
Cllr R Campbell	√	
Cllr D F Fish	√	

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

Southern Midlands Council
Minutes – 23 January 2019



6 November 2018

General Manager
Southern Midlands Council
PO Box 21
OATLANDS TAS 7120

ATTENTION: Mr T Kirkwood
BY EMAIL: tkirkwood@southernmidlands.tas.gov.au

Dear Tim,

CRAIGBOURNE ROAD CLOSURE

Thank you for your instructions on this matter.

1. Your Instructions

1.1 At the most recent Council meeting, Deputy Mayor Alex Green submitted a Notice of Motion proposing to close the section of Craighourne Road, Colebrook between 32 Craighourne Road and Craighourne Dam ("Road").

1.2 You have asked the following questions:

- (a) For the purposes of s. 14 of the *Local Government (Highways) Act 1982*, what constitutes "public benefit"?
- (b) Is there sufficient grounds for Council to rely on "reasons of public benefit" to close the Road?
- (c) Is there sufficient grounds for Council to rely on the "interests of public safety" to close the Road?

1.3 I assume you accept there is no basis to argue that the Road should be closed due to "lack of use",¹ so I have not explored this in detail.

¹ It is the use of the road that is causing the public safety issues.

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2. Summary of Advice

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

3. Background

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

Southern Midlands Council
Minutes – 23 January 2019

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

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

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

Southern Midlands Council
Minutes – 23 January 2019

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

5. Application of the Law to the Facts

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

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

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

Southern Midlands Council
Minutes – 23 January 2019

- 5.5 However you could also argue that these risks are best left to be addressed by the law of trespass, rather than justifying the closure of the Road. It is also unclear whether closure of the Road would effectively prevent the risk from arising.⁶
- 5.6 The public safety risks to the owners are to be weighed up against the public benefit in the Road remaining open.
- 5.7 Whilst my instructions do not extend to the reasons why the Road is still accessed by the public, I would assume it is used to access the Dam for fishing⁷ from the north-eastern side, rather than driving 13 kilometres to the south-western side.
- 5.8 The full extent of this benefit (and whether it would be in the “*net public benefit*” to close the road in light of the above) requires more detailed instructions as to how and why the Road is still used.
6. Advice
- 6.1 There are factors in support of, and in opposition to closing the Road. It is, in my view, at least arguable that the public safety risk outweighs the public benefit in keeping the Road open, however there is also an argument to the contrary. The argument to the contrary may be stronger if further instructions suggest that the use of the Road to access the Dam is still widespread.
- 6.2 Importantly, Council are provided a discretion by s. 14 of the Act. Council are not obligated to close the Road even if Council were satisfied that the risks to public safety outweighed the public benefit of keeping the Road open.
- 6.3 It is worth noting that if Council were to close the Road, any interested person could then object to the closure by written notice to the Council, after which Council would have to refer the objection to Magistrates Court (Administrative Appeals Division). The Court would then review the objection and either uphold the objection or authorise the closure.
- 6.4 It is worth noting that there is no power within the Act for an interested person to appeal a decision by Council not to close a Road.
- 6.5 This should be taken into account when conducting the balancing exercise prescribed by s. 14 of the Act, as should costs factors associated with closing the Road (or not closing the Road).
- 6.6 Given the above, it would be reasonable for Council to require that it be persuaded further by the owners (with reference to supporting evidence) before making a final decision regarding the closure of the Road.

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

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

Southern Midlands Council
Minutes – 23 January 2019

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

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

Yours faithfully

ABETZ CURTIS

Per:



OLIVER ROBINSON

email: orobinsons@abetzcurtis.co.uk
file ref: 180561

Southern Midlands Council
Minutes – 23 January 2019

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

12.1.1 CRAIGBOURNE ROAD – PROPOSED ROAD CLOSURE

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 15 NOVEMBER 2018

Enclosure:

Legal Advice from Abetz Curtis dated 6th November 2018

Extract from Council Minutes held 24th October 2018

ISSUE

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

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

BACKGROUND

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

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

Council resolved as follows:

“THAT:

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

Southern Midlands Council
Minutes – 23 January 2019

DETAIL

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

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

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

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

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

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

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

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

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

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

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

Southern Midlands Council
Minutes – 23 January 2019

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

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

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



DRAFT

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

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

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

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

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

TF Kirkwood
GENERAL MANAGER

Human Resources & Financial Implications – Refer comment above.

Community Consultation & Public Relations Implications – Refer detail provided.

Policy Implications – Policy position.

Priority - Implementation Time Frame – N/A.

Southern Midlands Council
Minutes – 23 January 2019

RECOMMENDATION

Submitted for discussion and direction.

DECISION

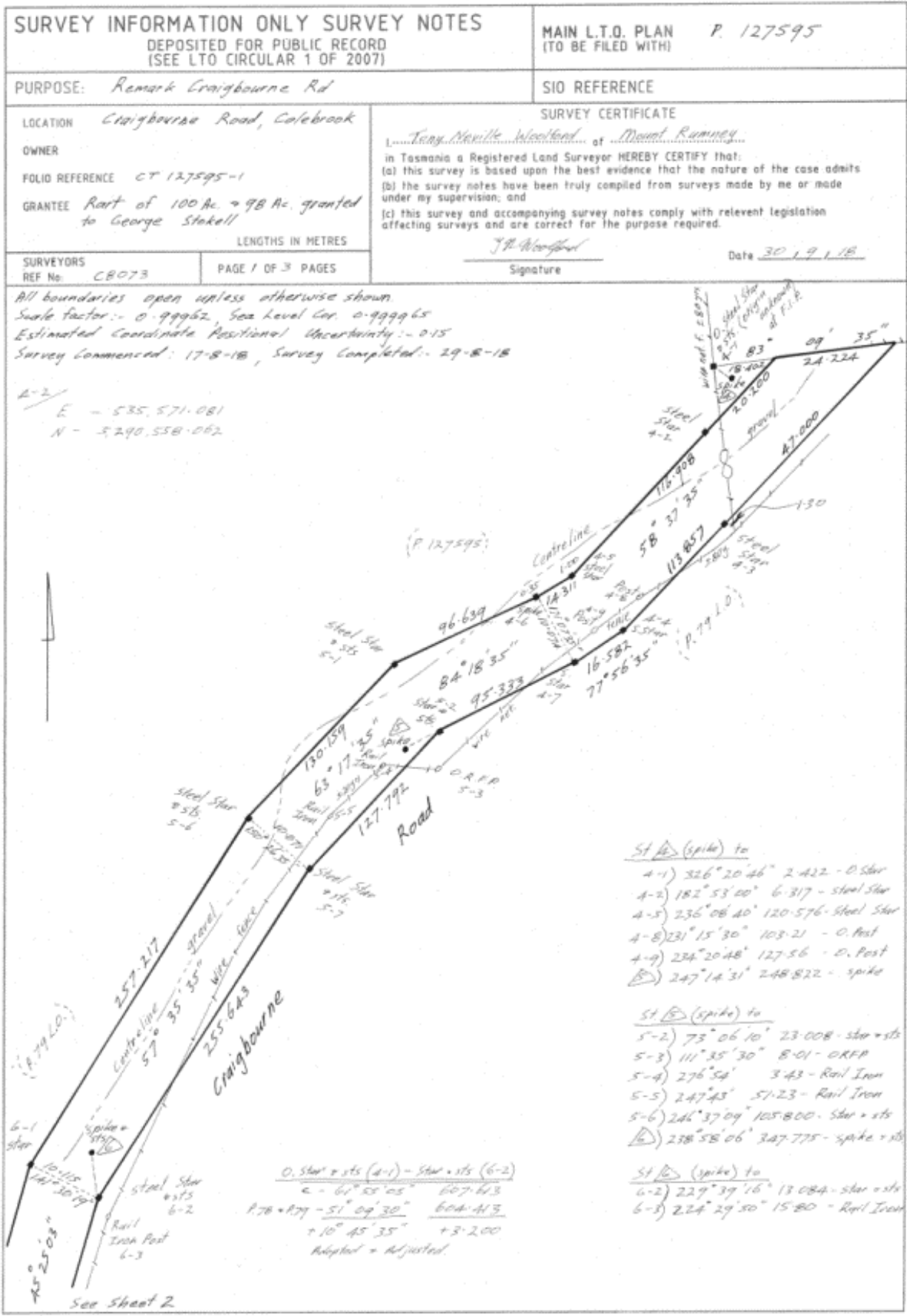
Moved by Deputy Mayor E Batt, seconded by Cllr A E Bisdee

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

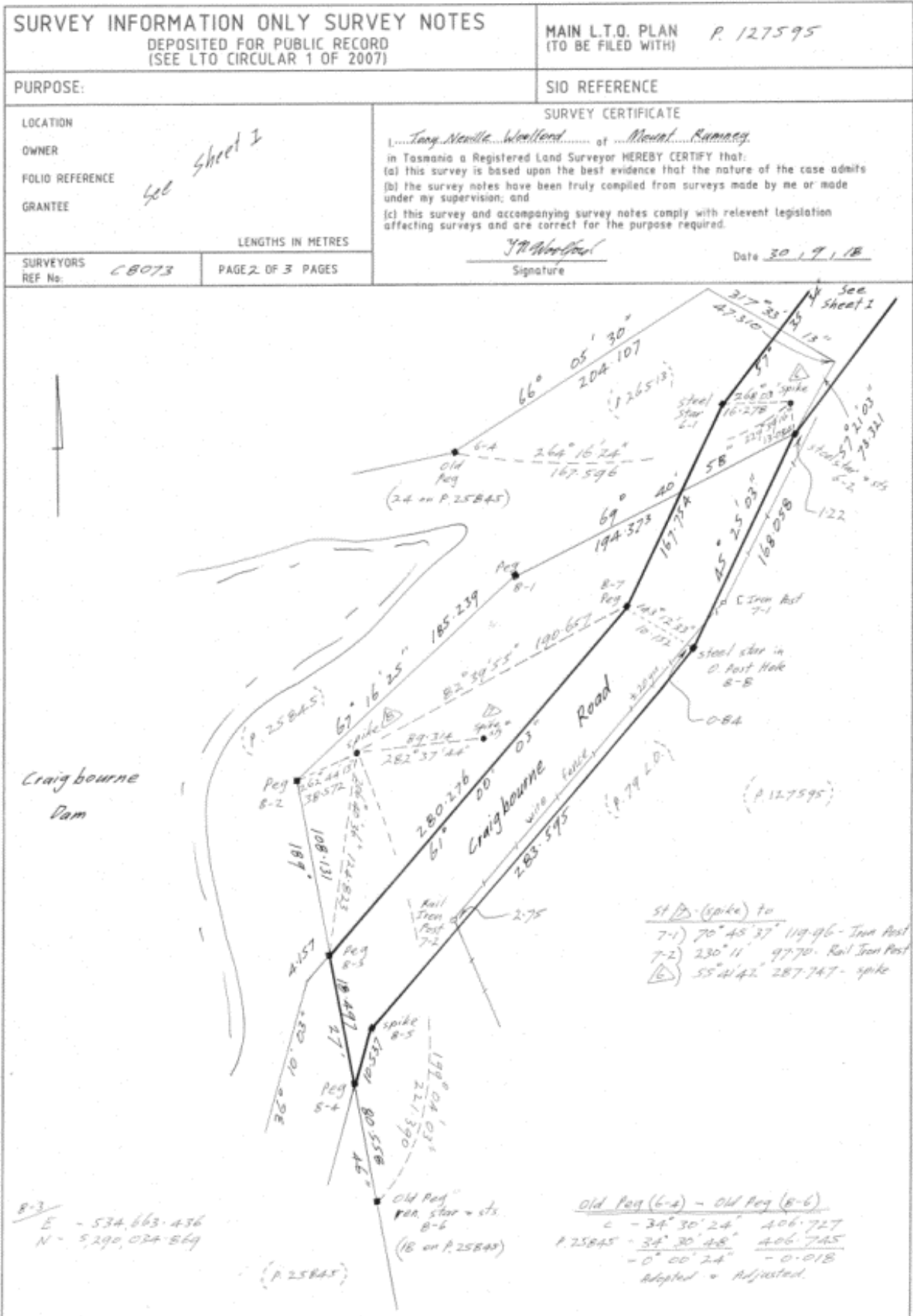
CARRIED

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

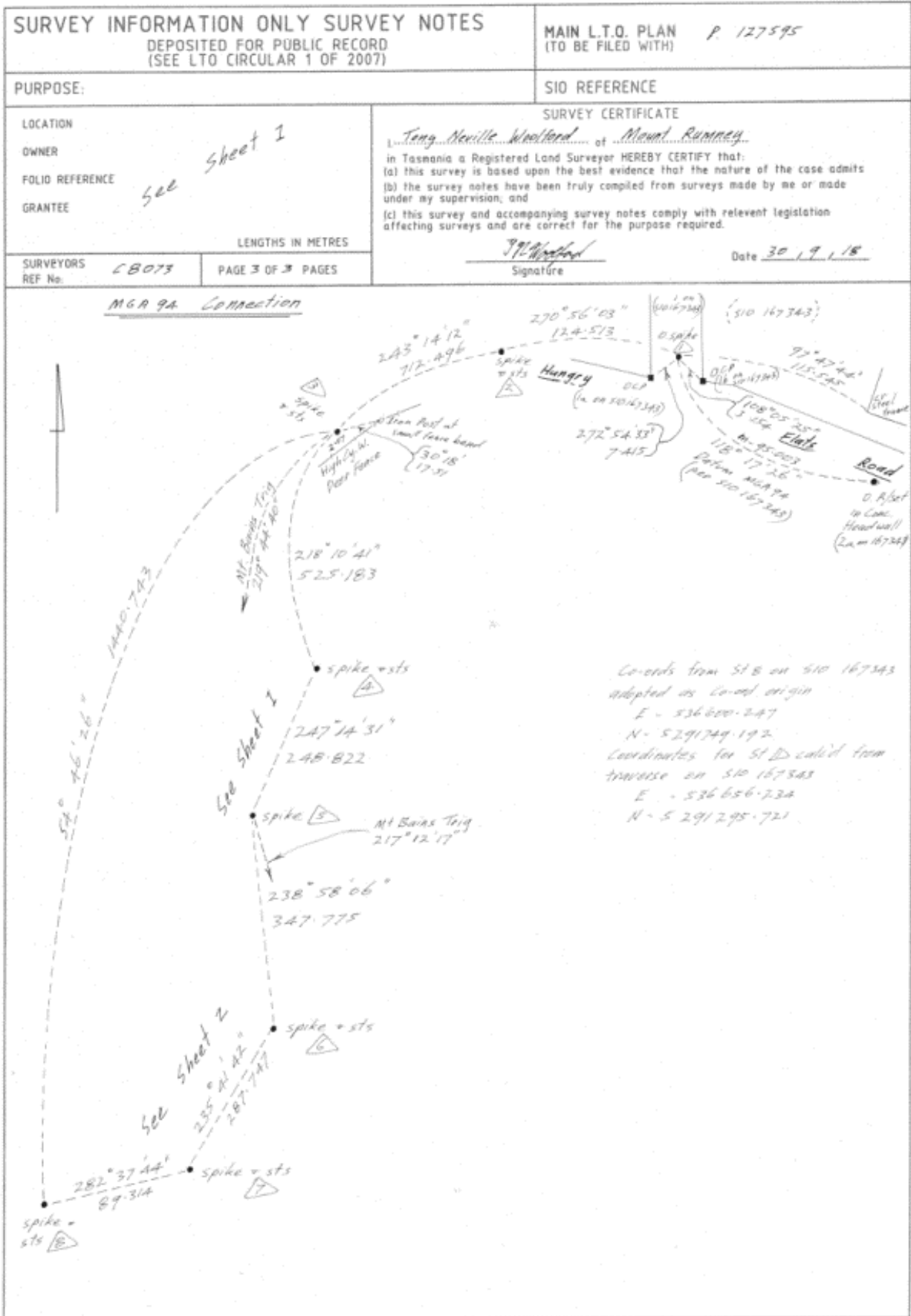
[END EXTRACT - MINUTES OF COUNCIL MEETING HELD 28 NOVEMBER 2018]



(6-1)



(L-1)



(4-1)

DECISION

Moved by Cllr K Dudgeon, seconded by Cllr D Fish

THAT the meeting be adjourned for lunch at 1.03 p.m.

CARRIED

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

DECISION

Moved by Cllr K Dudgeon, seconded by Cllr D Fish

THAT the meeting be reconvened at 2.04 p.m.

CARRIED

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

David Cundall (Manager, Development and Environment Services) & Jacqui Tyson (Senior Planning Officer) left the meeting at 2.04 p.m.

12.2 Bridges

Strategic Plan Reference 1.2.1

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

Nil.

12.3 Walkways, Cycle ways and Trails

Strategic Plan Reference 1.3.1

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

Nil.

12.4 Lighting

Strategic Plan Reference 1.4.1a & 1.4.1b

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

Nil.

12.5 Buildings

Strategic Plan Reference 1.5.1

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

Nil.

12.6 Sewers / Water

Strategic Plan Reference(s) 1.6.1 & 1.6.2

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

Nil.

12.7 Drainage

Strategic Plan Reference 1.7.1

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

Nil.

12.8 Waste

Strategic Plan Reference 1.8.1

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

Nil.

12.9 Information, Communication Technology

Strategic Plan Reference 1.9.1

Improve access to modern communications infrastructure.

Nil.

12.10 Officer Reports – Infrastructure & Works

12.10.1 MANAGER – INFRASTRUCTURE & WORKS REPORT

Author: MANAGER INFRASTRUCTURE & WORKS (JACK LYALL)

Date: 13 FEBRUARY 2020

Roads Program

Roadside slashing is currently occurring in the Kempton and Bagdad areas.

Beams for the Nutting Garden Rivulet Bridge are being cast this week.

Town and General Maintenance

Town and general maintenance is continuing in all other areas.

Waste Management Program

Operating arrangements at the Waste Transfer Stations are working well.

QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

Clr Fish – Kempton to Mood Food pathway - would bitumen be cheaper than concrete?
Advised less maintenance etc. required with concrete walkway/increased life span.

Clr McDougall – large potholes on Colebrook road. Kerb and gutter near church on council road require attention.

Clr Bisdee – reseal of Jericho Main Road. Will the surface be sprayed prior to application of seal?

Deputy Mayor – Lovely Banks Road - maintenance grading and minor re-sheeting as required.

Clr Dudgeon – Tunbridge drainage / culverts - as raised by members of the public. To be assessed noting that some may not be on Council maintained roads.

RECOMMENDATION

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

DECISION

Moved by Clr K Dudgeon, seconded by Clr A Bisdee OAM

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

CARRIED

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

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

13.1 Residential

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

Nil.

13.2 Tourism

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

Nil.

13.3 Business

Strategic Plan Reference 2.3.1a, 2.3.1b & 2.3.1c
Increase the number and diversity of businesses in the Southern Midlands / Increase employment within the municipality / Increase Council revenue to facilitate business and development activities (social enterprise).

Nil.

13.4 Industry

Strategic Plan Reference 2.4.1 & 2.4.2
Retain and enhance the development of the rural sector as a key economic driver in the Southern Midlands / Increase access to irrigation water within the municipality.

Nil.

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

14.1 Heritage

Strategic Plan Reference 3.1.1, 3.1.2 & 3.1.3

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

14.1.1 HERITAGE PROJECT PROGRAM REPORT

Author: MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

Date: 13 FEBRUARY 2020

ISSUE

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

DETAIL

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

- The SMC/UTas collaboration *Convict Archaeology in the Southern Midlands – Convict Archaeology Fieldschool* was successfully staged over a two-week period at the Picton Road Station site near Kempton. 19 students participated with three areas of the station investigated. The exhibition at the Kempton Watch house attracted approximately 100 attendees (will be open again for Kempton Festival). Media interest resulted in the following:
 - Mercury article
 - Tasmanian Talks (Launceston) radio interview
 - ABC radio interview
 - WinTV and 7Tasmania news stories
 - Mainland news articles (National Tribune, Mirage News).
 - *Transcripts/links will be provided to Councillors via the Weekly Information bulletin.*
- Establishment of 'If the walls could talk' project. This project aims to deliver social media posts over the next six months telling heritage stories through grafitti, surface finishes, convict inscriptions, etc – basically anything found on the walls of a heritage building which tell a story. Stage One has begun, with several visits to the Spring Hill Watch House which has very well-preserved convict grafitti in the former Mens' Ward. The first social media post from the Watch House will go out this Friday, and tells the story of John Keogh, a convict at the Watch House in 1845. Will use Instagram & Facebook. Other sites have been the subject of twice weekly social media posts with reach extending from an average of 900 up to 3500 people. Initial

preparations for a larger scale exhibition under the same name for the National Trust, National Heritage Festival in April.

- Liaising with staff from Brighton & Northern Midlands Councils to discuss combining themes & dates for the 2021 200-year celebrations as multiple towns turn 200 along the Heritage Highway.
- Meeting with Port Arthur Education to discuss ways to enhance visitor experiences & heritage education resources for Oatlands.
- Spring Hill Watch House Project, photographing, documenting & researching the building, the graffiti & it's context within the convict history of the Southern Midlands.
- Assisting with planning/design work for the Victoria Hall (Kempton) forecourt and façade upgrade.
- Hosting Juliet Tillson, Artist in Residence at the Oatlands Gaol. Councillors will be invited to a forthcoming exhibition at the Heritage Hub.
- Liaising with Hunter Island Press for exhibition in May.
- Processing of archaeological artefacts deriving from the CASM-CAFS project, including planning conservation strategies and finalisation of the 2019-20 excavation reports and artefact catalogues.
- Audit of reservation conditions for SMC collections in heritage buildings.

RECOMMENDATION

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

DECISION

Moved by Cllr D Fish, seconded by Cllr R McDougall

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

CARRIED

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

14.2 Natural

Strategic Plan Reference 3.2.1 & 3.2.2

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

14.2.1 NRM UNIT – GENERAL REPORT

Author: NRM PROGRAMS MANAGER (MARIA WEEDING)

Date: 11 FEBRUARY 2020

ISSUE:

Southern Midlands Landcare Unit Monthly Report.

DETAIL

- Maria Weeding has been busy with meetings in relation to the pathway upgrade for the Lake Dulverton foreshore. This includes a meeting with the Works Department and the Green Track / Dirt Glue representatives in regard to training for using the Dirt Glue product. A Vegetation Survey is to be undertaken on the pathway route, possibly in the next two weeks.
- Maria Weeding has continued to be busy with the Callington Park Playground upgrade.
- Some Council staff met with Aboriginal Heritage Tasmania (AHT) and Parks & Wildlife in regard to the pine tree area at Mahers Point. A process to move forward to tidy the area has been proposed by AHT. Council has not been able to undertake works on the site since the initial felling of the trees occurred. A permit application for the works involved to tidy the area has now been submitted to AHT for their consideration at their March meeting. Should the proposed works process be accepted by AHT, then a permit will need to be signed by the relevant Minister to proceed. There is no indication as to how long it will take to get the signed permit.
- Helen Geard has been away for a time in January, on annual leave.

The Weeds Officer Jen Milne has provided the following report for the month ending 11th February 2020.

WEEDS REPORT:

Site visits and roadside weed control

- Re-inspected St Johns wort on Little Plains Road (successfully controlled, just 2 seedlings). New locations found at Rhyndaston (controlled) and Kempton (to be inspected).
- Broom gall mite release sites inspected on Tunnack Road (from 2018 release). Gall mite present on majority of broom plants along this road corridor and adjacent properties.
- Re-inspected Spanish heath in Levendale area. Removed 60 seedlings from old school site.

- Site visits to Woodbury with landowners to discuss thistle management.

Projects

- Demonstration of a Quick Steam spray unit at works depot by Quick Spray.
- Records of cotton thistle created to weed database and new data recorded.

Communications

- Social media posts for awareness of zone A thistles in flower.

RECOMMENDATION

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

DECISION

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

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

CARRIED

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

14.3 Cultural

Strategic Plan Reference 3.3.1

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

Nil.

14.4 Regulatory (Other than Planning Authority Agenda Items)

Strategic Plan Reference 3.4.1

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

Nil.

14.5 Climate Change

Strategic Plan Reference 3.5.1

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

Nil.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)

15.1 Community Health and Wellbeing

Strategic Plan Reference 4.1.1

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

Nil.

15.2 Youth

Strategic Plan Reference 4.2.1

Increase the retention of young people in the municipality.

Nil.

15.3 Seniors

Strategic Plan Reference 4.3.1

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

Nil.

15.4 Children and Families

Strategic Plan Reference 4.4.1

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

Nil.

15.5 Volunteers

Strategic Plan Reference 4.5.1

Encourage community members to volunteer.

Nil.

15.6 Access

Strategic Plan Reference 4.6.1a & 4.6.1b

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

Nil.

15.7 Public Health

Strategic Plan Reference 4.7.1

Monitor and maintain a safe and healthy public environment.

Nil.

15.8 Recreation

Strategic Plan Reference 4.8.1

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

Nil.

15.9 Animals

Strategic Plan Reference 4.9.1

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

Nil.

15.10 Education

Strategic Plan Reference 4.10.1

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

Nil.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

16.1 Capacity

Strategic Plan Reference 5.1.1 & 5.1.2

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

Nil.

16.2 Safety

Strategic Plan Reference 5.2.1

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

Nil.

16.3 Consultation & Communication

Strategic Plan Reference 5.3.1

Improve the effectiveness of consultation and communication with the community.

Nil.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 Improvement

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

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

Nil.

17.2 Sustainability

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

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

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

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 13 FEBRUARY 2020

Enclosure(s):

Local Government Shared Services Update – December 2019

Local Government Shared Services – Council Update – December 2019

ISSUE

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

BACKGROUND

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

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

DETAIL

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

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

Councillors will note that the Southern Midlands Council provided 56 hours of service to other Councils and received 9 hours of services from other Councils during the month.

Details of services provided are included in the enclosures.

Community Consultation & Public Relations Implications – Nil

Policy Implications – N/A

Priority - Implementation Time Frame – Ongoing.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Clr A Bisdee OAM, seconded by Clr R McDougall

THAT the information be received.

CARRIED

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

ENCLOSURE
Agenda Item 17.2.1

LG Shared Services Update

December 2019

Summary of Recent Shared Services Activity

294 hours of Shared Services were exchanged between Councils in December 2019, which is a decrease of 22% when compared to hours exchanged in November 2019 (448 hours) and is below the three-month average of 369 hours per month.

Fig 1 - Shared Service Exchange Hours in Recent Months

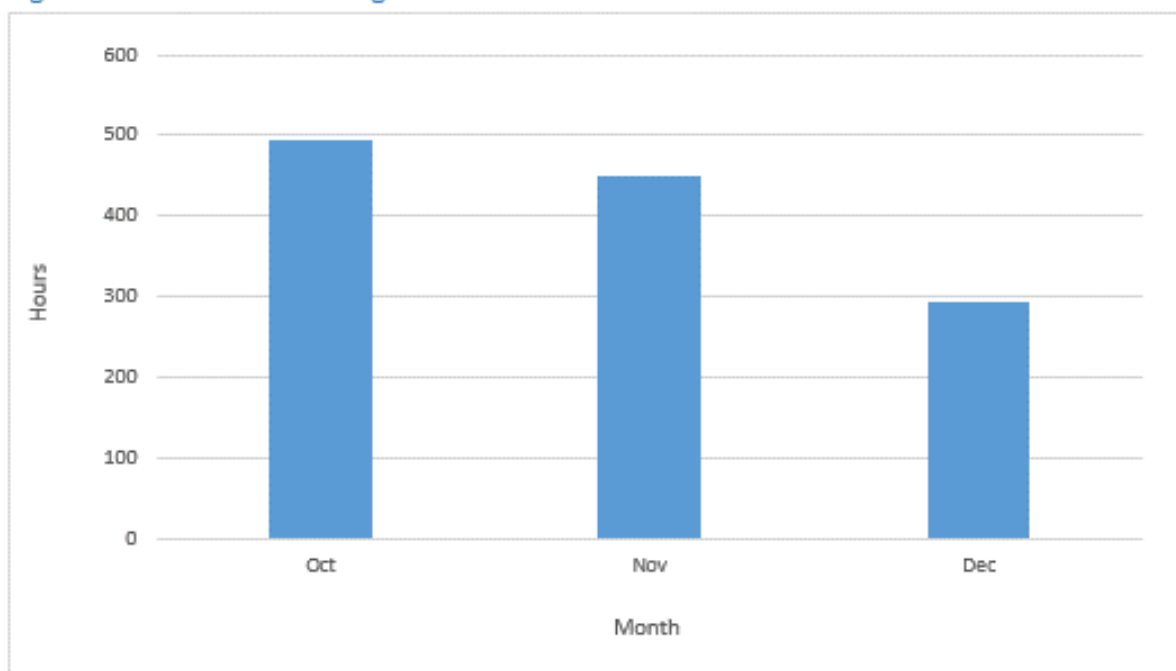
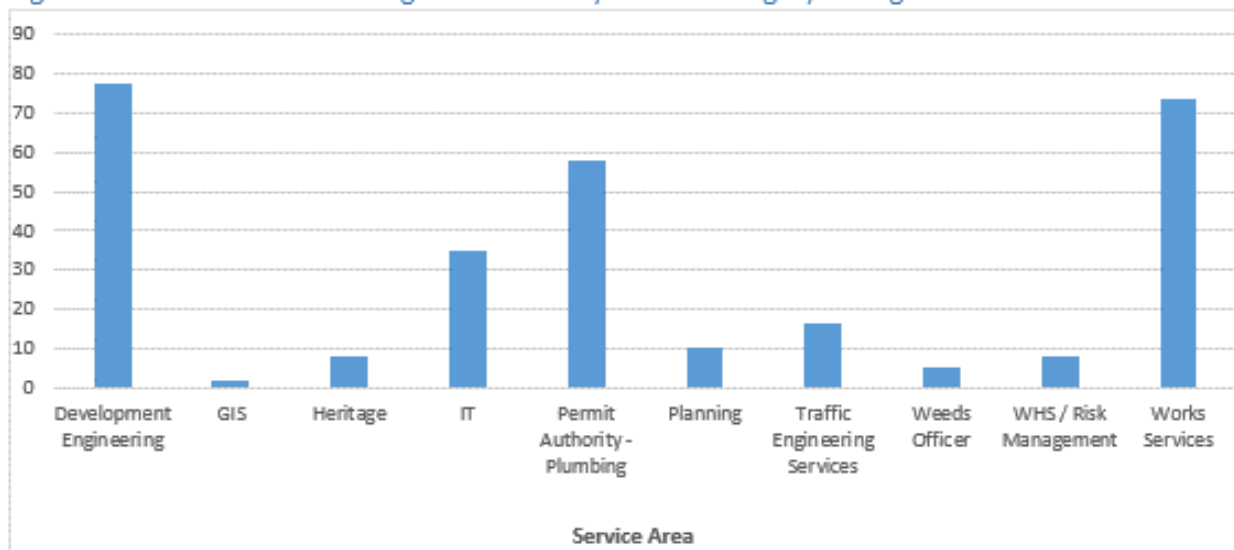


Fig 2 - Details of Current Exchange of Services by Council during December 2019

Provider Council	Client / Organisation							
	Brighton	Central Highlands	Derwent Valley	Glenorchy	GSB	Sorell	Southern Midlands	Tasman
Brighton		1.5	3.25	16.5	66		6.75	99
Central Highlands	2					2	2	2
GSB								
Glenorchy								
Huon Valley								
Litchfield								
West Arnhem Regional								
Sorell	2				18.5			16.5
Southern Midlands	5	10	40.5					
Tasman								

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

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



Savings to Local Government

A total of 294 hours of shared services were exchanged between Councils last month. Analysis of Shared Services provision has indicated that both the Provider Council and the Client Council save money through the exchange of Shared Services at an approximate ratio of 50%.

Due to this, it is estimated that the provision of shared services between Councils saved participating Councils and Local Government as a whole \$20,000 for the month of December. This was a result of increasing the utilisation of current Council Staff at Councils providing services and from Client Councils utilising Shared services from within Local Government as opposed to external consultants (on average LG Shared Services rates can be procured at significant discount to external consultant fees).

Local Government Shared Services - Council Update

Council

Southern Midlands

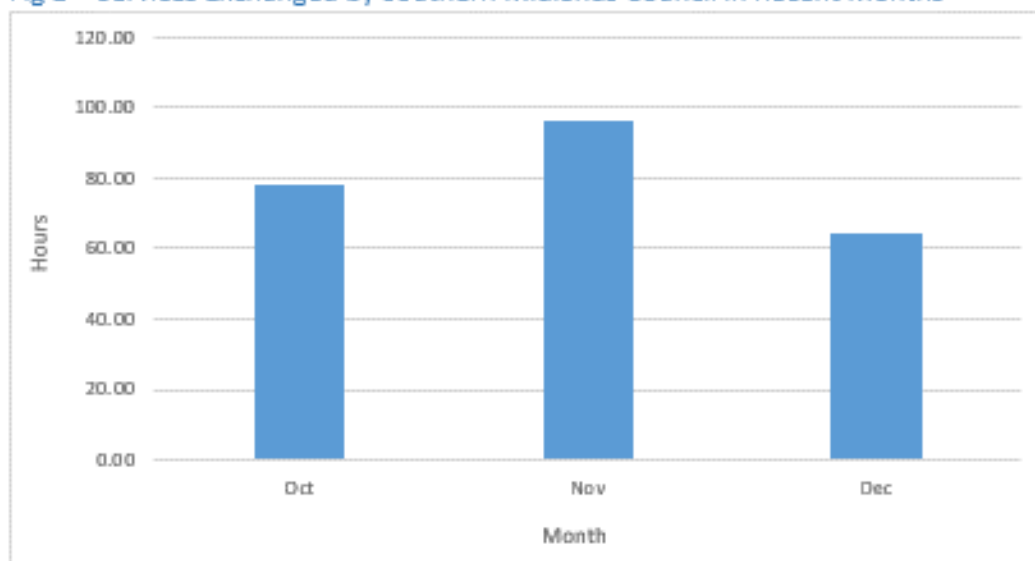
Shared Service Participation in December 2019

65 hours

Summary

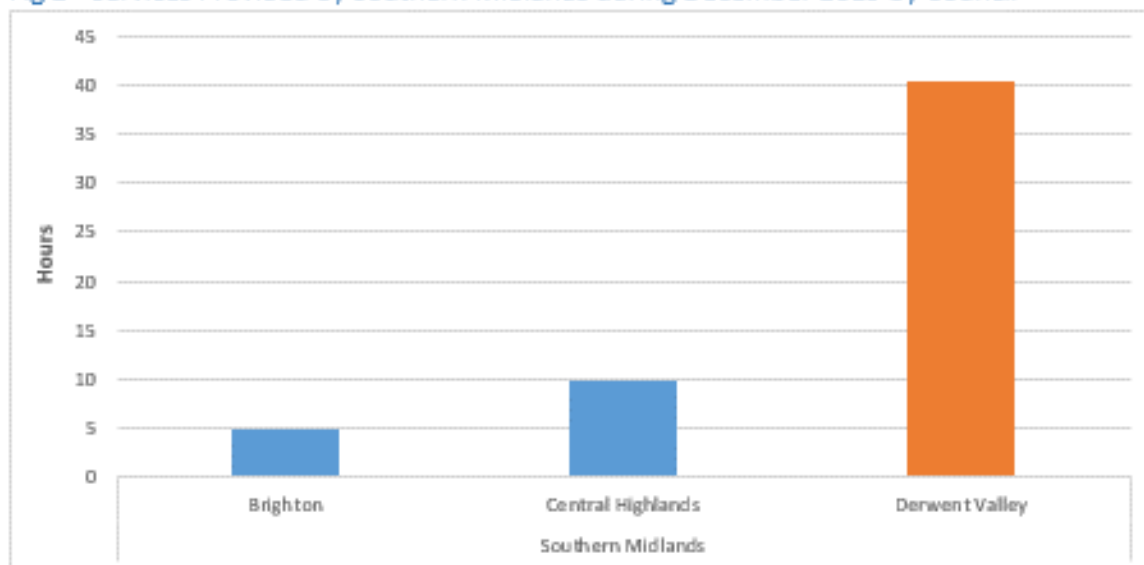
In December 2019, 65 hours of shared services were exchanged by the Southern Midlands Council. From this total, Southern Midlands provided 56 hours to other Councils and received 9 hours of services from other Councils. Total hours of exchange decreased by 33% when compared to November 2019 (96) and were below the three-month average of 79 hours per month.

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



Services Provided by Southern Midlands Council

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



* Council is not currently a member of LG Shared Services

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

Southern Midlands	56	Summary of Services Provided
Brighton	5	
Weeds Officer	5	Weed Management
Central Highlands	10	
Planning	10	Regulatory and Strategic Planning
Derwent Valley	41	
Permit Authority - Plumbing	32	Plumbing Inspections and Admin
Heritage	8	Heritage Planning

* Council is not currently a member of LG Shared Services

Services Received by Southern Midlands Council

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

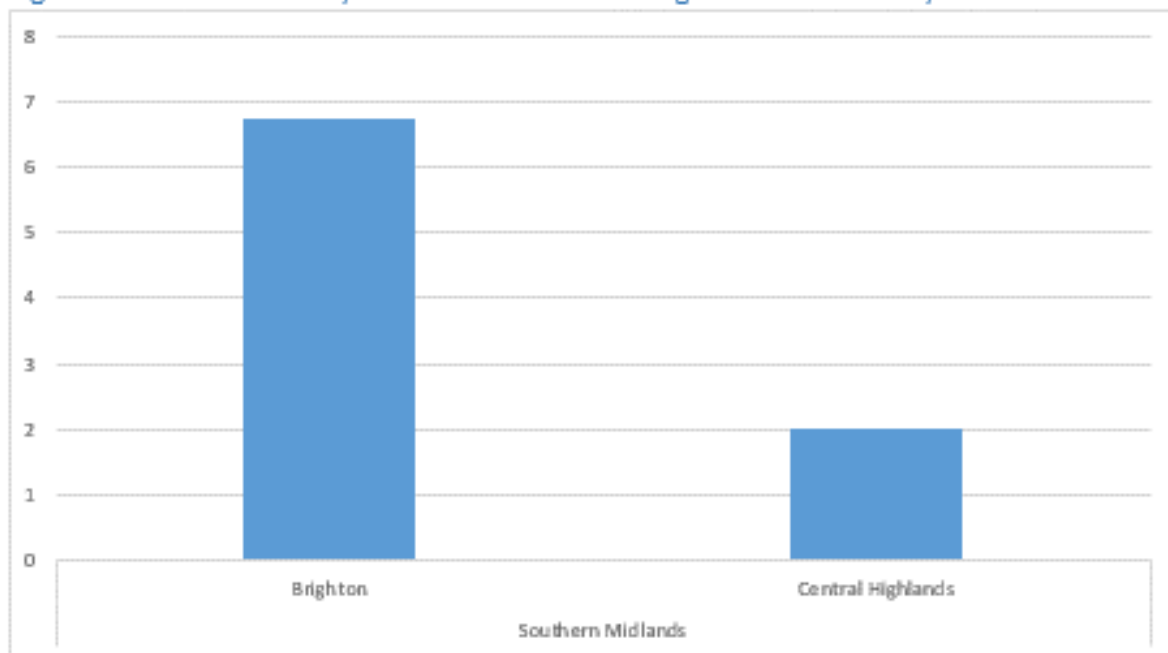


Fig 5 - Services Received by Southern Midlands during December 2019 by Service Category

Southern Midlands	9	Summary of Services Received
Brighton	7	
Development Engineering	7	Development Engineering
Central Highlands	2	
WHS / Risk Management	2	Online Contractor Inductions

17.2.2 KEMPTON COMMUNITY HEALTH CENTRE – DEED OF VARIATION OF GRANT DEED

Author: DEPUTY GENERAL MANAGER (ANDREW BENSON)

Date: 13 FEBRUARY 2020

Enclosure:

Deed of Variation of Grant Deed – Crown & SMC

ISSUE

Signing and sealing the Deed of Variation to the Grant Deed for the Kempton School part conversion to the Kempton Community Health Centre. This will extend the project completion date.

BACKGROUND

The Tasmanian State Government provided a grant of \$75,000 to contribute to the costs associated with the upgrade and conversion of the existing Kempton Primary School House into a multi-use facility providing both education and health care services.

The original completion date was scheduled in the original Grant Deed as 30th June 2019.

DETAIL

This document is the Deed of Variation to the original Grant Deed with an extended completion date to the 31st July 2020. The reporting and acquittal is due by 30th September 2020.

This document was required to be returned to Communities, Sport & Recreation prior to the next scheduled meeting of Council, so in order to expedite the return of the document, it was required to be signed and sealed prior to the February 2020 meeting. Given it was merely a procedural matter, after reference to the General Manager, the document was executed and returned to Communities, Sport & Recreation as a matter of course.

RECOMMENDATION

THAT Council approve signing and sealing the Deed of Variation of the Grant Deed for the funding agreement between the Tasmanian Government and the Southern Midlands Council for the Kempton School part conversion to the Kempton Community Health Centre.

DECISION

Moved by Clr A Bisdee OAM, seconded by Deputy Mayor E Batt

THAT Council approve signing and sealing the Deed of Variation of the Grant Deed for the funding agreement between the Tasmanian Government and the Southern Midlands Council for the Kempton School part conversion to the Kempton Community Health Centre.

CARRIED

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

ENCLOSURE
Agenda Item 17.2.2



Deed of Variation of Grant Deed 2018 Election Commitment

The Crown in the Right of Tasmania
(represented by the Department of Communities Tasmania)
(Grantor)

and

Southern Midlands Council
(Recipient)

REFERENCE AND CONTACT DETAILS
Department: Communities Tasmania
Contact Officer: Manager, Grants, Sport and Recreation Infrastructure
Telephone: 1800 204 224
Email: csrgiants@communities.tas.gov.au

Doc Ref: Deed of Variation of Grant Deed | DOC/19/27858 | Deed of Variation – Southern
Midlands Council Grant Deed

Contents

Details and recitals	1
Information Table	2
1 Definitions and interpretation	3
1.1 Definitions	3
1.2 Interpretation	3
1.3 Headings	4
1.4 No rule of construction applies to disadvantage party	4
1.5 Information Table	4
2 Variation	4
3 Confidentiality	5
4 Miscellaneous	5
4.1 Governing law	5
4.2 Severance	5
4.3 Counterparts	5
4.4 Further assurance	5
4.5 Legal costs	5
4.6 Amendment	5
4.7 No interference with executive duties or powers	5
Signing	6

Deed of Variation of Grant Deed

Details and recitals

Date:

Parties:

Name	Crown in the Right of Tasmania (represented by the Department of Communities Tasmania)
Short form name	Grantor
Notice details	C/- Department of Communities GPO Box 65, Hobart, Tasmania, 7001 Telephone: 1800 204 224 Email: esrgrants@communities.tas.gov.au Attention: Manager, Grants, Sport and Recreation Infrastructure
<hr/>	
Name	As described in Item 3
Short form name	Recipient
Notice details	As set out in Item 3

Recitals:

- A. The parties have entered into the Grant Deed.
- B. The parties have agreed to vary the terms and conditions of the Grant Deed as set out in this Deed.

Information Table

Item 1 (clause 1.1): Commencement Date
The date of this Deed.
Item 2 (clause 1.1): Grant Deed
The grant deed between the Grantor and the recipient dated 22 June 2018.
Item 3 (clause 1.1): Recipient
Southern Midlands Council 68 653 459 589 PO Box 21, OATLANDS TAS 7120 Email: mail@southernmidlands.tas.gov.au Attention: Mr. Timothy Kirkwood, General Manager
Item 4 (clause 2): Variation
<ol style="list-style-type: none">1. The date of completion referred to in Item 6 (clause 4.3) of the Grant Deed is deleted and replaced with: '31 July 2020'2. The due date of the reporting requirements referred to in Item 7 (clause 7.2) of the Grant Deed is deleted and replaced with: '30 September 2020'

Operative provisions

The parties agree as follows:

1 Definitions and interpretation

1.1 Definitions

In this Deed, unless the context otherwise requires:

Commencement Date means the date set out in Item 1.

this Deed means this deed and includes all its annexures, appendices, attachments and schedules (if any).

Grant Deed means the grant deed described in Item 2.

Information Table means the table titled 'Information Table' set out above.

Item means an item in the Information Table.

Recipient means the recipient described in Item 3.

1.2 Interpretation

In this Deed, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa;
- (b) words importing a gender include all genders;
- (c) other parts of speech and grammatical forms of a word or phrase defined in this Deed have a corresponding meaning;
- (d) a reference to a thing (including property or an amount) is a reference to the whole and each part of that thing;
- (e) a reference to a group of persons includes a reference to any one or more of those persons;
- (f) a reference to an annexure, an appendix, an attachment, a schedule, a party, a clause or a part is a reference to an annexure, an appendix, an attachment, a schedule or a party to, or a clause or a part of, this Deed;
- (g) a reference to any legislation or legislative provision includes subordinate legislation made under it and any amendment to, or replacement for, any of them;
- (h) writing includes marks, figures, symbols, images or perforations having a meaning for persons qualified to interpret them;
- (i) a reference to a document includes:
 - (i) any thing on which there is writing;
 - (ii) any thing from which sounds, images or writings can be reproduced with or without the aid of any thing else;
 - (iii) an amendment or supplement to, or replacement or novation of, that document; or
 - (iv) a map, plan, drawing or photograph;

- (j) a reference to an agreement includes an undertaking, deed, agreement or legally enforceable arrangement or understanding, whether or not in writing;
- (k) a reference to a 'person' includes a natural person, a partnership, a body corporate, a corporation sole, an association, a Government Body, or any other entity;
- (l) a reference to a party includes that party's executors, administrators, successors and permitted assigns and substitutes;
- (m) a reference to a Minister includes, as applicable, that Minister's predecessors and successors in office;
- (n) a reference to a Government Body or other body or organisation that has ceased to exist, or that has been renamed, reconstituted or replaced, or the powers or functions of which have been substantially transferred, is taken to refer respectively to the Government Body or other body or organisation as renamed or reconstituted, or established or formed in its place, or to which its powers or functions have been substantially transferred;
- (o) a reference to an office in a Government Body or other body or organisation includes any person acting in that office, and if the office is vacant, the person who for the time being is substantially responsible for the exercise of the duties, functions or powers of that office;
- (p) mentioning any thing after the words 'includes', 'included' or 'including' does not limit the meaning of any thing mentioned before those words;
- (q) a reference to a day is to be interpreted as the period of time in Tasmania commencing at midnight and ending 24 hours later;
- (r) reference to a time or date in connection with the performance of an obligation by a party is a reference to the time or date in Hobart, Tasmania, even if the obligation is to be performed elsewhere; and
- (s) references to '\$' and 'dollars' are to Australian dollars.

1.3 Headings

Headings are included for convenience only and do not affect the interpretation of this Deed.

1.4 No rule of construction applies to disadvantage party

In relation to the interpretation of this Deed, no rule of construction is to apply to the disadvantage of a party because that party was responsible for the preparation of this Deed or any part of it.

1.5 Information Table

If there is an Information Table:

- (a) an Item that has not been completed will be taken to be 'not applicable'; and
- (b) unless the context otherwise requires, expressions defined in that table have the same meanings when used in other parts of this Deed.

2 Variation

- (a) The Grant Deed is amended and varied with effect on and from the Commencement Date in the manner set out in Item 4.
- (b) In all other respects the parties confirm the provisions of the Grant Deed.

3 Confidentiality

Despite any confidentiality subsisting in this Deed, any party may publish without reference to the other party all or any part of this Deed.

4 Miscellaneous

4.1 Governing law

This Deed is governed by the laws of Tasmania.

4.2 Severance

If a provision of this Deed is or at any time becomes illegal, prohibited, void or unenforceable for any reason, that provision is severed from this Deed and the remaining provisions of this Deed:

- (a) continue to be enforceable; and
- (b) are to be construed with such additions, deletions and modifications of language as are necessary to give effect to the remaining provisions of this Deed.

4.3 Counterparts

This Deed may be entered into in any number of counterparts. A party may execute this Deed by signing any counterpart. All counterparts, taken together, constitute one agreement.

4.4 Further assurance

The parties agree to do or cause to be done all such acts, matters and things (including, as applicable, passing resolutions and executing documents) as are necessary or reasonably required to give full force and effect to this Deed.

4.5 Legal costs

Each party must bear their own costs in preparing and negotiating this Deed.

4.6 Amendment

This Deed may only be amended or supplemented in writing signed by the parties.

4.7 No interference with executive duties or powers

Nothing in this Deed is intended to prevent, is to be taken to prevent, or prevents, the free exercise by the Governor, by any member of the Executive Council, or by any Minister of the Crown, of any duties or authorities of his or her office. Any provision of this Deed that is inconsistent with this clause is of no legal effect to the extent of the inconsistency.

Executed as a deed

Signing

Signing by Grantor

Executed as a deed on behalf of the **Crown in Right of Tasmania** by the person named below in the presence of the witness named below:

Signature: →

Being a person who has authority to sign this Deed on behalf of the Crown.

*Print name and position:

Witness' signature: →

*Witness print name and position:

*Use BLOCK LETTERS

*Witness print address:

Signing by Recipient

The common seal of **Southern Midlands Council** was hereunto affixed in the presence of:

Common seal: → 

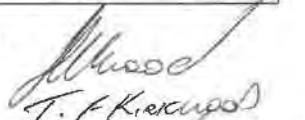
Signature: → 

*Print name and position held: ANTHONY EDWARD BISDEE
COUNCILLOR

Signature: → 

*Print name and position held: EDWIN BATT
DEPUTY MAYOR

*Use BLOCK LETTERS


T. F. KIRKWOOD
COUNCILLOR

17.2.3 TABLING OF DOCUMENTS

Nil.

17.2.4 ELECTED MEMBER STATEMENTS

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

Mayor A O Green

TOWNSHIP OF OATLANDS (BICENTENARY – 3RD JUNE 1821)

Mayor Green to provide comment. Includes raising the issue of Council's planned actions for the event.

Note: Refer following extract from the Heritage Project Program Report:

“Liaising with staff from Brighton & Northern Midlands Councils to discuss combining themes & dates for the 2021 200-year celebrations as multiple towns turn 200 along the Heritage Highway”.

RESOLVED that the Arts Committee be requested to consider possible events/activities for the Bicentenary and report back to Council. Report to include details of budgetary requirements which will need to be considered as part of the 2020/21 budget process.

Clr K Dudgeon

- Believed the change of date for the Australia Day Awards worked extremely well which was evidenced by good attendance by members of the community.
- Noted that the community should be proud of Brian and Lyn Fish for organising the recent bushfire fundraiser event held on the 8th February 2020. In excess of \$4,500 was raised.
- Notification that Kendylle Byers and Mackenzie Banks have been nominated for U15 State Cricket Team.
- Congratulations to the organising committee on the Kempton Festival. It was an excellent community event.

17.3 Finances

Strategic Plan Reference(s) 6.3.1, 6.3.2 & 6.3.3

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

17.3.1 MONTHLY FINANCIAL STATEMENT (PERIOD ENDING 31 JANUARY 2020)

Author: FINANCE OFFICER (MANDY BURBURY)

Date: 13 FEBRUARY 2020

ISSUE

Provide the Financial Report for the period ending 31st January 2020.

BACKGROUND

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

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

DETAIL

The enclosed Report incorporates the following: -

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

OPERATING EXPENDITURE ESTIMATES (OPERATING BUDGET)

Overall, operating expenditure to end of January 2020 was \$4,067,740, which represents 83.13% of YTD Budget.

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

Strategic Theme - Infrastructure

Sub-Program – Signage – expenditure to date (\$5,854 – 134.73%). Expenditure relates to purchasing and replacing stolen road signs. This is a relatively minor budget and will be monitored.

Strategic Theme – Growth

Nil.

Strategic Theme – Landscapes

Nil.

Strategic Theme – Lifestyle

Nil.

Strategic Theme – Community

Sub-Program – Capacity – expenditure to date (\$36,182 – 117.04%). Expenditure relates to costs associated with the Heritage Bullock Festival, Arts Committee Events and donations provided for sporting representations.

Sub-Program – Safety – expenditure to date (\$38,075 – 135.02%). Expenditure includes \$12,484 relating to Salaries, On Costs and Plant associated with fire fighting and recovery following the Pelham Fire.

Strategic Theme – Organisation

Nil.

RECOMMENDATION

THAT the Financial Report be received and the information noted.

DECISION

Moved by Clr A Bisdee OAM, seconded by Clr K Dudgeon

THAT the Financial Report be received and the information noted.

CARRIED

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

STATEMENT OF COMPREHENSIVE INCOME

FOR THE PERIOD

1st JULY 2019 to 31st JANUARY 2020

	Annual Budget	Year to Date as at 31st January	%	Comments
Income				
General rates	\$ 5,724,701	\$ 5,672,337	99.1%	Budget includes Interest & Penalties to be imposed to end of June 2020
User Fees (refer Note 1)	\$ 694,036	\$ 382,603	55.1%	
Interest	\$ 180,000	\$ 100,588	55.9%	
Government Subsidies	\$ 19,250	\$ 11,655	60.5%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 162,000	\$ 104,058	64.2%	
Sub-Total	\$ 6,779,987	\$ 6,271,241	92.5%	
Grants - Operating	\$ 3,470,832	\$ 875,616	25.2%	
Total Income	\$ 10,250,819	\$ 7,146,858	69.7%	
Expenses				
Employee benefits	\$ (3,905,753)	\$ (1,976,161)	50.6%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (3,063,277)	\$ (1,899,544)	62.0%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (3,061,160)	\$ (1,806,084)	59.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (27,088)	\$ (18,015)	66.5%	
Contributions	\$ (233,907)	\$ (116,954)	50.0%	Fire Service Levies
Other	\$ (133,944)	\$ (132,239)	98.7%	Incls Rate Discounts
Total expenses	\$ (10,425,129)	\$ (5,948,997)	57.1%	
Surplus (deficit) from operations	\$ (174,310)	\$ 1,197,860	-687.2%	
Grants - Capital (refer Note 3)	\$ 4,526,481	\$ 830,950	18.4%	
Sale Proceeds (Plant & Machinery)	\$ 0	\$ 226,869	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ (108,182)	\$ 0	0.0%	
Surplus / (Deficit)	\$ 4,243,989	\$ 2,255,679	53.1%	

NOTES				
1. Income - User Fees (Budget \$730,602) includes:				
- All other Programs	\$ 471,579	\$ 230,787	48.9%	Actual Income Received (i.e. excluding Debtors)
- Private Works	\$ 222,457	\$ 148,929	66.9%	
- Callington Mill	\$ -	\$ 2,887	0.0%	
	\$ 694,036	\$ 382,603		
2. Income - Other (Budget \$162,000) includes:				
- Tas Water Distributions	\$ 152,000	\$ 12,315	8.10%	
- HBS Dividend	\$ 10,000	\$ -	0.0%	
- Other	\$ -	\$ 91,743	0.0%	\$58,450 received from the Tunbridge Hall Management Comm - Toilet Project.
	\$ 162,000	\$ 104,058	64.2%	
3. Grant - Capital (Budget \$1,669,375) includes:				
- Aus Gov Election Commit'	\$ 1,930,000	\$ -	0.0%	
- Swimming Pool	\$ 1,900,000	\$ 800,000	0.0%	
- Roads To Recovery Grant	\$ 665,531	\$ -	0.0%	To be received March 2020
- Twin Equestrian Arenas	\$ -	\$ -	0.0%	
- Commissariat NSRF Grant	\$ 30,950	\$ 30,950	100.0%	
	\$ 4,526,481	\$ 830,950	18.4%	
4. Grant - Operating (Budget \$1,669,375) includes:				
Operating Grants				
- FAGS		\$ 870,921		
- Court House		\$ 150		
- Weed Control Grant		\$ 4,545		
	\$ -	\$ 875,616		

CAPITAL EXPENDITURE PROGRAM 2019-20

AS AT 31 JANUARY 2020

INFRASTRUCTURE			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
ROAD ASSETS						
Resheeting Program	Various	Roads Resheeting	\$ 500,000	\$ 113,906	\$ 386,094	
Reseal Program		Roads Resealing (as per agreed program)	\$ 280,000	\$ -	\$ 280,000	
	C1020033	Yarlington Road (Smarts Hill - 150 metres)	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
Reconstruct & Seal		Green Valley Road, Bagdad (300metres off Swan Street)	\$ 54,000	\$ -	\$ 54,000	
	C1020025	Shene Road, Mangalore (650metres)	\$ 97,500	\$ 44,698	\$ 52,802	
	C1010089	Woodsdale Road (1klm Reconstruction)	\$ 165,000	\$ 164,225	\$ 775	
Construct & Seal (Unsealed Roads)		Huntington Tier (300 metres new seal)	\$ 63,000	\$ -	\$ 63,000	
		Roberts Road (350m new seal incl. stormwater)	\$ 59,000	\$ -	\$ 59,000	
		Main Intersection/Carpark Campania - Design Concept	\$ 50,000	\$ -	\$ 50,000	
	C1020067	Eldon Road (800 metres new seal)	\$ 154,000	\$ -	\$ 154,000	RTR
		Banticks Road (1klm new seal from Junction with Blackbrush)	\$ 27,500	\$ -	\$ 27,500	
	C1020068	Blackbrush Road (1klm new seal from existing to Banticks)	\$ 210,000	\$ -	\$ 210,000	RTR
	C1020055	Yarlington Road (construct & Seal)		\$ 2,984	\$ (2,984)	RTR
Minor Seals (New)		Dust Suppressant Seal	\$ 20,000	\$ -	\$ 20,000	
		Junctions - Various Locations (incl. Greggs Road)	\$ 20,000	\$ -	\$ 20,000	
	C1020032	Hasting Street Junction	\$ 15,000	\$ 959	\$ 14,041	\$15K Budget c/fwd WIP 30/6/19 \$959
Unsealed Rds - Road Widening	C1020065	Clifton Vale Road - (Cliff Section)	\$ 20,128	\$ 17,410	\$ 2,717	
	C1020061	Native Corners Road (Far end, Widening/Guard Rail)	\$ 9,000	\$ 3,277	\$ 5,723	\$9K Budget c/fwd
Junction / Road Realignment / Other	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	\$ 70,000	\$ 9,504	\$ 60,496	\$70K Budget c/fwd WIP 30/6/19 \$2,617
		Water Lane (Minor Widening/drainage - V drain)	\$ 23,500	\$ -	\$ 23,500	
Drainage Component - \$42,900	C1010079	Reeve St - Hall Street to Rec Ground (K&G)	\$ 94,915	\$ 9,477	\$ 85,438	\$20k Budget c/fwd WIP 30/06/19 \$6,887
	C1020047	Lovely Banks Road (vicinity of Carnes)	\$ 25,000	\$ 1,621	\$ 23,379	Extend Culverts/ tree removal / realign
		Rhyndaston Road - Guard Rail	\$ 20,000	\$ -	\$ 20,000	
	C1020066	Stonor Road - Guard Rail	\$ 30,000	\$ 8,657	\$ 21,343	
		Woodsdale Road (Vicinity of Dean Property)	\$ 15,000	\$ -	\$ 15,000	
	C1010088	Bagdad Primary School - Car Park (contribution)	\$ 25,000	\$ 23,543	\$ 1,457	\$25k Budget c/fwd WIP 30/06/19 \$6,036
			\$ 2,062,543	\$ 400,260	\$ 1,662,282	

BRIDGE ASSETS	C1030058	Hardings Road (White Kangaroo Rivulet- B1096)	\$ 180,400	\$ 59,259	\$ 121,141	RTR
	C1030059	Woodsdale Road (Nutting Garden Rivulet- B3968))	\$ 210,390	\$ 11,734	\$ 198,656	RTR
			\$ 390,790	\$ 70,993	\$ 319,797	
WALKWAYS	C1040003	Footpaths - General Streetscapes Bagdad Township	\$ 20,000	\$ -	\$ 20,000	
	C1040014	- East Bagdad Road Broadmarsh Township	\$ 105,000	\$ 3,486	\$ 101,514	WIP 30/6/19
		- Streetscape Works Campania Township	\$ 230,000	\$ -	\$ 230,000	Funds \$230k subject to finalising Grant Deeds (Federal Gov.)
		- Review Management Plan (Site Plan) / Walking Tracks (Bush Reser	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		- Reeve Street - Footpath through to Hall	\$ 30,000	\$ -	\$ 30,000	
		- Climie Street/Water Lane (incl. footpath)				
		- Climie Street to Kandara Court Footpath Kempton Township				
		- Midlands Highway/Mood Food	\$ 70,150	\$ -	\$ 70,150	
	C1040027	- Memorial Avenue (complete drainage/other site works)	\$ 25,000	\$ 16,245	\$ 8,755	
		- Streetscape Plan (Review & Implementation) Melton Mowbray Township	\$ 110,000	\$ 31,357	\$ 78,643	Footpath renewal Component - Funds \$75k subject to finalising Grant Deeds (Federal Gov.)
	G2020002	- Streetscape Works (Trough / Shelter etc)	\$ 30,000	\$ 5,318	\$ 24,682	
		Oatlands Township				
	C1040016	- High Street (Footpath Renewal)	\$ 33,000	\$ 1,252	\$ 31,748	
	C1040026	- Church Street (Footpath Renewal)	\$ 17,000	\$ 16,714	\$ 286	
		Tunbridge Township				
	- Maint Street Kerb & Gutter (Vicinity of Hall)	\$ 30,000	\$ -	\$ 30,000		
	Tunnack Township					
	- Streetscape concept Plan	\$ 5,000	\$ -	\$ 5,000		
		\$ 710,150	\$ 74,372	\$ 635,778		

LIGHTING	C1050001	Esplanade Project (Total Project Cost \$128k year 1-2)	\$ 134,000	\$ 21,327	\$ 112,673	subject to finalising Grant Deeds (Federal Gov.)
			\$ 134,000	\$ 21,327	\$ 112,673	
BUILDINGS	C1110002	Campania Flour Mill Park - Concrete Pathways/drainage/remove pavers	\$ 15,000	\$ -	\$ 15,000	
		Tunbridge Hall Toilets	\$ 77,500	\$ 84,864	\$ (7,364)	WIP 30/6/19 \$18,288 - Budget incl. Grants
			\$ 92,500	\$ 84,864	\$ 7,636	
DRAINAGE		Bagdad				
		- Lyndon Road	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
	C1090013	- Midland Highway/Swan Street Drainage	\$ 50,000	\$ 8,178	\$ 41,822	
		Campania				
		- Estate Road (School Farm)	\$ 10,000	\$ -	\$ 10,000	
		Oatlands				
		- Barrack Street (towards Mason Street)	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
		- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		- Queen Anne Street	\$ 7,500	\$ -	\$ 7,500	\$7.5K Budget c/fwd
		Kempton				
		- Erskine Street		\$ 4,668	\$ (4,668)	WIP 30/6/19
			\$ 97,500	\$ 12,846	\$ 84,654	
WASTE	C110001	Wheelie Bins and Crates	\$ 8,000	\$ -	\$ 8,000	
		Oatlands WTS - Concrete Pad(s)	\$ 25,000	\$ -	\$ 25,000	\$25K Budget c/fwd
		Dysart WTS - General Improvements	\$ 20,000	\$ 4,060	\$ 15,940	\$20K Budget c/fwd
			\$ 53,000	\$ 4,060	\$ 48,940	
GROWTH						
HERITAGE	C3010003	Callington Mill (Asset Renewals)	\$ 10,000	\$ 35,550	\$ (25,550)	
		Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ 6,500	\$ -	Budget c/fwd
		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 8,000	\$ -	\$ 8,000	\$8K Budget c/fwd
	C3010002	Oatlands Gaol - Wingwall Completion	\$ 15,000	\$ 3,938	\$ 11,062	\$15K Budget c/fwd
		Oatlands Gaol - Aluminum Temporary Steps (Entrance)	\$ 3,500	\$ -	\$ 3,500	\$3.5K Budget c/fwd
		Kempton Watch House (Fitout)	\$ 4,000	\$ -	\$ 4,000	\$7.5K Budget c/fwd
	C3010011	Roche Hall Forecourt (Interps - Planning Condition of Approval)	\$ 40,000	\$ 6,945	\$ 33,056	WIP 30/6/19 \$3,845 - Budget c/fwd
	C3010011	Roche Hall - Internal & External Painting (excl. Gutters, Fascias & Soffits)	\$ 80,000	\$ -	\$ 80,000	\$15K Budget c/fwd
			\$ 167,000	\$ 52,933	\$ 114,067	

NATURAL		Campania Bush Reserve (Walking/Riding Path)	\$ 100,000	\$ -	\$ 100,000	Funds \$100k subject to finalising Grant Deeds (Federal Gov.)
	C3020007	Chauncy Vale - Sanctuary Bridge	\$ 55,000	\$ -	\$ 55,000	Funds \$55k subject to finalising Grant Deeds (Federal Gov.)
	C3020008	Mahers Point - Lanscape Plan	\$ 22,404	\$ -	\$ 22,404	Budget c/fwd
	C1040019	Lake Dulverton Walkway (Section 1)	\$ 135,000	\$ -	\$ 135,000	Funds \$135k subject to finalising Grant Deeds (Federal Gov.)
	C1040028	Lake Dulverton Walkway (Section 2)	\$ 85,000	\$ -	\$ 85,000	Funds \$85k subject to finalising Grant Deeds (Federal Gov.)
			\$ 397,404	\$ -	\$ 397,404	
CULTURAL		Heritage HUB - Internal fitout	\$ 10,000	\$ -	\$ 10,000	
			\$ 10,000	\$ -	\$ 10,000	
REGULATORY	C3040001	Kempton Council Chambers - Restoration Works	\$ 5,000	\$ 4,278	\$ 722	
	C9990001	Kempton Council Chambers - Office Furniture & Equipment	\$ 5,000	\$ 1,489	\$ 3,511	
			\$ 10,000	\$ 5,766	\$ 4,234	

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
LIFESTYLE						
COMMUNITY HEALTH & WELLBEING						
	C4070035	Oatlands Bus Shelter	\$ 14,000	\$ -	\$ 14,000	
			\$ 14,000	\$ -	\$ 14,000	
LIFESTYLE						
ACCESS						
	C4070035	All Buildings (Priority Approach - Year 4 of 5)	\$ 40,000	\$ -	\$ 40,000	
			\$ 40,000	\$ -	\$ 40,000	
PUBLIC HEALTH						
	C4070035	Kempton Community Health Facility	\$ 225,000	\$ 2,415	\$ 222,585	\$200K Budget c/fwd WIP 30/6/19 \$445
			\$ 225,000	\$ 2,415	\$ 222,585	

RECREATION						
	C4070005	Recreation Committee	\$ 20,000	\$ 3,364	\$ 16,636	Campania Rec Ground Window
		Oatlands Aquatic Centre (New Pool)	\$2,400,000	\$ -	\$2,400,000	Funds \$500k subject to finalising Grant Deeds (Federal Gov.)
	C4070034	Oatlands Aquatic Centre (New Pool)		\$ 471,768	\$ (471,768)	WIP 30/6/19 \$395,896
	C4070034	Oatlands Aquatic Centre (New Pool)		\$ 379,803	\$ (379,803)	WIP 30/6/18 \$379,803
		Campania - Public Open Space dev (Subdivision)	\$ 23,000		\$ 23,000	
		Campania - Public Open Space dev (Shelter Alexander Circle)	\$ 10,000	\$ 8,400	\$ 1,600	
		Campania - Public Open Space dev (Play Equip Alexander Circle)	\$ 16,000		\$ 16,000	
	G4070024	Mangalore Equestrian Arena	\$ 51,784	\$ 37,437.30	\$ 14,347	Grant of \$36,784 plus additional budget \$15k
		Mangalore Hall (replace Gutters and Roofing)	\$ 18,000		\$ 18,000	
		Oatlands - Callington Park (Playground Election Commitment)	\$ 500,000		\$ 500,000	Incls. Revegetation and Watering System - Funds \$500k subject to finalising Grant Deeds (Federal Gov.)
		Campania - Recreation Ground (Nets)	\$ 45,000		\$ 45,000	\$45K Budget c/fwd
	C4070019	Kempton - Recreation Ground (Granstand Rails & Seating)	\$ 6,000		\$ 6,000	\$6K Budget c/fwd
		Kempton - Recreation Ground (Lighting)	\$ 10,000		\$ 10,000	\$10K Budget c/fwd
		Kempton - Recreation Ground (Roof Structure - Entry to Clubrooms)	\$ 15,000		\$ 15,000	
		Mount Pleasant - Recreation Ground (Upgrade Toilets)	\$ 38,000		\$ 38,000	\$13K Budget c/fwd
		Runnymede - Recreation Ground (resurfacing & watering system)	\$ 20,000		\$ 20,000	
		Tunbridge Park - Perimeter Fence (Safety)	\$ 30,000		\$ 30,000	\$7.5K Budget c/fwd
			\$ 3,202,784	\$ 900,772	\$ 2,302,012	
COMMUNITY ANIMALS						
		Oatlands - Dog Pound	\$ 20,000	\$ -	\$ 20,000	
			\$ 20,000	\$ -	\$ 20,000	
CAPACITY						
	C5020001	Levendale Community Centre	\$ 8,000	\$ -	\$ 8,000	\$8K Budget c/fwd
		Oatlands Structure Plan	\$ 25,000	\$ -	\$ 25,000	
			\$ 33,000	\$ -	\$ 33,000	
SAFETY						
		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
			\$ 3,000	\$ -	\$ 3,000	
ORGANISATION SUSTAINABILITY						
		Council Chambers - Internal Toilets Upgrade	\$ 60,000	\$ -	\$ 60,000	
		Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
		Council Chambers - Works Office (floor coverings)	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
	C9990001	Town Hall (General - Incl. Office Equip/Furniture)	\$ 5,540	\$ 625	\$ 4,916	
	C6020003	Computer System (Hardware / Software)	\$ 55,400	\$ 42,198	\$ 13,202	\$15K Budget c/fwd
			\$ 140,940	\$ 42,823	\$ 98,117	

WORKS	C6020011	Kempton Depot - Property Purchase (Year 1 Budget of \$180K)	\$ 50,000	\$ 178,497	\$ (128,497)	Total Project Cost - to be funded over 4 yrs (Yr 1 - \$50K)
	C6020011	Kempton Depot - External Painting	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
	C6020001	Depot Relocation (Site / Concept Plans/ Amneities/ Redords Storage)	\$ 200,000	\$ 92,776	\$ 107,224	
		Minor Plant Purchases	\$ 9,500	\$ 535	\$ 8,965	
	C6020008	Radio System	\$ 3,000	\$ -	\$ 3,000	
		Plant Replacement Program				
		Refer separate Schedule (Gross)	\$ 935,000	\$ 114,215	\$ 820,785	
		Light Vehicles (Gross)	\$ 210,000	\$ 192,763	\$ 17,237	
		(Trade Allowance - \$180K)				
			\$ 1,417,500	\$ 578,787	\$ 838,713	
		GRAND TOTALS	\$ 9,221,111	\$ 2,252,219	\$ 6,968,892	

	INFLOWS (OUTFLOWS) (July 2019)	INFLOWS (OUTFLOWS) (August 2019)	INFLOWS (OUTFLOWS) (September 2019)	INFLOWS (OUTFLOWS) (October 2019)	INFLOWS (OUTFLOWS) (November)	INFLOWS (OUTFLOWS) (December)	INFLOWS (OUTFLOWS) (January 2019)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating								
Payments								
Employee costs	- 259,732.34	- 280,026.23	- 290,033.86	- 374,698.08	- 281,014.52	- 283,264.70	- 183,941.18	- 1,952,710.91
Materials and contracts	- 489,960.05	- 252,409.90	- 176,421.49	- 359,780.69	- 285,349.16	- 169,232.07	- 295,391.97	- 2,028,545.33
Interest	- 4,148.51	-	-	-	- 2,995.62	- 10,870.47	-	- 18,014.60
Other	- 29,966.89	- 69,054.75	- 52,617.77	- 80,824.91	- 23,849.60	- 32,135.15	- 78,377.51	- 366,826.58
	- 783,807.79	- 601,490.88	- 519,073.12	- 815,303.68	- 593,208.90	- 495,502.39	- 557,710.66	- 4,366,097.42
Receipts								
Rates	98,749.91	1,287,791.14	1,399,266.96	201,106.06	519,769.80	329,069.98	470,490.84	4,306,244.69
User charges	65,479.66	44,553.00	127,713.29	47,010.97	31,174.71	69,604.49	41,028.67	426,564.79
Interest received	18,471.63	6,408.06	16,386.98	20,750.03	8,083.13	15,117.45	15,370.55	100,587.83
Subsidies		-	11,655.00	-	-	-	-	11,655.00
Other revenue grants	150.00	435,460.50	-	-	466,410.50	4,545.45	-	906,566.45
GST Refunds from ATO		-	-	-	-	-	-	-
Other	34,923.65	94,315.16	66.01	- 17,193.20	- 31,632.04	70,015.89	- 60,943.56	89,551.91
	217,774.85	1,868,527.86	1,555,088.24	251,673.86	993,806.10	488,353.26	465,946.50	5,841,170.67
Net cash from operating activities	- 566,032.94	1,267,036.98	1,036,015.12	- 563,629.82	400,597.20	- 7,149.13	- 91,764.16	1,475,073.25
Cash flows from investing								
Payments for property, plant & equipment	- 66,086.49	- 82,224.34	- 450,270.92	- 360,407.41	- 92,140.02	- 184,331.75	- 12,334.95	- 1,247,795.88
Proceeds from sale of property, plant & equipment	30,840.90	15,054.55	147,996.46	32,540.91	54.55	381.82	-	226,869.19
Proceeds from Capital grants	-	-	-	-	-	800,000.00	-	800,000.00
Proceeds from Investments	-	-	-	-	-	-	-	-
Payment for Investments	-	-	-	-	-	-	-	-
Net cash used in investing	- 35,245.59	- 67,169.79	- 302,274.46	- 327,866.50	- 92,085.47	616,050.07	- 12,212.22	- 220,803.96
Cash flows from financing								
Repayment of borrowings	- 7,060.07	-	-	-	- 14,548.10	- 25,330.69	-	- 46,938.86
Proceeds from borrowings								-
Net cash from (used in) financing activities	- 7,060.07	-	-	-	- 14,548.10	- 25,330.69	-	- 46,938.86
Net increase/(decrease) in cash	- 608,338.60	1,199,867.19	733,740.66	- 891,496.32	293,963.63	583,570.25	- 103,976.38	1,207,330.43
Cash at beginning of reporting year	12,368,944.95	11,760,606.35	12,960,473.54	13,694,214.20	12,802,717.88	13,096,681.51	13,680,251.76	12,368,944.95
Cash at end of reporting year	11,760,606.35	12,960,473.54	13,694,214.20	12,802,717.88	13,096,681.51	13,680,251.76	13,576,275.38	13,576,275.38

SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2019/20

SUMMARY SHEET

PROGRAM	YTD ACTUAL (as at 31 January 20)	YTD BUDGET (as at 31 January 20)	YTD VARIANCE	YTD VARIANCE %	FULL YEAR BUDGET - REVISED INC. GRANTS & OTHER
INFRASTRUCTURE					
Roads	774,943	789,680	14,737	98.13%	3,205,738
Bridges	16,776	25,874	9,098	64.84%	383,498
Walkways	124,752	140,793	16,041	88.61%	214,930
Lighting	45,044	50,029	4,985	90.03%	85,764
Drainage	8,763	16,875	8,113	51.93%	78,072
Waste	503,610	514,737	11,127	97.84%	901,549
Public Toilets	42,745	41,906	839	102.00%	66,982
Communications	-	-	-	-	-
Signage	5,854	4,345	1,509	134.73%	7,020
INFRASTRUCTURE TOTAL:	1,522,487	1,584,240	61,753	96.10%	4,943,553
GROWTH					
Residential	-	-	-	-	-
Tourism	40,637	44,305	3,668	91.72%	62,380
Business	115,474	130,915	15,441	88.21%	971,998
Agriculture	-	-	-	-	-
GROWTH TOTAL:	156,111	175,220	19,109	89.09%	1,034,378
LANDSCAPES					
Heritage	151,308	197,762	46,454	76.51%	335,907
Natural	109,737	121,284	11,547	90.48%	188,629
Cultural	6,347	23,583	17,236	26.91%	40,427
Regulatory	374,244	493,842	119,597	75.78%	846,586
Climate Change	-	-	-	-	-
LANDSCAPES TOTAL:	641,637	836,471	194,834	76.71%	1,411,549
LIFESTYLE					
Youth	173,155	155,853	17,301	111.10%	264,320
Aged	1,011	1,500	489	67.42%	1,500
Childcare	4,000	5,875	1,875	68.09%	6,500
Volunteers	12,799	35,833	23,034	35.72%	40,000
Access	-	-	-	-	-
Public Health	2,028	5,943	3,915	34.12%	10,189
Recreation	202,828	269,114	66,286	75.37%	462,022
Animals	55,960	64,246	8,286	87.10%	110,137
Education	-	-	-	-	-
LIFESTYLE TOTAL:	451,782	538,366	86,584	83.92%	894,668
COMMUNITY					
Retention	-	-	-	-	-
Capacity	36,182	30,915	5,267	117.04%	41,925
Safety	38,075	28,117	9,958	135.42%	51,200
Consultation	10,604	12,925	2,321	82.04%	21,300
COMMUNITY TOTAL:	84,861	71,956	12,905	117.93%	114,425
ORGANISATION					
Improvement	46,696	66,568	19,872	70.15%	114,116
Sustainability	997,807	1,445,594	447,787	69.02%	2,370,532
Finances	166,361	174,859	8,498	95.14%	306,907
ORGANISATION TOTAL:	1,210,864	1,687,020	476,157	71.78%	2,791,555
TOTALS	4,067,740	4,893,273	825,532	83.13%	11,190,128

SOUTHERN MIDLANDS COUNCIL				
SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED				
	This Financial Year 11th February 2020		Last Financial Year 12th February 2019	
Arrears brought forward as at July 1		\$ 429,240.71		\$ 419,894.17
ADD current rates and charges levied		\$ 5,625,571.60		\$ 5,297,326.00
ADD current interest and penalty		\$ 61,196.91		\$ 47,472.90
TOTAL rates and charges demanded	100.00%	\$ 6,116,009.22	100.00%	\$ 5,764,693.07
LESS rates and charges collected	70.11%	\$ 4,287,695.85	70.02%	\$ 4,036,442.06
LESS pensioner remissions	3.90%	\$ 238,712.14	3.94%	\$ 227,211.96
LESS other remissions and refunds	-0.18%	-\$ 11,097.17	0.29%	\$ 16,772.93
LESS discounts	0.48%	\$ 29,535.30	0.49%	\$ 28,524.85
TOTAL rates and charges collected and remitted	74.31%	\$ 4,544,846.12	74.75%	\$ 4,308,951.80
UNPAID RATES AND CHARGES	25.69%	\$ 1,571,163.10	25.25%	\$ 1,455,741.27

18. MUNICIPAL SEAL

Nil.

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

1. CLOSED SESSION (STAFF MATTER)

Item to be discussed in Closed Session.

2. RECOGNITION - DR R SIMPSON AM

DECISION

Moved by Clr A Bisdee OAM, seconded by Clr K Dudgeon

THAT Council formally acknowledge Dr Robert Simpson by sending a letter of appreciation and invitation to the next Council meeting in recognition of his outstanding service to the community for the past 41 years.

CARRIED

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

DECISION

Moved by Clr R McDougall, seconded by Clr A Bisdee

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

Matter	Local Government (<i>Meeting Procedures</i>) Regulations 2015 Reference
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Brighton Road (Old Section of Midland Highway), Pontville / Mangalore – Transfer of Control and Management from Department Of State Growth</i>	15(2)(b)
<i>Tenders – Annual Reseal and Road Reconstruction Program</i>	15(2)(d)
<i>Supplementary Item – Staff Matter</i>	15(2)(a)

CARRIED

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

DECISION

Moved by Clr R McDougall, seconded by Clr K Dudgeon

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

CARRIED

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

CLOSED COUNCIL MINUTES

20. BUSINESS IN “CLOSED SESSION”

In accordance with the Local Government (Meeting Procedures) Regulations 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.

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 BRIGHTON ROAD (OLD SECTION OF MIDLAND HIGHWAY), PONTVILLE / MANGALORE – TRANSFER OF CONTROL AND MANAGEMENT FROM DEPARTMENT OF STATE GROWTH

Item considered in Closed Session in accordance with Regulation 15 (2)(b) of the Local Government (Meeting Procedures) Regulations 2015.

20.4 TENDERS – ANNUAL RESEAL AND ROAD RECONSTRUCTION PROGRAM

Item considered in Closed Session in accordance with Regulation 15 (2)(d) of the Local Government (Meeting Procedures) Regulations 2015.

20.5 STAFFING MATTER

Item considered in Closed Session in accordance with Regulation 15 (2)(a) of the Local Government (Meeting Procedures) Regulations 2015.

DECISION

Moved by Cllr A Bisdee OAM, seconded by Cllr R McDougall

THAT Council move out of “Closed Session”.

CARRIED

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

OPEN COUNCIL MINUTES

21. CLOSURE

The meeting closed at 3.50 p.m.

LAKE DULVERTON & CALLINGTON PARK MANAGEMENT COMMITTEE

MINUTES

Monday 16th March 2020

Council Chambers, Oatlands 6.30 p.m.

TABLE OF CONTENTS

1. ATTENDANCE.....	1
2. APOLOGIES.....	1
3. CONFIRMATION OF MINUTES.....	1
4. BUSINESS ARISING FROM PREVIOUS MEETING.....	1
4.1 MACROCARPA TREE AREA BESIDE MAHERS POINT.....	1
4.2 LAKE DULVERTON WATER LEVELS.....	2
4.3 CALLINGTON PARK PLAYGROUND UPGRADE.....	3
4.4 FORESHORE PATHWAY - NEW PLUS EXISTING PATH UPGRADE (SECTION)	4
5.0 TREASURER’S REPORT.....	5
6.0 OTHER MATTERS	7
6.1 OATLANDS STRUCTURE PLAN.....	7
6.2 HORSE CARRIAGE DRIVERS REQUEST TO USE LAKE DULVERTON WALKING TRACK	8
6.3 LAKE DULVERTON WALKING TRACK – PEOPLE COUNTERS	11
7.0 NEXT MEETING	11

LAKE DULVERTON & CALLINGTON PARK MANAGEMENT COMMITTEE

MINUTES

Monday 16th March 2020

**6.30 p.m. Council Chambers
Oatlands**

MEMBERS:

Chairman: Councillor Don Fish (Proxy: Clr K Dudgeon)

Parks & Wildlife Rep: Matthew Lindus (Proxy rep: t.b.c)

Resident Representatives: Mrs Maria Weeding, Mr Athol Bennett, Dr Robert Simpson, Mr Robert Foster, Mrs Stephanie Burbury, Ms Helen Geard, Mrs Jenni Muxlow

1. ATTENDANCE

Councillor Don Fish, Athol Bennett, Maria Weeding, Helen Geard, Matthew Lindus, Dr Robert Simpson, Clr Karen Dudgeon, and Jenni Muxlow.

2. APOLOGIES

Stephanie Burbury

3. CONFIRMATION OF MINUTES

The Committee to confirm the 2nd December 2019 minutes.

RECOMMENDATION

That the Committee confirm the minutes of the Lake Dulverton & Callington Park Management Committee meeting held on 2nd December 2019.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

MOVED Mr Athol Bennett

SECONDED Mrs Jenni Muxlow

THAT the Committee confirm the minutes of the Lake Dulverton & Callington Park Management Committee meeting, held on 2nd December 2019.

CARRIED

4. BUSINESS ARISING FROM PREVIOUS MEETING

4.1 MACROCARPA TREE AREA BESIDE MAHERS POINT

Council continue to work on this issue. An interview with Council staff was undertaken in December 2019 by officers from Wildlife Operations seeking information on the removal of the pine trees in September 2018. Wildlife Operations have subsequently informed Council

that there will be no further investigation in relation to this matter in regard to Southern Midlands Council (SMC).

On January 20th 2020 a meeting on the site was held with AHT personnel (Aboriginal Heritage Trust) and Parks and Wildlife. This was to discuss the next steps of works to tidy the site following the removal of the trees. No work has been permitted on site since SMC was requested to cease work in September 2018. AHT advised at the meeting that prior to the proposed tidy up works being undertaken SMC will need to obtain a permit from AHT. The application for the permit was submitted to AHT in late January. The application will be considered by the AHT Council in March and SMC will be advised of the result – most likely in May.

Parks and Wildlife representative M Lindus has prepared a Reserve Activity Assessment (RAA) for the site clean up works. Once the AHT permit is obtained, Parks and Wildlife will issue a ‘final authority for works’ to the Southern Midlands Council, if required. The authority is a final administrative step in the Parks and Wildlife process to authorise works undertaken by external parties. M Lindus to formally check if the final authority is required in this circumstance because of the existing Lake lease with SMC.

RECOMMENDATION

That the information be noted and Council continue to work through what is required – as advised.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

RESOLVED

THAT the information be noted and Council continue to work through what is required – as advised.

4.2 LAKE DULVERTON WATER LEVELS

The Lake Committee has expressed concern over the Lake Dulverton water levels at previous meetings. To recap on the previous action to date: Council were provided information at a Council Workshop held 28th October 2019. A further detailed report on the water levels was provided to the 27th November 2019 Council meeting, where it was decided by Council that a meeting would be sought with the State Government.

Since the last meeting of the committee, it was arranged that a briefing be given to the Cabinet (State Govt) when they visited as part of a scheduled visit to Southern Midlands Municipality to meet with Councillors and Management. The scheduled meeting was subsequently rescheduled as the current Premier at the time resigned.

A brief meeting was held with Hon Jane Howlett (Liberal Member for Prosser) on Tuesday 3rd March, as part of a meeting with Southern Midlands on other topics.

The suggestion is that the information in regard to the lake water situation be presented to the rescheduled State Govt Cabinet meeting to be held in Southern Midlands on 30th March.

During the meeting, a number of options to supplement the water in Lake Dulverton were discussed. These included purchasing summer water from the Midlands Water Scheme,

obtaining water from the Blackman River (the Lake has a water right on this river), or possibly Lake Crescent (as has been looked at in the past), or potentially diverting water from the ‘back’ section (Natural Zone) of the Lake to the ‘front’ of the Lake after a rain event. It was suggested that the Southern Midlands Council request the State Government to fund a specialist consultant (geomorphologist / hydrologist) to study options regarding Lake Dulverton and water levels. The consultant would investigate supplementary water options and preferred engineering solutions if required. The potential budget could be between \$40,000 - \$50,000.

RECOMMENDATION

That the information be noted.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

MOVED Mrs Jenni Muxlow

SECONDED Mr Athol Bennett

THAT the Council consider seeking State Government funding for a feasibility study to look at all options for the Lake’s future in terms of water.

CARRIED

4.3 CALLINGTON PARK PLAYGROUND UPGRADE

The proposed playground upgrade has progressed considerably since the last meeting of the committee.

The information required by the Australian Government for the *Oatlands Destination Playground Development Project* has been finalised, sent to Canberra and a signed agreement has been completed in terms of the grant deed documents.

All equipment has now been ordered and is currently scheduled to arrive in Australia at the end of May (subject to corona virus constraints). Construction of the playground should occur during June and July 2020. As part of the overall plan for Callington Park there will be an irrigation system installed and turf upgrade works undertaken. During the playground construction and turf upgrade works information signage and fencing will be required.

Softfall rubber was ordered to meet minimum safety standards however there are additional high use areas that would benefit from the rubber to make the playground easier to use and maintain. The committee has just over \$15,000 in their ‘donations’ Commonwealth bank account as at March 2020.

RECOMMENDATION

That the information be noted.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

MOVED Mr Athol Bennett

SECONDED Mrs Jenni Muxlow

THAT the Committee spend up to \$15,000 from stop-over area donations on the purchase of additional softfall rubber for the Callington Park playground.

CARRIED

4.4 FORESHORE PATHWAY - NEW PLUS EXISTING PATH UPGRADE (SECTION)

Following the last meeting of the committee the following has occurred:

- A meeting with the Tasmania DirtGlue representative was held with some staff from the Works & Services Dept to provide a briefing on the product and the best options / methods for using the product to achieve a quality path surface. Maria Weeding and Helen Geard also attended the meeting.
- A Natural Values Assessment of the proposed path route / foreshore area has been undertaken. The on site investigation, undertaken on 25th Feb, confirmed the presence of a threatened plant. The written report from the Consultant has not been provided back to Council yet, however it was indicated that a Permit will be required from the Threatened Species Branch in recognition of the proposed works having some impact on the plant in limited areas along the proposed route. There may be the need to realign a section of the pathway in one area, and in another area, not have a pathway constructed for a short distance.
- M Lindus (Parks Rep) has advised that he is waiting on the Natural Values site report before proceeding further with the Reserve Activity Assessment. He would like to walk the path to get a better understanding of the area.
- The Grant Deed Agreement with the Australian Government has been finalised and should be signed by both parties (Aust Govt and SMC) by the end of March.
- A training session with Aboriginal Heritage Tasmania in regard to artefact identification and the permit process has been arranged for later in March. A number of Southern Midlands ‘indoor’ and ‘outdoor’ staff will attend the session.
- M Lindus (Parks Rep) would like to walk the proposed path route to get a better understanding of the area.

RECOMMENDATION

That the information be noted and new path and the upgrade of the existing path continued to be pursued.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

RESOLVED

THAT the information be noted and new path and the upgrade of the existing path continued to be pursued.

5.0 TREASURER'S REPORT

A statement detailing Receipts and Expenditure for the financial year to date was tabled at the meeting.

RECOMMENDATION

That the statement detailing Receipts and Expenditure for the financial year to date be received and noted.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

MOVED Mr Matthew Lindus

SECONDED Mr Athol Bennett

THAT the statement detailing Receipts and Expenditure for the financial year to date be received and noted.

CARRIED

**SOUTHERN MIDLANDS COUNCIL
LAKE DULVERTON / CALLINGTON PARK MANAGEMENT COMMITTEE**

**STATEMENT OF RECEIPTS AND PAYMENTS
FOR THE PERIOD 1 JULY 2019 TO 13 MARCH 2020**

RECEIPTS		PAYMENTS	
Balance from last Account (Lake)			
Commonwealth Bank Account	\$ 12,219.60		
Callington Park - Surface Upgrade	\$ 40,000.00	Project C3020002 (Callington Park Imp)	\$ -
Callington Park - Playground (Election Commitment)	\$ 460,000.00	Project C3020002 (Callington Park Imp)	\$ -
Lake Dulverton - Foreshore & Corridor	\$ 4,000.00	Project 302- 5015 (Dulverton Corridor)	\$ -
Lake Dulverton - Foreshore Improvements New	\$ 85,000.00	Project C1040028 (High Street to Stopover)	\$ -
Lake Dulverton - Foreshore Improvements Upgrade	\$ 135,000.00	Project C1040019 (Stopover to School)	\$ -
Lake Dulverton - Removal of Trees	\$ 22,404.30	Project 302 - 7053 (Lake Dulverton)	\$ 163.09 <small>Plants, Posts</small>
Walking Track - Flax Mill To Parattah	\$ -	Project C3020008 (Mahers Point)	\$ -
Water Operational Costs	\$ 28,125.00	Project 407 - 7055 (Aquatic Centre)	\$ 13.81 <small>Shower Head</small>
Weed Control	\$ -	Project 407 - 7057 (Callington Park)	\$ 20.00 <small>Deneefe signs</small>
Mary's Island	\$ -	Operational Charge <small>(February)</small>	\$ -
Walking Track - Donation	\$ -	Asset Renewal Levy <small>(February)</small>	\$ -
Donations (Overflow Area)	\$ -	Water Usage - Annual	\$ 13,443.95 <small>215ML Winter Water</small>
Interest		Bank Charges	\$ -
		Total Expense to date	<u>\$ 13,640.85</u>
		Balance to Next Account	\$ 773,108.05
			<u>\$ 786,748.90</u>
Funds on hand are represented by:			
Comm. Bank Account No.06 7004 28003859	\$ 12,219.60		
Special Projects - Unexpended Budget	\$ 760,888.45		
			<u>\$ 773,108.05</u>

6.0 OTHER MATTERS

6.1 OATLANDS STRUCTURE PLAN

Council has been considering developing a plan, known as a Structure Plan, to assist with the future direction of the town of Oatlands. The plan will have a focus on the area of land around Callington Mill, Callington Park, Lake Foreshore, Council Chambers and the Aquatic Centre as the central hub. However, the plan will also need to consider the town as a whole, and factor in parking demand, linkages between sites, particularly in relation to pedestrian access. Linkages such as the school, rec ground, MMPHC, High Street and the Lake foreshore will be considered in the development of the Plan.

It is proposed that consultation during the development of the Plan will be at multiple levels from talking and surveying people at random through to meeting with key stakeholders. Given the component of the Plan including components of the Lake foreshore and the Callington Park area, it is envisaged that the Lake Dulverton & Callington Park Management Committee will seek to have input in to the Plan during the consultation phase.

A consulting firm from Hobart (a Planners & Engineering firm) will be contracted to undertake the process and provide the Structure Plan document.

It is envisaged that the Plan will help in the following aspects (but not limited to):

- Attracting more visitors to Oatlands, with aim that they to stay longer
- Supporting local business and service providers through improved town amenity
- Encourage/ promote residential and business growth
- Ensuring that the Plan aligns with current Local, State and Regional Strategies
- Gauge community support for future use and development of Callington Park – lease of land, play equipment, caravans etc
- Maximising use of space and linkages between key development areas including addressing/ making recommendations on parking issues
- Attracting funding for further development / investment in the town
- Providing guidance for a healthy urban design with modern open spaces that promotes a healthy active community

The Committee highlighted a number of issues including car parking on High Street and the need for a toilet near the Callington Park playground. One suggestion was better signage and a toilet at the Barrack Street car park.

It was also noted how popular the walking track was for tourists and locals and this needs to be recognised in the Structure Plan. M. Lindus, D. Fish and J. Muxlow are keen to be involved in the Structure Plan consultation process.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

RESOLVED

THAT to note that the Structure Plan process is commencing and input will be required from the Committee in the near future.

6.2 HORSE CARRIAGE DRIVERS REQUEST TO USE LAKE DULVERTON WALKING TRACK

Jacqui Kindblad wrote to the Committee asking if it would be ok for horse and carriages to occasionally use the Lake Dulverton walking track. In her letter she outlined the extensive equipment and systems they have in place to reduce any impact and ensure the safety of all involved.

Committee members couldn't identify any reasons to prevent horse and carriages being used and believed they would make an interesting addition to the list of track users.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

RESOLVED

TO thank Jacqui Kindblad for her letter and note that horse and carriages will now be occasionally using the track.

Jacqui Kindblad
Stonehaven ,
518 York Plains.rd

Lake Dulverton Committee
York Plains.
ATT. Maria Weeding

Dear Maria

In reference to our conversation re the Lake Dulverton Trail I have clarified our ideas and hope we can come to some arrangement

As you know my husband Ben and myself have just moved to the Oatlands area , we are avid [horse]carriage drivers and have been living in Ballarat for some and competing on the Combined Driving [[CDE]Circuit. Having moved back to Tas we have found that the carriage driving as a sport is struggling ,mainly due to a lack of facilities and safe areas to exercise horses without being flattened by a b- double or similar .In Victoria we had access to the railtrail system and the state forests were open to Riders and drivers , Small towns were inviting and open to horse drawn vehicles as well and we spent lunch money in those towns when we passed through or camped over .So Ben and I were blown away when we spotted a beautiful trail in your area ,Heaven to us.We are hoping to start a carriage club based in the south of the state , there are 2 up north but the only active one is at Winyard which is a bit of a trek to go for a days drive.

We are mostly active retirees . at present only 6 of us ,and we drive miniatures to one full sized horse, our own being walers and shetlands . Ben is a qualified driving coach with Equestrian Australia and he is still president of the Grampians carriage Driving Society [we have a small property in that area that we use when competing over there .]

All drivers are fully paid up members of Australian Carriage Driving SOC and as such have insurance that covers us 24/7 .This includes damage we may do to vehicles ,pedestrians and ourselves of course .Anyone who doesn't have membership coverage can pay a daily subscription with ACDS for that same cover .

Mostly our vehicles are modern design with brakes ,wheel width is the ACDS standard of 124 cm

We work our animals in dressage arenas at home but we need the road miles to keep them fit ,which is never executed at a pace faster than a trot and when on the road the same rules as cars apply.

We have certain road rules we follow, one being no racing and showing curtesy to other pedestrian users .Ben and I are hoping to start a 'Learn to carriage drive buisness for beginners ' at Stonehaven ,try to get more enthusiasts to the sport .

If we are able to access the trail we could start with weekday run where I imagine there would be less people on the track ,we walked part of it and Ben feels that a good starting point for us would be the old Rail yards .

If we did a drive we would have a support vehicle and an extra ;groom" on board for emergencies .All carriages are required to carry ex amount of safety equipment like lead ropes spanners etc .and drivers must wear current safety helmets and hi Vis jackets .medical leg bands
This drive would probably not be more than once a month if that .

We would also be available for historic parades /pageants if needed and maybe down the track we could hold some driving events in Oatlands ,showing, dressage or historic turnout competitions ,all possible .

With regards

jacqui kindblad



6.3 LAKE DULVERTON WALKING TRACK – PEOPLE COUNTERS

M Lindus (Parks Rep) suggested that the Committee consider purchasing ‘people counters’ to count the number of people using the Lake Dulverton Walking Track. Parks use the counters extensively to determine the level of walking track use (the counters are checked once a month). He believed having this kind of data about the walking track would support future grant applications and be of interest to Council. He will send more information about the markers that Parks use.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

MOVED Mr Athol Bennett
SECONDED Mrs Jenni Muxlow
THAT we spend up to \$800 on a people counter, to be placed in the vicinity of Mahers Point Cottage.

CARRIED

7.0 NEXT MEETING

Monday 4th May 2020 6.30 p.m. Council Chambers Oatlands

* * * * *

CONFIRMED THIS DAY OF....., 2020

.....CHAIRMAN

* * * * *



MINUTES OF MEETING

Minutes of a meeting of the Southern Midlands Emergency Management Committee held on Wednesday, 4th March 2020 at the Municipal Offices, Oatlands commencing at 6.30 p.m.

Committee: Councillor Tony Bantick (Chairperson),
Mark Nelson (State Emergency Service)
Snr Sergeant John Parker (Tasmania Police, Oatlands)
Representative (Ambulance Tasmania, Oatlands)
Peter Tavaszi (Tasmania Fire Service – District Officer, Midlands)
Robin Howlett (Tasmania Fire Service – Group Officer)
Kerry Mancey (Oatlands Volunteer Fire Brigade)
Jason Robins (SES RCR Unit)
Sandy Carmichael (Midlands Multi-Purpose Health Centre)
Dr Michael Lees (GP Services, Midlands Multi-Purpose Health Centre)
Tim Kirkwood (Municipal Coordinator / General Manager SMC)
Jack Lyall (Deputy Municipal Coordinator / Works Manager SMC)
Craig Whatley (Works Coordinator SMC)

1. ATTENDANCE:

Councillor Tony Bantick (Chairperson), Mark Nelson (State Emergency Service), Snr Sergeant John Parker (Tasmania Police, Oatlands), Peter Tavaszi (Tasmania Fire Service – District Officer, Midlands), Kerry Mancey (Oatlands Volunteer Fire Brigade), Jason Robins (SES RCR Unit), Dr Michael Lees (GP Services, Midlands Multi-Purpose Health Centre), Tim Kirkwood (Municipal Coordinator / General Manager SMC), Jack Lyall (Deputy Municipal Coordinator / Works Manager SMC) and Craig Whatley (Works Coordinator SMC).

2. APOLOGIES:

Robin Howlett (TFS, Group Officer)

3. INTRODUCTION OF MEMBERS

Clr Tony Bantick welcomed all members present and opened the meeting at 6.30 p.m.

4. CONFIRMATION OF MINUTES (PREVIOUS MEETING) / BUSINESS ARISING

RESOLVED that the Minutes of the previous meeting held on the 6th August 2018 be confirmed.



5. Southern Midlands Emergency Management Plan

5.1 Southern Midlands Emergency Management Plan – Review

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

The Municipal Committee last reviewed the Plan in August 2018 (Issue 8), which was subsequently endorsed by Council and submitted for formal approval and sign-off.

A delay within the State Emergency Service, and the Department of Police, Fire and Emergency Management, has yet to secure final sign-off, however in the interim, a number of relatively minor changes have now been identified and are recommended for inclusion by the SES Regional Manager (South). These amendments are based on the introduction of a revised Municipal Emergency Management Plan template.

In reference to the attached version of the Plan (as amended), the proposed changes are submitted for formal consideration and endorsement by the Municipal Committee. In summary the changes include:

- Addition of new Terms & amended wording for certain Terms to reflect the latest Template;
- Amendment and addition of Acronyms;
- Section 2.9 – amended Emergency Management Governance Flowchart
- Section 3.3.19 – amended Figure 3 (to include Liaison Officers)
- Section 3.3.19 – amended Table 4 – deletion of ‘Abnormally high tides; dangerous surf)
- Addition of section 3.3.27 to 3.3.34 – Whole of Government public information
- Section 3.3.58 – amended ‘Administration: Finance and Cost Capture’ provisions;
- Addition of 3.4.11 to 3.4.16 – Media and Public Information
- Section 3.4.33 – Table 7 – Recovery Summary
- o This Table has not been updated or amended from the previous Plan. Depending on the availability of information, an amended Table may be circulated at the meeting for inclusion.

COMMITTEE’S RECOMMENDATION

Moved by Jason Robins, seconded by John Parker

THAT:

- a) *The Southern Midlands Emergency Management Committee endorse the changes to the Emergency Management Plan (will continue to be referred to as Issue 8) and a recommendation provided to the Southern Midlands Council that the Southern Midlands Emergency Management Plan (as amended) be endorsed and submitted to the State Emergency Service for formal approval and sign off; and in particular*
- b) *The Southern Midlands Emergency Management Committee endorse the Terms of Reference as detailed in Section 5.3 of the Plan.*

CARRIED



5.2 Establishment of Emergency Evacuation Centre in Southern Midlands (Action Plan)

The Southern Midlands Emergency Management Plan makes reference to the establishment of a 'Municipal Emergency Coordination Centre (MECC)' which is primarily an internal operation. The Plan includes detail in terms of responsibilities etc.

In addition to the MECC, the Plan refers to an 'Evacuation and Recovery Centre'. From a Council perspective it is indicated that the location will always be dependent on the location and nature of the emergency.

Council's Corporate Compliance Officer (Wendy Young) has recently prepared an 'Establishment of Emergency Evacuation Centre in Southern Midlands (Action Document)'. This document provides considerable detail in terms of what is required to establish; operate and maintain a Centre and is a significant advancement based on our current documentation. It was circulated for the Committees information.

In summary an Evacuation / Recovery Centre is an identified location whereby persons of an affected area can be assembled and assessed for the provision of basic services to meet the immediate personal support needs of individuals and families etc. It is also a location whereby affected persons can access a range of government and non-government organisations for assistance.

COMMITTEE'S RECOMMENDATION

Moved by Peter Tavaszi, seconded by Kerry Mancey

THAT the information be received.

CARRIED

6. GENERAL BUSINESS

6.1 Oatlands District Homes Association – Emergency Meeting Point(s)

Ms Megan Penzig, a representative from the Oatlands District Homes Association, attended the meeting for this Agenda Item to discuss a concern regarding the nominated 'Emergency Meeting Points' for the Homes Association.

It is envisaged that Committee members will be able to provide some advice and assistance in regard to this matter.

The Committee viewed a map of the Homes Association properties. An assessment of the likely risks faced by residents concluded that fire would be the major risk, with the potential for either single building fires, or wildfire impacting on the town. It was determined that two emergency meeting points would be appropriate, taking into account pathways and linkages. They being the staff car park at the rear of the MMPHC, and the junction of Wellington and Nelson Streets.



6.2 Other General Business

Opportunity for Committee members to raise any other issues:

- Pawtella Fire Station (Mt Pleasant Recreation Ground) – filler station installed (to be inspected);
- Emergency Scenario – through discussion, the Committee determined to conduct a ‘desktop’ emergency scenario at its next meeting. The scenario will be based on an incident which involves all emergency services (i.e. an active shooter at the MMPHC; a fire incident; require evacuation of facility and surrounding area etc.)
- Fire Rehabilitation and Recovery Arrangements. Tim Kirkwood informed the meeting that the TFS (through a joint protocol signed with Sustainable Timbers Tasmania and Parks and Wildlife) has advised that there is a change in practices relating to the rehabilitation of private property following a bushfire (e.g. rehabilitation of fire breaks installed; renewal of fences etc.). This is the first year where the change in rules has applied and at this stage it is very unclear what ‘responsibilities’ TFS are seeking to transfer and what is actually being expected of local government. This issue is being progressed through the Local Government Association of Tasmanian and the Department of Premier and Cabinet.

7. CLOSURE

The meeting closed at 7.35 p.m.

8. NEXT MEETING

Date and venue to be advised.

CHAUNCY VALE WILDLIFE SANCTUARY MANAGEMENT COMMITTEE
SOUTHERN MIDLANDS COUNCIL

MINUTES

OF GENERAL MEETING HELD ON MON 17TH JANUARY @ 10 AM
CHAUNCY VALE MEETING ROOM, BAGDAD

Present: Heather Chauncy; Graham Green; Tony Bantick; Tony James; Rowena McDougall; Victoria Needham; Jamie Ward

Apologies: Matthew Lindus

1. Minutes of Previous Meeting

Minutes of the meeting held in December were received as a true and correct record:

Moved – Heather Seconded – Tony *Carried*

2. Matters arising from the Minutes

- We have joined Land for Wildlife – no response from them as yet.
- Tony had the local fire brigade check the pump and sprinkler system – all OK but needs fuel, sprinklers need updating, and a level indicator for the concrete tank. Tony will follow up with these issues and get advice.
- Wattle removal – Heather would like the area in front of Day Dawn kept clear of wattles. It was agreed that the track to Day Dawn should also be kept tidy, ie dead wattles cleared and either burned or chipped. All other areas should not be interfered with ie, no active removal of vegetation. Areas to be kept clear near Day Dawn will be defined on a map at the next meeting.
- Follow up still required with Kara Spence regarding potential programs for young people at Chauncy Vale.
- It was agreed that we would no longer progress the concept of a ‘children’s play space’ and that the natural bush is sufficient to engage children.
- Follow up with Folco Cooper regarding his offer of timber wombats for Chauncy Vale.

3. Correspondence

Incoming:

- Adam Cisterne from Australian National University – requesting permission to take masked owl sniffer dogs onto Chauncy Vale to detect roosting sites and nesting sites. Permission granted. Graham to follow up where this study is at and that we would like to be more engaged with it.
- Michael McCormack (MP) – confirmation of grant approval
- Kevin Hickey (Department of Infrastructure, Transport, Regional Development and Communications) – Funding agreement for signing.

Outgoing:

- Response to the above incoming correspondence

4. Financial Report

The financial position as at 12/2/20 was \$103,280.60

Discussion was brief as not much has changed since the last meeting

Motion that the financial report be accepted:

Moved – Seconded –

5. Visitor Precinct site management update

- Californian thistle spraying commenced and is continuing. There is less work to do this season due to the dry.
- With assistance of David Cundall, a wildlife watering point was installed near the large water tank at the meeting room.

Up next, the Committee agreed to the following works to commence as soon as possible:

- cladding of the picnic shelter with rough sawn hardwood vertical boards;
- installing new gates at the 'Burnt Gate' site. A lockable large gate and small gates to prevent trail bike access.
- upgrading the wind protection at the meeting room bbq area; and
- upgrading the wheelchair access from the road to the meeting room. Tony to assist with his digger – pavers to be extended.

6. Pedestrian bridges project update

The funding agreement for this project has been finalised.

Council's consulting engineers are undertaking a site visit today in order for them to finalise the designs and specifications for the bridges and footings. Some points to report following the engineer's site visit:

- The chosen sites are appropriate in their opinion;
- A walk-through truss style bridge (trusses double as the bridge railings) is the best design for the chosen bridge sites;
- Galvanized steel construction is the most cost-effective option;
- The bridges can be fabricated locally;
- As part of their work they will also undertake a basic hydrological model of the catchment so that we know what amount of rainfall the bridges will be able to withstand.

7. Tasmanian Land Conservancy - Flat Rock Reserve

No report this time due to absence of representative from TLC

8. Other Business

Caves Loop Track and Interpretations Upgrade

Graham suggested that with the installation of the two new bridges, the standard of infrastructure within the reserve will be lifted and suggested that we could also go to the next level with the Caves Loop track in order to make it of high standard and an 'iconic walk'. A sizeable grant would be required to achieve this but it would be a good project to plan and integrate with it the following:

- improved and contemporary interpretations about the interesting features and stories of Chauncy Vale;
- some sculptures highlighting features of Chauncy Vale e.g. wildlife – commissioning work by either Folco Cooper or Marcus Tatton;
- a few interesting features for small children alongside the track, e.g. logs to walk along as a balance exercise;
- new signage at the Midland Highway junction to better highlight the existence of the reserve.

It was resolved that the next meeting would involve a workshop to develop this idea further.

Review Insurance

Heather suggested we should review our insurance cover in light of the improvement that have been made in recent years.

Wildlife Monitoring

A 'trail camera' has been purchased. We can use this to start recording wildlife in the reserve. It will have arrived by the next meeting at which we can decide where best to deploy it.

Rowena suggested we contact the university to see if there are any students who may be interested in a project which could be to set up a coordinated wildlife monitoring program for the reserve and to collate data from other monitoring e.g. TLC's bird call monitoring data.

Wildlife Land Trust

Rowena suggested we join the Wildlife Land Trust (Humane Society International). An opportunity to share the story of Chauncy Vale further afield, network and to lift our profile.

9. Next Meeting

Tuesday 31st March at 10 am



**SOUTHERN TASMANIAN COUNCILS AUTHORITY
DRAFT MINUTES**

**Minutes of a meeting of the Southern Tasmanian Councils Authority held on
17 February 2020 commencing at 11.00am at Brighton Council, Brighton.**

Present: Brighton Council – Acting Mayor Barbara Curran, Mr Ron Sanderson and Mr James Dryburgh

Derwent Valley Council – Mayor Ben Shaw and Ms Amanda McCall

Hobart City Council – Deputy Lord Mayor Helen Burnet and Mr Nick Heath

Huon Valley Council – Mayor Bec Enders and Mr Emilio Reale

Southern Midlands Council - Mayor Alex Green and Mr Tim Kirkwood

Tasman Council – Mayor Kelly Spaulding and Ms Kim Hossack

Apologies: Central Highlands Council – Mayor Loueen Triffitt and Ms Lyn Eyles

Glamorgan/Spring Bay Council – Mayor Debbie Wisby and Mr Chris Schroeder

Sorell Council – Mayor Kerry Vincent and Mr Robert Higgins

1. Welcome and apologies

The Chair opened and welcomed members to the meeting. Apologies for the meeting were noted and are listed above.

2. Confirmation of the minutes of a meeting of the Southern Tasmanian Councils Authority held on 25 November 2019

RECOMMENDATION

That the minutes of the meeting of the Southern Tasmanian Councils Authority (STCA) Board Meeting held on 25 November 2019 be confirmed as a true record of that meeting.

Moved: Mayor Shaw

Seconded: Mayor Green

CARRIED

3. Matters Arising

TasWater Headworks Charges Correspondence from the LGAT

The Board noted the correspondence from the LGAT in relation to headworks charges and resolved that a motion be prepared by Brighton Council for consideration at the next LGAT meeting.

Regional Cat Management Strategy

The Board noted the correspondence which was sent to Councils seeking support for the development of a Regional Cat Management Strategy.

The Board provided in principle support for the development of a Regional Cat Management Strategy, subject to consideration of the draft Strategy and requested that correspondence to that effect be provided to Ms Brookman.

Moved: *Deputy Lord Mayor Burnet*

Seconded: *Acting Mayor Barbara Curran*

4. Presentations

Brighton Council update

Mr Dryburgh provided an update to the Board on Brighton Council activities, including:

- A snapshot of the municipal area which is increasing in population (18,000) and Gross Regional Product (\$400M)
- Highlighting the growth in local employment and workforce, increasing urbanisation and changing expectations – evolving from a rural community but with high social disadvantage
- Recent strategic work undertaken by the Council, including their Climate Change and Resilience Strategy (November 2019) which is a whole of council approach to climate change and identifies increasing opportunities particularly around renewable energy
- Brighton Socio-economic Profile and Opportunity Assessment which was undertaken in conjunction with the four metropolitan councils. This work highlighted the competitive strengths and weaknesses of the five LGAs

Mr Dryburgh spoke about a number of projects the Council has completed, including:

- The development of a new website
- A communications review
- The development of a Reconciliation Action Plan
- A structural review of the organisation
- Zephyr MOU (focused on energy developments, solar farms, virtual power plants, green hydrogen)

Other highlights, included:

- Completion of stage 1 of the Bridgewater Parkland with stage 2 currently being planned
- A new regional sports facility at Pontville nearing final design
- Significant number of affordable housing dwellings completed with 150 due for completion by the end of the financial year
- Bridgewater School Farm redevelopment design currently undergoing consultation

- Increasing the number of trees in Brighton's streets, parks and private gardens

A number of key issues have been identified, including:

- Importance of managing growth well
- Addressing health issues
- Providing education and opportunities for young people
- Waste
- Organisational transition

Mr Dryburgh briefly talked about the sub regional group which meets to share resources and collaborate on projects. The group is currently preparing a grant application to the Tasmanian Community Fund seeking funding for a project similar to SERDAs workforce planning project.

5. New Business

ALGA Conference 2020, 14 to 17 June, Canberra

It was agreed that Board members interested in attending the ALGA conference would advise the City of Hobart. A number of Mayors advised that they were interested in attending the conference, including, Deputy Lord Mayor Burnet, Mayor Vincent, Mayor Wisby, Mayor Shaw and Mayor Enders.

Business Growth Roundtable

The Chair provided an overview of the Business Growth Roundtable which was held on 20 November 2019. A summary of the outcomes from the roundtable was circulated to the Board prior to the meeting.

6. Representation Updates

LGAT – GMC Update

The Board discussed opportunities to share information between the STCA and LGAT. Mayor Shaw advised that the LGAT has an MoU with the Cradle Coast Authority. It was agreed that Mayor Shaw would ask the LGAT CEO to send a copy of the MoU to the STCA Chair.

Destination Southern Tasmania

The Chair provided members with an update on the activities of Destination Southern Tasmania (DST) which included a review of its membership model and service levels with DST looking to increase its membership and engage more with business. A Marketing Strategy and Action Plan has been completed and work has commenced on the Tourism Travel Expo scheduled for September 2020.

7. Updates on Projects

7.1 Waste Strategy South

Mayor Green provided an update on Waste Strategy South advising that the LGAT statewide approach to waste has been dominating activities.

Mr Heath spoke about the MoU on waste which brings all 12 southern councils together

and negates the need for the STCA to have their own group.

7.2 Regional Climate Change Initiative

The Chair provided an update on the Regional Climate Change Initiative, which included advice on the upcoming Council consultation sessions on Climate Profiles and Regional Coastal Strategy.

8. 30 November 2019 Financial Statement

Mr Heath spoke to the 30 November 2019 financial statement, noting that with 42 per cent of the year remaining, 50 per cent of the annual budget has been spent and all income has been received.

Recommendation

The Board note the 30 November 2019 Financial Report and requested that a draft budget for 2020/21 be prepared based on \$0 subscriptions noting that Councils allocate funding in their 2020/21 budgets for future STCA projects.

Moved: Deputy Lord Mayor Burnet

Seconded: Mayor Green

9. 2020/21 STCA Operations

The Board discussed future subscription models going forward with Mr Heath providing a brief summary of the known commitments for 2020/21 and the resulting position for the end of the 2020/21 financial year. As part of the discussion, the group agreed that a regional body is important and it is good to have a collective voice for the south.

The Board noted the discussion the Chair had with Minister Ferguson who has requested a letter from the STCA which includes what the STCAs purpose of engagement is and what collaborative outcomes the group is looking to achieve through expanding the City Deal agenda to include the STCA (adjunct councils) during 'critical' points of the process. As part of this discussion it was agreed that there be a 'City Deal/Greater Hobart Act' item placed on the agenda.

Recommendation

The Board noted the anticipated financial position for 2020/21 based on the known commitments and asked Councils to allocate funds in their 2020/21 budgets for future STCA projects.

The Board noted that based on no subscriptions being collected for 2020/21 and the known 2020/21 commitments the anticipated end of year result to 30 June 2021 is \$52,000.

Non-STCA Councils be approached to gauge their support in committing to future regional projects, including an update to the Southern Tasmanian Regional Land Use Strategy.

A letter is to be sent to the Minister for State Growth to be tabled at the Hobart City

Deal Implementation Board meeting outlining the STCAs request to be engaged, at relevant points, in City Deal discussions.

Moved: Mayor Green

Seconded: Deputy Lord Mayor Burnet

11. Governance and Audit Committee Meeting Minutes

Mr Heath spoke to the Governance and Audit Committee meeting minutes noting that the Board had already spoken about its 2020/21 operations (as per agenda item 9). The Board were advised that the Governance and Audit Committee recommended to the Board that an MoU between the STCA and Huon Valley Council for the management and hosting of the STCA website be established, noting that a review of this arrangement would occur 12 months after the signing of the MoU.

Recommendations

The minutes from the Governance and Audit Committee Meeting be noted.

Moved: Mr Heath

Seconded: Mayor Spaulding

The STCA Board endorse the Memorandum of Understanding between the Huon Valley Council and the Southern Tasmanian Councils Authority for the management and hosting of the STCA website.

Moved: Mr Heath

Seconded: Mayor Green

12. Other Business

Regional Priorities

It was agreed that the regional priorities document would be circulated to General Managers for their review with an aim to streamline the document and remove any items that require more work.

Media Release

The Board asked that a media release be prepared advocating for an update to the Southern Tasmanian Regional Land Use Strategy. General Managers were requested to provide to the Hobart City Council specific examples/reason as to why the STRLUS needs to be reviewed.

Rehabilitation of private property following bushfires

Mr Kirkwood advised that, following the recent Elderslie/Pelham fire, the Tasmania Fire Service convened a meeting with the Central Highlands and Southern Midlands Councils to discuss rehabilitation and recovery arrangements. The TFS advised that whilst it will undertake rehabilitation planning, TFS will not be involved in recovery.



This is the first fire season that this rule has been put in place and follows a recent review and signing of an 'Inter-Agency Bushfire Management Protocol' between the TFS, the Department of Primary Industries, Parks, Water and Environment and Sustainable Timber Tasmania. It is apparent that local government has not been involved in related discussions and the issue is being followed up by LGAT.

The Protocol (copy attached) effectively indicates that local government will be expected to take a greater role in coordinating rehabilitation and recovery arrangements (in conjunction with DPAC), particularly on private property.

13. Next Meeting

It was agreed that the next meeting would take place on Monday 11 May 2020 at Huon Valley Council.

Meeting closed at 12.40pm



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

Background

This is the sixteenth edition of the Inter-Agency Bushfire Management Protocol, which is the operating agreement between the three organisations most closely involved with the management of bushfires in Tasmania: the Tasmania Fire Service (TFS); the Parks and Wildlife Service (PWS); and, Sustainable Timber Tasmania (STT). The protocol underpins the cooperative spirit which exists to ensure that the management and suppression of fires in Tasmania is safe, efficient and cost effective.

Following the 2018-19 bushfire season, and in line with Recommendation 5 of the Australasian Fire and Emergency Services Authorities Council (AFAC) Independent Operational Review of the fires, this 16th edition of the protocol reflects significant changes from previous versions.

Preamble

This protocol recognises the close working relationship that exists across the bushfire Agencies in Tasmania. It recognises the importance of a seamless, integrated approach to prevention, preparation, response and recovery for bushfires in Tasmania.

The purpose of this protocol is to enable the safe and effective control of bushfires on public and private land across Tasmania to achieve a range of community, cultural, agricultural, silvicultural and environmental objectives.

Bushfires occur, and will continue to occur in the Tasmanian landscape. Bushfire does not recognise tenure. Consequently, all land owners, occupiers and managers have a responsibility to work cooperatively to reduce its impacts.

This protocol maintains and explicitly recognises the following principles:

- The most able firefighting resource of any agency will be deployed immediately to a reported fire as a priority, regardless of the land tenure involved.
- There is one state-wide point of command for major unwanted fires burning in the state of Tasmania - the State Operations Centre. This will include a single voice for public communications.
- The fire agencies will work collaboratively to make strategic decisions, organise, prepare, and enable collective capability and capacity building.
- Each of the fire Agencies in Tasmania will have their objectives for management heard and accounted for in incident action planning, with adequate resources applied to meet those objectives. Where there are insufficient resources available, all objectives will be considered through an agreed triaging framework.
- The resources of the state will be used in suppression efficiently, using a structured risk-based approach to decision making.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

Prepared by: Director AFAC Review Implementation, Principal Staff Officer
TFS, Director Landscapes PWS

Signatory 1

Chris Arnol
CHIEF OFFICER, Tasmania Fire Service

Dated 22.11.19.

Signatory 2

John Whittington
**SECRETARY, Department of Primary Industries, Parks, Water
and Environment**

Dated 21.11.19

Signatory 3

Steve Whiteley
CHIEF EXECUTIVE OFFICER, Sustainable Timber Tasmania

Dated 22.11.19



Inter-Agency Bushfire Management Protocol 2019-2020

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1 RESPONSIBILITY

- 1.1 The TFS is responsible for all structural fire suppression state-wide, and for fire suppression on all private lands, unallocated Crown Land and in the Wellington Park as specified in the *Fire Service Act 1979*.
- 1.2 Where bushfires occur under conditions and in situations where there is an imminent risk to, or actual impact upon structures and communities, the TFS shall direct the response to those fires where practical.
- 1.3 The TFS has responsibility for the issuing of all declarations and warnings. All Incident Controllers, regardless of agency, incident tenure or complexity are responsible for the authorisation of, and the request to release, warnings.
- 1.4 The Department of Primary Industries, Parks, Water and Environment (DPIPWE), represented by the PWS, is responsible for fire management and suppression on land reserved under the *Crown Lands Act 1979* and the *Nature Conservation Act 2002*.
- 1.5 STT is responsible for fire management and suppression on Permanent Timber Production Zone Land under the *Forest Management Act 2013*.
- 1.6 DPIPWE, represented by PWS, is responsible for fire suppression on Future Potential Production Forest Land as identified through the *Forestry (Rebuilding the Forest Industry) Act 2014*.
- 1.7 Regardless of the legislative responsibilities for fires on certain land tenures, the guiding principle in response is that: "the most able firefighting resource of any agency will be deployed immediately to a reported fire as a priority".
- 1.8 In the case of major unwanted fires, the State Operations Centre will assume command and accountability.
- 1.9 Recovery arrangements are coordinated on a whole-of-Government basis by the Department of Premier and Cabinet (DPAC) in conjunction with local government and other recovery organisations. It is the responsibility of the signatories to this protocol to undertake rehabilitation planning and prepare the transition to community recovery.
- 1.10 Where necessary, the Chief Officer will arbitrate to resolve disputes.

2 PREPARATION

- 2.1 Multi-agency coordination will be undertaken at both the strategic and tactical levels, with high level Governance and accountability provided by the most senior level of each agency. For more details see [Section 3](#), and [Appendix 1](#) of this document.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

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- 2.2 Command of each agency's resources will remain with that agency, who, through multi-agency coordination structures, will provide advice to the state fire controller on agency readiness and capability and operational activity.
- 2.3 The Tactical Working Group will oversee the development, review, approval and implementation of multi-agency policies, procedures, training and document standards (see [Appendix 1](#)).
- 2.4 A combined readiness report will be completed annually for the Chair of State Emergency Management Council by 1 November.
- 2.5 The agencies will maintain a directory of contacts which will be updated annually and distributed between them by 1 November.
- 2.6 Before and after each fire season, there will be inter-agency briefing and debriefing which will include relevant emergency management partners and stakeholders.
- 2.7 Before the declaration or revocation of fire permit periods, the TFS will consult with STT and the PWS.

3 FUNCTIONS AND RESPONSIBILITIES OF THE STRATEGIC COORDINATING GROUP

- 3.1 Strategic coordination will be provided through a Strategic Coordination Group (SCG), with the aim to assist the State Fire Controller facilitate and coordinate bushfire response at a State level.
- 3.2 The State Coordinating Group will comprise the following members, or their delegates:
 - Chief Officer TFS
 - CEO STT, and
 - Deputy Secretary PWSFor the functions of the SCG see Appendix 1.
- 3.3 If matters of dispute arise, including: triaging response; allocation of resources; operational priorities; or conduct of individuals, the Heads of Agency or Chief Executive Officer for each organisation will arbitrate and be accountable for the decision.
- 3.4 The Chief Officer will determine when the State Operations Centre is stood-up, in consultation with the Agencies.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

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4 BUSHFIRE SUPPRESSION

- 4.1** The guiding principle is that: “the most able firefighting resource of any agency will be deployed immediately to a reported fire as a priority”, regardless of the land tenure involved.
- 4.2** Details of all bushfires must immediately be reported to the TFS through FireComm.
- 4.3** When bushfires are burning out of control the six Operational Priorities will be applied accordingly. See [Appendix 2](#).
- 4.4** Priorities in response will be made in line with the legislative responsibilities and objectives for each organisation, and give due consideration to the interests and values of key stakeholders. These include, but are not limited to: significant conservation and cultural values; high value agricultural and industrial areas; economic impacts on communities; major infrastructure assets and private forests.
- 4.5** The most senior person present of the first arriving crew shall immediately assume the role of Incident Controller until such time as another Incident Controller is appointed, or an Incident Management Team established, or the fire is brought into the control of an existing Incident Management Team. This information must be made readily available to other agencies.
- 4.6** All bushfires will be managed under AIIMS-ICS structures and principles including:
- Management by objectives
 - Functional management structures; and,
 - Span of control.
- 4.7** Through these structures, all responses will have a short IAP (1 page) in place within the first 4 hours of response, and an options analysis completed within the first 12 hours of response.
- 4.8** FireComm must be notified when initial attack (within 4-6 hours) is unsuccessful, and an ongoing response is required. This will flag the need for IMT formation and regional reporting.
- 4.9** FireComm must be notified when the incident level is determined or changes.
- 4.10** All daily IAPs must explicitly state the level of the incident.
- 4.11** Initial determination of Incident level will be made by the responding organisation, informed by Incident Level Guidelines.
- 4.12** The Incident Controller (IC) will ensure that a Situation Report for all active fires is submitted at least once a day by 1500 hours.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

- 4.13 The policies of the managing authority for the land will be applied in suppressing bushfires.
- 4.14 Agencies will commit their locally available suppression resources before seeking help. This may be varied by agreement based on forecast conditions.
- 4.15 Agencies should ensure that key stakeholders are engaged in response. Whenever possible, local knowledge will be included in the planning and execution of fire operations.
- 4.16 Immediate rehabilitation, planning and stabilisation operations should be implemented to ensure reduced environmental impacts whilst the planning and operational staff are still assembled.
- 4.17 If assistance is sought or likely to be required, the relevant Regional Chief (TFS), State Duty Officer (STT) or Fire Duty Officer (PWS) will be contacted and standard operating procedures for resource requests followed.
- 4.18 The Responsible Agency (in the case of a Level 1, Level 2 or a Level 3 single tenure bushfire) or the Incident Controller (in the case of a Level 3 Multi-agency bushfire) is responsible for the welfare and safety of all personnel under their direction, regardless of the agency or employer from which the personnel have been sourced. The Incident Controller is responsible for reporting to WorkSafe Tas all notifiable incidents as defined under the Work Health and Safety Act (2012). The SCG delegates will be informed following this notification.
- 4.19 In the event of a workplace accident requiring investigation, the State Fire Controller will appoint an investigator in consultation with the relevant agency.
- 4.20 Following the initial response, work periods should not exceed 12 hours. When exceeding 12 hours, notification must be made to the relevant agency duty officer.
- 4.21 The Responsible Agency (in the case of a Level 1, Level 2 or a Level 3 single tenure bushfire) or the Incident Controller (in the case of a Level 3 Multi-agency bushfire) is responsible for the determination of the cause of the fire and the subsequent referral to the appropriate authority for investigation if required.

5 RESOURCE SHARING

- 5.1 Agencies will promote the standardisation and compatibility of fire management equipment and procedures.
- 5.2 Where equipment is provided, the request for equipment must be accurately documented. The receiver will take responsibility for its care, maintenance and timely return or replacement.
- 5.3 A State Air Desk, for the coordination of aerial assets for the purposes of bushfire response, operates all year round. All requests for aircraft must be



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

made through this desk in accordance with the agreed Aircraft Standard Operating Procedures Manual.

- 5.4 The participating agencies will maintain and annually review the aircraft standard operating procedures.
- 5.5 The Tasmanian National Aerial Firefighting Centre (NAFC) delegate must engage with PWS and STT in relation to contract arrangements with NAFC and the “call when needed” register.
- 5.6 Interstate and International deployments will be in accordance with the principles and guidelines of the National Resource Sharing Centre (NRSC).

6 COSTS AND REIMBURSEMENTS

- 6.1 All marginal costs on bushfires will be shared by the agencies involved in proportion to the tenures of area burnt. In the case where an agency planned burn escapes, the agency responsible for the escaped burn shall be invoiced for all marginal costs, and may be invoiced for all redirected costs incurred by supporting agencies during suppression operations. This arrangement may be varied by agreement between the agencies involved, including allocation of costs for aircraft.
- 6.2 Each agency will be responsible for redirected costs, which apply to its own resources on all fire operations other than escaped burns.
- 6.3 Agency tenure areas will be determined by the most up-to-date State Tenure layer, as provided by DPIPWE.
- 6.4 Immediate fire rehabilitation costs will be recognised as legitimate fire suppression activities and therefore can be claimed.
- 6.5 All claims for reimbursement should be made within three months of extinguishing the bushfire and always before 14 May in the financial year in which the fire occurred.

7 PAYMENTS TO TFS VOLUNTEERS

- 7.1 Payments to volunteers may be available in some situations on STT and DPIPWE (PWS) land tenures, in particular:
 - a) Long duration bushfires in remote areas;
 - b) In remote locations where the bushfires are not likely to threaten the community, built assets or critical infrastructure; or
 - c) If they have not been relieved by the managing agency’s resources within four hours.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

- 7.2 The responsible TFS Regional Chief must receive a written request for paid assistance and this must be in the form of a resource request.
- 7.3 Any such request must be instigated at the time of the response/incident and cannot be retrospective.
- 7.4 Should responding Brigades be uncertain of whether these arrangements are applicable or not they must raise the matter with their relevant District Officer and/or the Incident Controller in the first instance.

8 INFORMATION MANAGEMENT

- 8.1 Incident Controllers are responsible for communicating critical information to communities and relevant stakeholders.
- 8.2 Agencies will ensure appropriate procedures are adopted and adequate personnel are assigned to bushfires to ensure that accurate information about the bushfire/s is collected and disseminated in a timely manner.
- 8.3 Any public alert messages including 'Bushfire Advice', 'Bushfire Watch and Act', 'Emergency Alerts' and 'Emergency Warnings' will be distributed by TFS on the advice of the Incident Controller and in accordance with established procedures.
- 8.4 All fires of two hectares or more in size will be mapped in geographic information system format. The minimum standard will be an estimate from ground or aircraft sketched onto a 1:25,000 map, although a GPS survey from foot, vehicle or aircraft is preferred. Remote sensing imagery or aerial photography may also be used.
- 8.5 Through the multi-agency collaboration teams, a suite of multi-agency policies, procedures, maps, electronic applications and tools that will assist in the management of fires will be developed, approved and implemented. As far as practical these will align with national guidelines and positions.

9 FIRE MANAGEMENT PLANNING

- 9.1 Each Agency will actively participate and contribute to the preparation of Bushfire Risk Management Plans for each of the Fire Management Areas in the state.
- 9.2 A collaborative approach to developing risk treatments and plans across multiple land tenures will be adopted where appropriate.
- 9.3 Agencies will cooperate in the implementation of the Bushfire Risk Management Plans, and work collaboratively with the relevant stakeholders and land managers/owners in their implementation.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

- 9.4** Agencies will maintain their own implementation plans, relevant to their legislated responsibilities and priorities, and report on their implementation through the relevant Fire Management Area Committee.

10 TRAINING

- 10.1** The agencies will participate in and provide representatives to the Inter Agency Training Committee (IATC). All interagency training will be directed through this Committee.
- 10.2** The SCG will monitor the capability and capacity to respond to fires across the state, and provide broad direction to the IATC.
- 10.3** Training standards will be informed by the AFAC Emergency Management Professionalisation Scheme, and registration and certification through this scheme will be preferred.
- 10.4** Agencies will take every opportunity to train and exercise together, maximising seamless integration of systems, consistency and continuous improvement.

11 RESEARCH

- 11.1** Fire research may be facilitated through the Tasmanian Fire Research Fund (TFRF) to which the agencies contribute.
- 11.2** Agencies will consult about fire research proposals to avoid duplication and to maximise mutual benefits.
- 11.3** The TFRF will be managed by a Steering Committee, with representation from each of the financial members of the fund.
- 11.4** The Steering Committee will provide a report to the State Fire Management Council on the TFRF.
- 11.5** The Steering Committee will report to their respective heads of agencies or Chief Executive Officer on all matters on the TFRF.

12 NATIONAL REPRESENTATION

- 12.1** By agreement, any agency may represent another at meetings of AFAC and its relevant subgroup(s) and other agreed national and/or industry forums.
- 12.2** Where authorised, an attending agency may delivery proxy votes on behalf of an absent agency.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

13 REVIEW

- 13.1** A participating agency may initiate a review of this Protocol at any time.
- 13.2** This Protocol will be reviewed at the end of each fire season to maintain currency.
- 13.3** Any new signatories to this protocol will need to be briefed on the document within 28 days of their commencement by their respective Agency.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

APPENDIX 1: MULTI-AGENCY COORDINATION & COLLABORATION

1. Background/Context

Tasmania Fire Service (TFS) is committed to implementing the Recommendations arising from the Australasian Fire and Emergency Services Authorities Council (AFAC) Review into the 2018-19 bushfire season in collaboration with its partner agencies, Parks and Wildlife Service (PWS) and Sustainable Timber Tasmania (STT).

Recommendation 5 of the Review states that TFS, PWS and STT agree on an updated version of the Interagency Fire Management Protocol which maintains the principle that there will be one state-wide point of command for major unwanted fires burning in the State of Tasmania, explicitly recognising the right of each of TFS, PWS and STT to have their objectives prioritised in incident action planning and adequate resources applied to objectives, and provides a mechanism for executive decision-makers from TFS, PWS and STT to come together and agree objectives and resourcing levels that will then be operationalised by whole-of-State control structure.

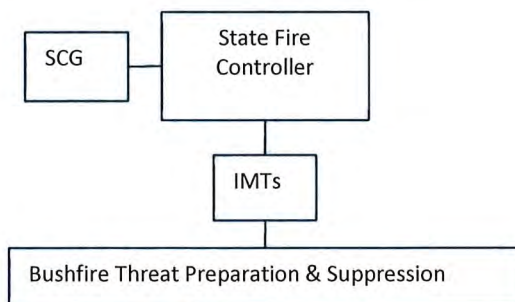
These revised Terms of Reference meet this recommendation.

2. Structure of Multi-Agency Coordination and Collaboration.

Two separate groups have been identified to undertake coordination and collaboration. This was previously all undertaken by the MAC, an entity which has now been expanded to this broader structure.

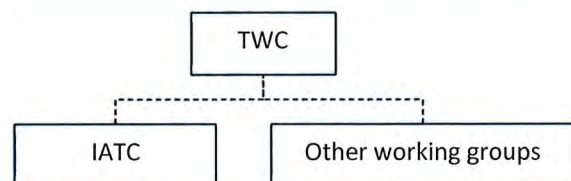
Strategic Coordinating Group (SCG)

- Purpose: Coordinate bushfire response
- When: SOC is operational, or by request
- Who: Either the head of TFS, PWS, STT or their delegates



Tactical Working Group(s) (TWG)

- Purpose: Achieve Operational Consistency
- Develop operational policy and procedures to achieve consistency in fire operation between TFS, PWS and STT
- When: Always – following a schedule
- Who: Delegates of TFS, PWS, STT





Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

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Strategic Coordinating Group (SCG)

1. Objective

To provide strategic direction and advice to the State Fire Controller when the State Operations Centre is operational, or the fire risk requires a state-wide response.

2. Functions and purpose SCG

- SCG members will maintain situational awareness
- Support the State Fire Controller to identify strategic priorities and resources allocation.
- Each agency's objectives and priorities are taken into consideration in identifying strategic objectives, priorities and resource allocation.
- Oversee/endorse the response risk assessment prioritisation.

3. Membership SCG

- The State Coordinating Group will comprise the following members or their delegates:
 - Chief Officer TFS
 - CEO STT
 - Deputy Secretary PWS
- Members must ensure their delegates have decision making authority.

4. Responsibilities of the Strategic Coordination Group

- Assist with the facilitation and coordination of inter-agency responses.
- Recommend appointment of a suitably experienced Incident Controller and appropriately resourced Incident Management Teams to manage Level III incidents or fires.
- Monitor the state-wide fire situation and liaise with local districts and regions about fires with the potential to escalate to Level III status and make recommendations to the State Fire Controller.
- Advise the State Fire Controller, or if delegated to do this by the State Fire Controller, task and/or appoint Incident Management Teams, ensuring that the Incident Controller has a clear understanding of agency policies, intentions and constraints to be considered when determining incident objectives.
- For the STT and PWS representatives, provide briefings and updates to the SOC on bushfires on Permanent Timber Production Zone (PTPZ) Land and reserved land and the level of resource commitment.

5. Meeting of State Coordination Group

- The State Fire Controller must hold meetings when required or on request of any agency SCG member/delegate.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

- The Group may meet when the SOC is not stood up to consider issues such as repositioning of resources during periods of heightened fire danger, or to determine the status of the SOC.
- When the SOC is stood up, the Strategic Coordinating Group will meet daily at a prescribed time that best complements the SOC and Operations in the field.

6. Support

Support for the Strategic Coordination Group will be provided by the Executive Officer of the State Operation Centre who will ensure the appropriate recording of decisions. The State Fire Controller ensures accountability for implementation.

7. Dispute Resolution

In the event of a dispute between agencies, ultimate dispute resolution will sit with the State Emergency Management Controller.

Tactical Working Group (TWG)

1. Objective

To achieve, where possible, operational standards and consistency between the Agencies.

2. Functions and purpose TWG

- Develop operational policies and procedures.
- Coordinate and collaborate on interagency training; standard operation procedures, preparation of state capability and the development of standard policies and procedures.

3. Membership TWG

Agencies will provide a delegate to the TWG that has required experience and decision making authority to fulfil the functions of the TWG.

4. Responsibilities of the TWG

- Provide a point of contact for their respective agency for fire management related matters – noting the capacity of each agency to be tasked with functions or roles not covered by these terms of reference.
- Oversee the development, implementation and review of multi-agency procedures and documents.
- Oversee the development and collation of risk registers relevant to the management of fire in the landscape.
- Share fire management information across stakeholder groups.
- Maintain oversight of the Inter-Agency Training Committee (IATC) and ensure multi-agency fire related training opportunities are identified, coordinated and implemented as required.
- Review and endorse the IATC annual training plan.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

- Determine the content and coordinate the annual multi-agency pre-fire season preparation day.
- Approve a suite of policies, procedures, maps, electronic applications and tools that will assist in the management of fires.

5. Meetings of TWG

The TWG will meet in-line with the Terms of Reference developed for their role and function.

6. Reporting Arrangements for TWG and the IATC

Agency representatives report to their respective supervisors and operate within each of their individual authorities. Multi-agency matters requiring a higher level of consultation or approval may be referred to the strategic coordination group delegate for each Agency.

7. Dispute Resolution

In the event of a dispute between agencies, the matter will be elevated to the SCG for resolution.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

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APPENDIX 2: 6 OPERATIONAL PRIORITIES FOR WHEN FIRES ARE BURNING OUT OF CONTROL

1. General Information

The experience of the 2009 Victorian bushfires highlighted the need for fire agencies to adopt clear and unambiguous operational priorities to guide actions in extreme fire conditions. Accordingly, the Operational Priorities provide strategic direction to Incident Controllers, teams and individual firefighters in developing appropriate responses on days of severe to catastrophic fire danger; when fire spread cannot be stopped and there are insufficient resources to defend all assets.

The guiding principle applied across the Operational Priorities is the protection of human life. In this context, early advice to communities is critical; and in some circumstances timely and accurate warnings must be the main effort, supported by necessary suppression activities. It follows that actions to protect property and other assets may be of secondary importance.

The Operational Priorities are provided as strategic guidance, and may require adaptation in some circumstances. Where possible, the Incident Controller should do this in consultation with the Regional Fire Controller and State Fire Controller, and only when supported by incident prediction and risk assessment. Likewise, the Operational Priorities are an important tool, but should not be considered in isolation. For example, Community Response Plans should be consulted to identify where people are likely to gather, and what assets the community has identified as valuable when efforts to extinguish the fire have failed. The decision-making responsibilities of Incident Controllers and other fireground appointments remain extant.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

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2. Operational Priorities (in uncontrollable bushfires)

The following priorities shall form the basis of incident strategy development and Incident Action Planning:

Priority 1 – ISSUE WARNINGS
Gather, analyse and disseminate information on current and predicted fire location, direction and rate of spread, and issue relevant and tailored warnings to those communities threatened by fire to assist community members to make informed decisions to ensure their safety.
Priority 2 – PROTECT VULNERABLE PEOPLE
Protect vulnerable people who may be gathered in schools, nursing homes, community shelters, nearby safer places and other like facilities. This includes the safety of community members, at risk individuals, visitors and tourists located within the incident area, and emergency service personnel.
Priority 3 – PROTECT VALUABLE COMMUNITY ASSETS
Protect key vulnerable community assets and critical infrastructure that supports community resilience. This necessitates the identification of assets that particular community's value, mitigation of their vulnerability, and the assignment of crews to protect them when fires threaten.
Priority 4 – STOP BUILDING TO BUILDING IGNITION
Stop the spread of fire in built-up areas through building-to-building ignitions. This should be done efficiently so that resources are not tied up for longer than necessary at individual homes or buildings.
Priority 5 – PROTECT OTHER COMMUNITY ASSETS
Apply the operational triage policy: <i>defend buildings and other assets that can be defended by firefighters</i> . Firefighters should not attempt to defend assets that cannot be defended safely. Focus on assets and facilities that support livelihoods and/or individual and community economic sustainability. Consider also environmental and conservation assets that capture the cultural, biodiversity, and social values of the community.
Priority 6 – FIGHT THE FIRE ONCE CONDITIONS MODERATE
On severe to catastrophic days, containing and extinguishing the fire should only occur when conditions have moderated. Strategies should also include periodic patrols of buildings to detect post-fire front ignitions.

Remember: Safety Comes First!



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

Authorised by: Heads of Agency/CEO

APPENDIX 3: GLOSSARY OF TERMINOLOGY

AFAC	Australasian Fire Authorities Council. The National Council for Fire and Emergency Services, and also includes New Zealand.
AIIMS-ICS	Australian Inter-service Incident Management System – Incident Control System.
Bushfire	Unplanned vegetation fire. A generic term which includes grass fires, forest fires and scrub fires both with and without a suppression objective.
Bushfire Risk Management Plan	A strategic level plan prepared for a Fire Management Area by the relevant Fire Management Area Committee that identifies, in broad terms, the bushfire risk treatment priorities for the area.
DPIPWE	Department of Primary Industries, Parks, Water and Environment. Represented in the field by the Parks & Wildlife Service (PWS).
Chief Officer TFS	Chief Officer of the TFS and delegate of the State Fire Commission directly responsible for administering the <i>Fire Service Act 1979</i> in relation to functions and powers exercised in accordance with that legislation.
Fire Management	All activities associated with the management of fire prone land, including the use of fire to meet land management goals and objectives.
IAP	Incident Action Plan. The plan used to describe the incident objectives, strategies, resources and other information relevant to the control of an incident.
IATC	Inter-agency Training Committee
Implementation Plan	The plans that provide details on bushfire risk treatments for specified areas. Examples of risk treatments that could be covered by such plans are schedules of fuel reduction burning, fuel breaks, fire trails, response arrangements, evacuation arrangements. Operational burn plans for individual fuel reduction burns are also a category of implementation plan.
IMT	Incident Management Team.
Level 1 Incident	A small, simple incident that is generally controlled with local resources. Generally, coordination efforts may include other agencies. The Incident Controller will usually undertake more than one functional role. The



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

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incident can usually be contained within one operational work period.
Conducted under local oversight.

Level 2 Incident

An incident that has not been contained within the first operational period, but is likely to be contained within a week.

Generally, an incident of medium size or complexity carrying moderate risk that will require the use of resources from outside the District/Region and could involve one or several agencies. The Incident Controller may be undertaking more than one functional role but will normally have delegated at least one functional role. May require the deployment of some components of an Incident Management Team. The incident may be conducted under single agency or District/Regional level multi-agency oversight.

Level 3 Incident

A protracted complex incident that has been divided into divisions under AIMS, and is likely to extend longer than a week.

Generally, a major incident carrying high risk that involves many resources and inter-agency operations. May involve multiple land tenures and/or jurisdictions. The incident may require the commitment of resources over an extended period of time (days or weeks) to resolve. It will require the deployment of a well-resourced Incident Management Team and may be conducted under State level oversight. It will require a dedicated Incident Control Centre..

Major Unwanted Fire(s)

Any bushfire, or number of fires, in the landscape which by agreement are deemed to require the initiation of state-wide response through the State Operations Centre, initiated by the Chief Officer.

Marginal Costs

All abnormal costs incurred as a direct consequence of bushfire suppression.

Redirected Cost

Normal budgeted expenditure, e.g. salaries and wages.

Resources

Plant, equipment, facilities and personnel.

Responsible Agency

The agency responsible for the extinguishing of the bushfire in question.

ROC

Regional Operations Centre.

SCG

Strategic Coordination Group (as outlined in Appendix 1)

SFC

State Fire Commission.

SOC

State Operations Centre, referring to the physical location of the State Operations Team (SOT). The SOT support the State Fire Controller.



Inter-Agency Bushfire Management Protocol 2019-2020

Custodian: SCG

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STT	Sustainable Timber Tasmania (formerly known as Forestry Tasmania).
Supplying Agency	The agency supplying workers to assist the Responsible Agency with extinguishing the bushfire in question.
TFRF	Tasmania Fire Research Fund.
TFS	Tasmania Fire Service.



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 Please tick ✓ answer Yes No

Signage Is any signage proposed? Please tick ✓ answer Yes No

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	to	pm
	Weekdays				Weekdays			
	Sat				Sat			
	Sun				Sun			

Number of existing employees: Number of proposed new employees:

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

Please tick ✓ answer

Is the development to be staged: Yes No

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 ²	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:

1. 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.
2. 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)	Date
---------------------	------------------------	------

Land Owner(s) Signature	Land Owners Name (please print)	Date
-------------------------	---------------------------------	------

Land Owner(s) Signature	Land Owners Name (please print)	Date
-------------------------	---------------------------------	------

TASMANIA POLICE

Operations Support / Firearms Services

GPO Box 308 HOBART TAS 7001
Phone (03) 6173 2720 Fax (03) 6230 2765
Email firearms.services@police.tas.gov.au
Web www.dpem.tas.gov.au www.police.tas.gov.au



Your Ref: A19/185974
Our Ref: PD

24 September 2019

Mr Grant Wilson
926 Tunnack Road,
PARATTAH TAS 7120

Dear Mr Wilson

APPLICATION FOR RANGE APPROVAL

Thank you for your enquiry to establish a new closed range under the name Beards Lane Bangers.

I wish to express that Firearms Services (FAS) gives "In principle" support to your project as described by the information supplied by Mr David Eyles from TasTAFE at Beards Road, Parattah. This is not a Range Approval or a guarantee that the range can be approved.

I can indicate that the information supplied by Mr Eyles is a closed range in the area could be constructed as to comply with *Section 151 of the Firearms Act 1996*.

Please note that the development of this range appears to be a significant project and FAS cannot control outside influences on relevant legislation or policy.

I am aware that you will be seeking relevant council approvals prior to a formal application for a Range be made. I have included an application form that should be completed if council approval is granted, and prior to commencing construction. Please note that the application fee for this approval is \$103.68 which is payable on application and can be submitted at any *Service Tasmania* outlet.

We look forward to working with you in the process to establish your new Range.

I will be the contact in relation to the range, and am happy to liaise with you directly regarding the ongoing matters relating to your application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Devine'.

P DEVINE
Sergeant 2141



WOOLCOTT SURVEYS

PLANNING APPLICATION

New Pistol Firing Range

Owner:

Gregory & Marlene Wilson

Property address:

1110 Tunnack Road
Mount Seymour

Municipality:

Southern Midlands Council

Yinghuan Liu

yinghuan@woolcottsurveys.com.au
Town Planner

Contents

1.	Proposal	2
1.1	The Proposal.....	2
1.2	Operation of the Club	2
2.	Subject Land.....	4
2.1	Location.....	4
2.2	Land Area	4
2.3	Existing Infrastructure.....	4
2.4	Access.....	4
2.5	Special or Significant Features of the Subject Land	4
2.6	Existing Uses, Buildings and Structures.....	4
2.7	Adjoining Properties.....	4
2.8	Photos	5
3.	Planning Controls.....	7
3.1	Planning Scheme	7
3.2	Zoning of Subject Land and Surrounding Land	7
3.3	Overlays of Subject Land.....	8
4.	Southern Midlands Interim Planning Scheme 2015	9
4.1	Planning Scheme Zone Assessment	9
4.2	Planning Scheme Code Assessment.....	14
5.	Strategic Planning	17
5.1	State Policies	17
6.	Summary	18
	Annexure 1 – Certificate of Title Plan and Folio Text.....	19
	Annexure 2 – Proposal Plan	20
	Annexure 3 – Tasmania Police Supporting Letter.....	21
	Annexure 4 – Warning Sign Dimensions.....	22

1. Proposal

1.1 The Proposal

This application seeks for Planning Permit to use the site for the purposes of Sports and Recreation – a pistol firing range at 1110 Tunnack Road, Mount Seymour (CT244986/1 & CT244986/2). The proposal will utilise the natural topography of the site and offer portable shooting facilities for various target pistol shooting practices for the club members. The club will also provide opportunities to encourage participation and growth in the target pistol shooting sports in Tasmania.

It is proposed to occupy a 1ha (50m x 200m) shooting range on the south east of the subject site. Firing line will be located on the eastern side of the range facing west, while targets will be located at the western end. To the east of the shooting range there will be a 20m x 20m common area for coaching and training purpose. The club will use the Tichnells Hill as natural backstops, with a topography over 60m elevation sloping down from the hill top to the east. There will be no permanent structure, no removal of any vegetation or trees, as well as no excavation including alterations to any existing waterways or drains. The proposal therefore seeks for Planning approval to change the use of the subject site only, as no work or development need to be undertaken.

The subject site will be accessed via its internal road onto Beards Road, which is an unsealed road maintained by Southern Midlands Council. The car parking area will be located to the immediate north of the common area and will be compacted by gravel for safety purposes. It is not proposed to form sealed internal road and car parking spaces in order to minimise the negative impact they would have on the agricultural values of the site. A copy of the site plan is attached at Annexure 2.

The proposed pistol range will be a closed range. This is a terminology of Tasmania Police, which is used to define a shooting range where there is no possibility of muzzle projectiles leaving the designated area. The closed range comprises a 'Range Proper', which is the proposed range area, and a 'Range Danger' area which extends another 200m to the west providing total 400m in length from the firing line with 6ha in area. Therefore, the proposal will ensure all fall-of-shot to be contained within the shooting range. A supporting letter provided by Tasmania Police has confirmed that in-principle support of the proposal has been given. Refer to the letter attached at Annexure 3 for detail.

Warning signs will be erected and the end of Beards Road/start of our proposed driveway as required by Tasmania Police.

1.2 Operation of the Club

It is anticipated that the club will only be operated at weekends, 10am to 4pm, maximum of 4 days a month. Outside of the pistol club hours the land will be used as general farmland which is the current use. All the club property, including shooting targets, firing shed, fencing and firing line frame, will be portable and transferable. Staff will set up the necessary range facilities before the club is open, and pack them away after every activity. Public toilets are not required on site as the nearest one is located at the adjoining property of 926 Tunnack Road, Parattah. The club will comply with all safety requirements as per the requirements of Tasmania Police. Every attendant will be required to wear PPE, including compulsory high visible clothing, ear and eye protection and safety footwear.

There will be at a maximum number of 10 club members coming every time, including 3 range officers on site during an organised shoot and 2 officers on practice days. Car parking will contain 10 spaces, based on the anticipation that 1 attendant per car to access the site.

The shooting pattern will generally be small 2-minute bursts of fire followed by 5 minutes of no fire. This will repeat for approx. 2 hours. The shooting shed will be installed by a double layer of insulation batts to absorb the sound. The club will use **subsonic** ammunition (a noise reduced ammo) only as the ammunition will significantly reduce sound across the whole trajectory profile¹. Initial sound tests by using different large rifles have indicated that the sound beyond 300 meters would nearly be non-audible.



Figure 1 - Aerial view of the subject site and its surrounding areas.

¹ MacCarthy, M., O'Neill, M., & Cripps, H. (2011). An investigation into the use of sound moderators on firearms for game and feral management in New South Wales. New South Wales, Australia: Game Council for NSW.

2. Subject Land

2.1 Location

The subject site has an address of 1110 Tunnack Road Mount Seymour. The site details are shown below:

Property Address	'IONA' - 1110 TUNNACK RD MOUNT SEYMOUR TAS 7120
Property ID	2049983
Title Reference	244986/2

Property Address	'IONA' - 1110 TUNNACK RD MOUNT SEYMOUR TAS 7120
Property ID	2049983
Title Reference	244986/1

A copy of the Certificate of Title is attached at Annexure 3.

2.2 Land Area

The generally regular shaped lot currently has a size of 38.32ha (refer to title). Figure 1 above shows the geographical shape of the land.

Property Address	Existing Size
CT 244986/1	10.45ha
CT 244986/2	27.87ha

2.3 Existing Infrastructure

There site is not serviced by any infrastructure.

2.4 Access

Access to the site is via its internal road onto Beards Road, which a public Road maintained by Southern Midland Council.

2.5 Special or Significant Features of the Subject Land

The subject site is mapped as being subject to Waterway and Coastal Prospection Areas, Landslide Hazard and Biodiversity protection Overlay. Sub stream of Stonor Creak is located on the south east and Ticknells Hill is located at the south western site. The elevation is over 60m from west to east. A portion of land in the southeast of the site is identified as landslide hazard area.

2.6 Existing Uses, Buildings and Structures

The current use of the site is for grazing sheep and cattle, with a few old hay/storage sheds which are not going to be used by the pistol club.

2.7 Adjoining Properties

The property is adjoined by rural land properties to the north, south and east, while the Tichnells Hill is located on the west of the site. Land further to the northeast appears to be agricultural land and further to west is South line Rail line.

2.8 Photos



Figure 2 – Proposed location of firing line looking west towards hill.



Figure 3 – Portable firing shed looking to the west of the site. A double layer of insulation batts is installed for noise elimination.



Figure 4 – proposed portable firing shed.

3. Planning Controls

3.1 Planning Scheme

The subject site falls within the Southern Midlands Council and therefore the statutory planning control document is the *Southern Midlands Interim Planning Scheme 2015* (the planning scheme).

3.2 Zoning of Subject Land and Surrounding Land

The site is zoned Rural Resource under the planning scheme.

Land around the site is zoned Rural Resource and further to west is zoned Utilities (railway), as shown below:

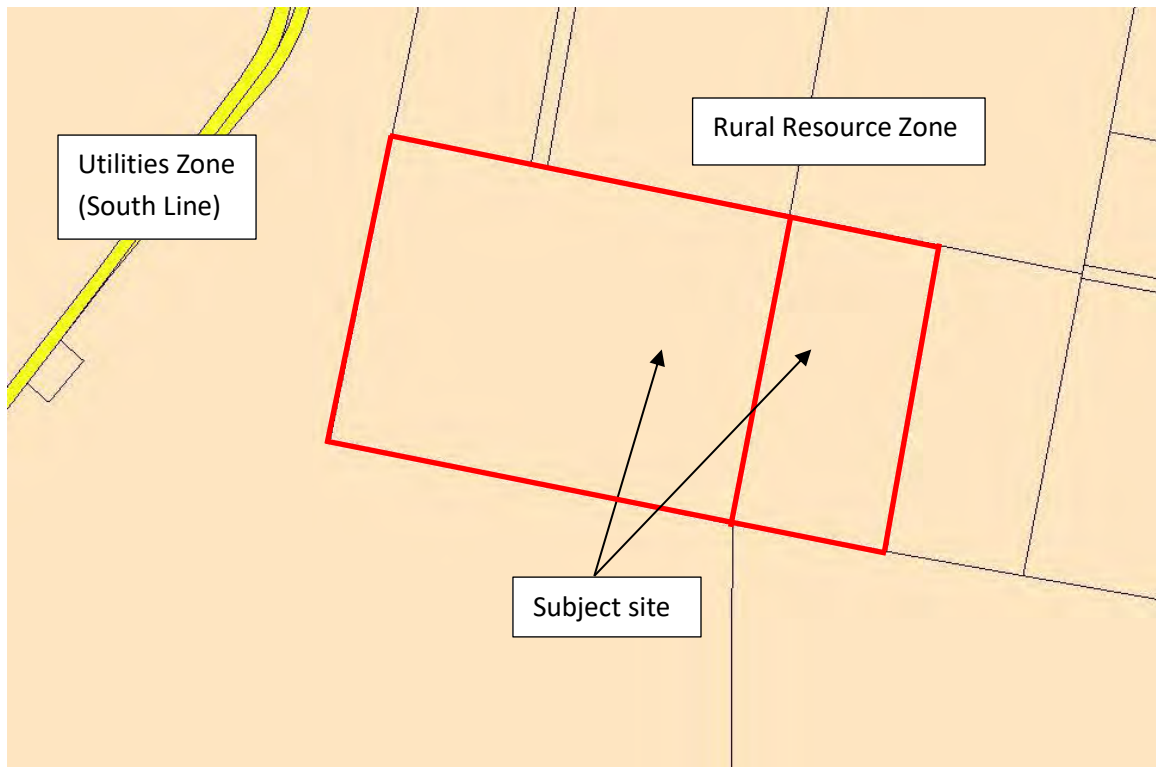


Figure 5 – The subject sites falls within Rural Resource zone.

10.0 General Residential
11.0 Inner Residential
12.0 Low Density Residential
13.0 Rural Living
14.0 Environmental Living
15.0 Urban Mixed Use
16.0 Village
17.0 Community Purpose
18.0 Recreation
19.0 Open Space
20.0 Local Business
21.0 General Business
22.0 Central Business
23.0 Commercial
24.0 Light Industrial
25.0 General Industrial
26.0 Rural Resource
27.0 Significant Agricultural
28.0 Utilities
29.0 Environmental Management
30.0 Major Tourism
31.0 Port and Marine
32.0 - 39.0 Particular Purpose

3.3 Overlays of Subject Land

The site is affected by Landslide Hazard, Biodiversity Protection and Waterway and Coastal Protection Areas Overlays, as shown below:

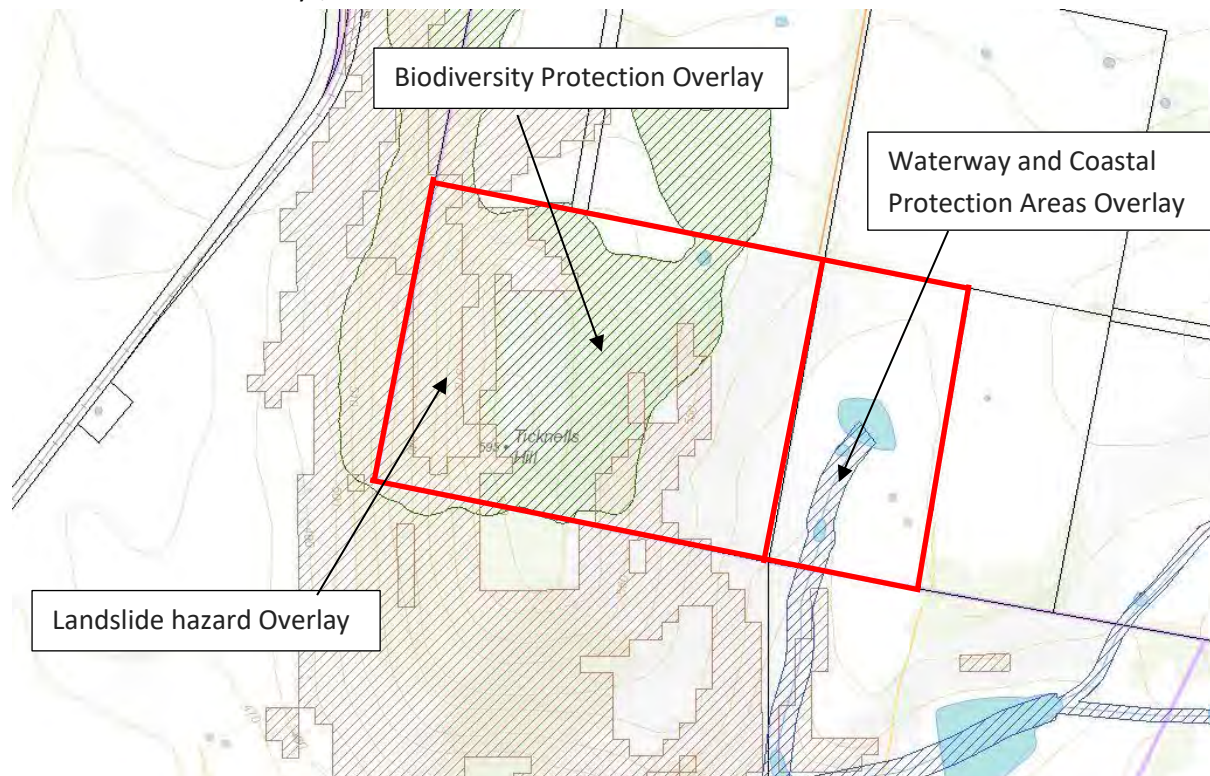


Figure 6 – Overlays affecting the site.

4. Southern Midlands Interim Planning Scheme 2015

4.1 Planning Scheme Zone Assessment

26.0 Rural Resource Zone

26.1 Zone purpose

26.1.1 Zone Purpose statement

Relevant purpose statements are:

26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.

26.1.1.3 To provide for non-agricultural use or development, such as recreation, conservation, tourism and retailing, where it supports existing agriculture, aquaculture, forestry, mining and other primary industries.

Response:

The proposal utilises existing farming land for sports and recreation use, which will not conflict with resource development. Therefore, the proposed use is consistent with zone purpose.

26.1.2 Local Area Objectives

There are no Local Area Objectives specified for this zone.

26.1.3 Desired Future Character Statements

There are no Desired Future Character Statements for this zone.

26.2 Use table

Within the Planning Scheme there are a series of definitions which must be considered. In this instance the most relevant uses to the proposal are:

Discretionary	
Use Class	Qualification
Sports and recreation	Only if firing range, golf course or driving range, outdoor recreation facility, race course and sports ground, flying or gliding facility,

Response:

The proposed use is for pistol shooting sports, which is classified as firing range under the Use class of Sports and recreation. Therefore, the proposed use is a **discretionary** use.

26.3 Use Standards

26.3.1 Sensitive Use (including residential use) – Not applicable as the proposal is not sensitive use.

26.3.2 Visitor Accommodation – not applicable as the proposal is not for visitor accommodation.

26.3.3 Discretionary Use

Objective

To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.

Acceptable Solutions	Performance Criteria
A1 No acceptable solution.	P1 A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following: <ul style="list-style-type: none"> a) the characteristics of the proposed non-agricultural use; b) the characteristics of the existing or likely agricultural use; c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use; d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.

Response:

- P1 Performance Criteria relied upon as no Acceptable Solution can be achieved. The proposed use as a discretionary non-agricultural use will not conflict with or fetter agricultural use on the site or adjoining land.
- a) The proposed use will be within the current pasture of the subject site. the pistol range will be a closed range supported by Tasmania Police and all fall of shot will be contained within the range area. All the club facilities will be packed away after operation hours. The internal road and carpark will not be sealed to reserve the agricultural value of the land. Therefore, it will not restrict future agricultural use.
 - b) The current use of the site is for grazing sheep and cattle. The pistol club will only operate at weekends and given the size of the range, there would be little opportunity to constrain potential agricultural use in the future.
 - c) The firing range has shortest setback from the eastern boundary of approx. 80m and the shooting direction is facing west. The nearest agricultural use is located 450m away to the northeast. The firing range will be designed in accordance with the standards of the Tas Police and all shot fall will be contained in the range.
 - d) The proposed pistol range will be a closed range and will utilise natural topography of the site as buffer.

26.4 Development Standards for Buildings and Works – not applicable

26.4.1 Building Height

Objective To ensure that building height contributes positively to the rural landscape and does not result in unreasonable impact on residential amenity of land.	
Acceptable Solutions	Performance Criteria

<p>A1 Building height must be no more than: 9 m if for a residential use. 10 m otherwise.</p>	<p>P1 Building height must satisfy all of the following:</p> <ul style="list-style-type: none"> a) be consistent with any Desired Future Character Statements provided for the area; b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy; c) if for a non-residential use, the height is necessary for that use.
---	--

Response:

A1 Acceptable Solution achieved as the portable shooting shed is not in exceed of 10m in height.

26.4.2 Setback

<p>Objective To ensure that building height contributes positively to the rural landscape and does not result in unreasonable impact on residential amenity of land.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Building setback from frontage must be no less than: 20 m.</p>	<p>P1 Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</p> <ul style="list-style-type: none"> a) the topography of the site; b) the size and shape of the site; c) the prevailing setbacks of existing buildings on nearby lots; d) the location of existing buildings on the site; e) the proposed colours and external materials of the building; f) the visual impact of the building when viewed from an adjoining road; g) retention of vegetation.

Response:

A1 Acceptable Solution achieved as the portable shooting shed has setback to northern boundary over 20m.

<p>A2 Building setback from side and rear boundaries must be no less than: 40 m.</p>	<p>P2 Building setback from side and rear boundaries must maintain the character of the surrounding rural landscape, having regard to all of the following:</p> <ul style="list-style-type: none"> a) the topography of the site; b) the size and shape of the site; c) the location of existing buildings on the site;
---	--

	<ul style="list-style-type: none"> d) the proposed colours and external materials of the building; e) visual impact on skylines and prominent ridgelines f) impact on native vegetation.
--	---

Response:

A2 Acceptable Solution achieved as the portable shooting shed has setback to southern, eastern and western boundary over 40m.

26.4.3 Design

<p>Objective</p> <p>To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 The location of buildings and works must comply with any of the following:</p> <ul style="list-style-type: none"> a) be located within a building area, if provided on the title; b) be an addition or alteration to an existing building; c) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline. 	<p>P1 The location of buildings and works must satisfy all of the following:</p> <ul style="list-style-type: none"> a) be located on a skyline or ridgeline only if: <ul style="list-style-type: none"> i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure; ii) significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces; b) be consistent with any Desired Future Character Statements provided for the area; c) be located in an area requiring the clearing of native vegetation only if: <ul style="list-style-type: none"> i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure; ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;

Response:

A1c) Acceptable Solution achieved as the portable shooting shed will not require the clearing of native vegetation and not on a skyline or ridgeline.

<p>A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>P2 The appearance of external finishes of buildings must not be incompatible with the rural landscape.</p>
---	---

Response:

A2 Acceptable Solution achieved as the color of the shooting shed will have minimal light reflectance value. See Figure 4 above.

<p>A3 The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3 The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <ul style="list-style-type: none"> a) does not have significant impact on the rural landscape of the area; b) does not unreasonably impact upon the privacy of adjoining properties; c) does not affect land stability on the lot or adjoining areas.
---	--

Response:

A3 Not applicable as no fill or excavation is proposed.

4.2 Planning Scheme Code Assessment

The following Codes under the Scheme are considered applicable to this application.

E1	Bushfire-prone Areas Code	Not applicable
E2	Potentially Contaminated Land Code	Not applicable
E3	Landslide Code	Applicable
E4	-	Not applicable
E5	Road and Railway Assets Code	Applicable
E6	Parking and Access Code	Applicable
E7	Stormwater Management Code	Applicable
E8	Electricity Transmission Infrastructure Protection Code	Not applicable
E9	Attenuation Code	Not applicable
E10	Biodiversity Code	Applicable
E11	Waterway and Coastal Protection Code	Applicable
E12	-	Not applicable
E13	Historic Heritage Code	Not applicable
E14	Scenic Landscapes Code	Applicable
E15	Inundation Prone Area Code	Not applicable
E16	-	Not applicable
E17	Signs Code	Applicable
E18	Wind and Solar Energy Code	Not applicable
E19	Telecommunications Code	Not applicable
E20	Acid Sulphate Soils Code	Not applicable
E21	Dispersive Soils Code	Not applicable
E22	-	Not applicable
E23	On-Site Wastewater Management Code	Not applicable

E3.0 Landslide Hazard Code

This Code is triggered as the site falls within Landslide Hazard Overlay. However, an assessment against the Code is not provided as no development is proposed within landslide mapped area.

E5.0 Road and Railway Assets Code

E5.2 Application of this Code

E5.2.1 This Code applies to use or development of land:

- (a) that will require a new vehicle crossing, junction or level crossing; or
- (b) that intensifies the use of an existing access; or
- (c) that involves a sensitive use, a building, works or subdivision within 50m metres of a Utilities zone that is part of:
 - (i) a rail network;
 - (ii) a category 1 - Trunk Road or a category 2 - Regional Freight Road, that is subject to a speed limit of more than 60km/h kilometres per hour.

Response:

The Code applies as E5.2.1b) above is triggered.

E5.5 Use Standards

E5.5.1 Existing road accesses and junctions

Objective

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

Response:

A1 Not applicable as Beards Road is not category 1 or category 2 road.

A2 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	P2 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to: a) the increase in traffic caused by the use; b) the nature of the traffic generated by the use; c) the nature and efficiency of the access or the junction; d) the nature and category of the road; e) the speed limit and traffic flow of the road; f) any alternative access to a road; g) the need for the use; h) any traffic impact assessment; and i) any written advice received from the road authority.
---	---

Response:

A2 Not applicable as speed limit of Beards Road is less than 60km/h.

A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an	P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or
--	---

<p>area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p>less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> a) the increase in traffic caused by the use; b) the nature of the traffic generated by the use; c) the nature and efficiency of the access or the junction; d) the nature and category of the road; e) the speed limit and traffic flow of the road; f) any alternative access to a road; g) the need for the use; h) any traffic impact assessment; and i) any written advice received from the road authority.
---	--

Response:

A3 Acceptable Solution achieved. The owner has advised that he visits the subject site 4 times a week in average, which generates minimal car movements. During normal club operations, maximum 7 members and 3 ranger officers will attend the site, attracting 10 cars entering to the site in the morning and leaving in the afternoon at weekends. A Reasonable assumption is made that all the attendants will leave the club for an hour lunch break and come back. This means there will be maximum 40 vehicle movements per day. The figure will be less if car sharing is taken in account. It should be noted the additional vehicle movements will only be generated at weekends. Therefore, the expected vehicle movement complies with Acceptable Solution and the level of proposed use will not overload existing road network.

E5.5.2 Exiting level crossings

<p>Objective To ensure that the safety and the efficiency of the rail network is not reduced by access across part of the rail network.</p>	
Acceptable solutions	Performance criteria
<p>A1 Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>P1 Any increase in vehicle traffic at an existing access across part of a rail network, must be safe and not unreasonably impact on the efficiency of the rail network, having regard to:</p> <ul style="list-style-type: none"> a) the increase in traffic caused by the use; b) the nature of the traffic generated by the use; c) the use and frequency of the rail network; d) any alternative access; e) the need for the use; f) any traffic impact assessment; and g) any written advice received from the rail authority

Response:

A1 Not applicable as the proposal has no access across part of a rail network.

E5.6 Development Standards – not applicable as the firing shed will be portable and existing access remain unchanged.

E6.0 Parking and Access Code

Use class of firing range is not specified under the Table 6.1. Given the size of the subject site, sufficient space for parking and turning area can be provided. Car parking will contain 10 spaces, based on the anticipation that maximum 10 attendants will on site during club days and one attendant per car to access the site. The parking and vehicle manoeuvring area will be paved in gravel to ensure safety.

E10. Biodiversity Code

This Code is applicable as the site is affected by Biodiversity Protection Area Overlay. However, an assessment against the Code is not provided as no clearance and conversion or disturbance of native vegetation is proposed within the overlay area.

E11.0 Waterway and Coastal Protection Code

The Code applies to the subject site as it is affected the waterway and coastal protection areas overlay. The pistol range will use **lead-free ammunition only**, which will have minimal impact on the soil. This can be achieved by the inclusion of appropriate permit conditions for the proposal.

E17.0 Signs Code

Warning signs for firing range are required as per standards of Tasmania Police. The detailed dimension is attached at Annexure 4.

5. Strategic Planning

5.1 State Policies

The following State Policies are currently in force:

- Tasmanian State Coastal Policy 1986;
- State Policy on Water Quality and Management 1997; and
- State Policy on the Protection of Agricultural Land 2000.
- National Environment Protection Council (Ambient Air Quality) Measure
- National Environment Protection Council (Assessment of Site Contamination) Measure 1999
- National Environment Protection Council (Movement of Controlled Wastes between States and Territories) Measure
- National Environment Protection Council (National Pollutant Inventory) Measure
- National Environment Protection Council (Used Packaging Materials) Measure

Response:

The proposed pistol range is not known to conflict with or contravene any of the above State Policies.

6. Summary

The proposed pistol range is in keeping with the intent of the Rural Resource Zone and any relevant Codes under the Scheme. The proposal utilises existing topography of the site within a rural area and is an appropriate use of the land. The proposed firing range is also supported by Tasmania Police being a closed range, ensuing no shot will fall outside the subject site. Noise and soil disturbance concerns have been adequately addressed with this application, and demonstrate that firing range use is achievable subject to appropriate controls in place. Therefore, the Council's support of this proposal is sought.

Annexure 1 – Certificate of Title Plan and Folio Text

Annexure 2 – Proposal Plan

Annexure 3 – Tasmania Police Supporting Letter

Annexure 4 – Warning Sign Dimensions

Notice boards with appropriate warnings and clearly positioned, must be erected at all normal points of entry to a range.

6.2

A notice board must be a minimum of 60 centimetres in height by 100 centimetres in length with similar wording and colouring as below:

WHITE
Background



“DANGER”
must be in **RED**.
Other wording
may be in **RED** or
BLACK

6.3 DANGER NOTICES

A danger notice must be big enough to be seen at a reasonable distance and permanently fixed around the perimeter of the property or at areas where likely access to the area can be gained by people moving into the area. Danger notices will be a minimum 30 centimetres in height by 50 centimetres in length with similar wording and colouring as below:

WHITE
Background



“DANGER”
must be in **RED**.
Other wording
may be in **RED** or
BLACK

6.4 FLAGS

Flags must be clearly identifiable and bright red in colour. Flags will be a minimum 90 centimetres in height by 120 centimetres in length.

6.5

All flags must be flying whilst shooting is in progress. They are lowered only when firing ceases and removed completely when the range is closed to shooting.

6.6

Generally, each range area must have a minimum of one flag at the entrance to the “Range Proper” and one at the “Backstop” end, if applicable. Individual considerations for other locations may be required depending on surrounding or adjoining properties.



Our Ref: L190406

Date: 15/11/2019

The Planning Department
Southern Midlands Council
85 Main Street Kempton TAS 7030
By Email: mail@southernmidlands.tas.gov.au

Dear Planners,

RE: PLANNING APPLICATION – 1110 TUNNACK ROAD, MOUNT SEYMOUR

Please find attached an application for a pistol firing range at the above-mentioned address.

Please find included:

- Planning report
- Folio text and plan
- Proposal plan
- Tasmania Police's supporting letter
- Planning application form

Could you please issue invoices in the name of **Gregory & Marlene Wilson**, and send care of myself.

If you have any questions regarding this application, please do not hesitate to get in touch on the numbers or email address provided.

Kind regards,
Woolcott Surveys

Yinghuan Liu
Town Planner

LAUNCESTON

10 Goodman Crt, Invermay
PO Box 593, Mowbray TAS 7248
P 03 6332 3760

ST HELENS

48 Cecilia St, St Helens
PO Box 430, St Helens TAS 7216
P 03 6376 1972

HOBART

Rear Studio, 132 Davey St,
Hobart TAS 7000
P 03 6227 7968

DEVONPORT

2 Piping Lane,
East Devonport TAS 7310
P 03 6332 3760

385 03 ORIGINAL - NOT TO BE REMOVED FROM TITLES OFFICE

TASMANIA

REAL PROPERTY ACT, 1862, as amended



CERTIFICATE OF TITLE

Register Book

Vol. Fol.

2224 T

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.

Witness *Miller*

Whithmore
Recorder of Titles.



DESCRIPTION OF LAND

PARISH OF NEWICK LAND DISTRICT OF MONMOUTH
SIXTY THREE ACRES ONE ROD ELEVEN PERCHES and
TWENTY THREE ACRES SIXTEEN PERCHES on the Plan hereon.

FIRST SCHEDULE (continued overleaf)

CLIVE RICHARD WICKHAM and LAWRENCE MURRAY WICKHAM
both of Stonor, Farmers

AS TENANTS IN COMMON IN EQUAL SHARES.

REGISTERED NUMBER

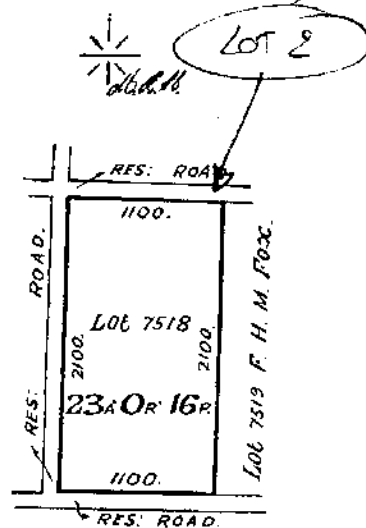
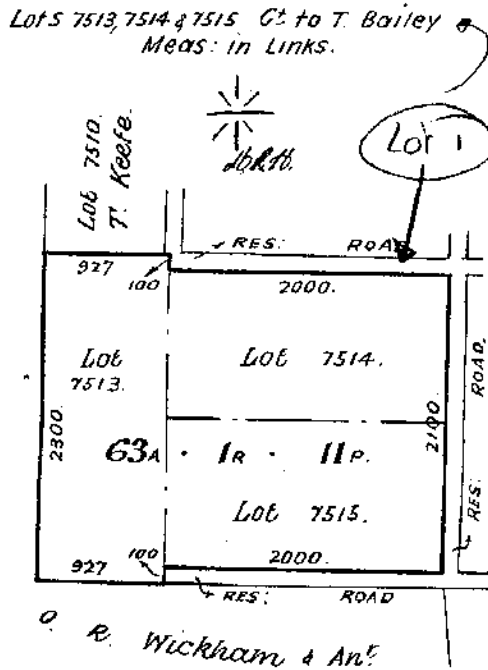
244986

SECOND SCHEDULE (continued overleaf)

NIL

CANCELLED
12 APR 1995
Whithmore
RECORDER OF TITLES
DUPLICATE ISSUED

NOTE.—ENTRIES CANCELLED UNDER SIGNATURE OF THE RECORDER OF TITLES ARE NO LONGER SUBSISTING.



Lot 1-2 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.

First Edition Registered 6 JAN 1967
Derived from C.T. Vol. 229 Fol. 169 - Transfer A235378 - M. Bailey. *A*

385 03 ORIGINAL - NOT TO BE REMOVED FROM TITLES OFFICE
TASMANIA
REAL PROPERTY ACT, 1862, as amended



CERTIFICATE OF TITLE

Register Book
Vol. Fol.

2224 T

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.

Witness *Miller*

Whitmore
Recorder of Titles.



DESCRIPTION OF LAND

PARISH OF NEWICK LAND DISTRICT OF MONMOUTH
SIXTY THREE ACRES ONE ROD ELEVEN PERCHES and
TWENTY THREE ACRES SIXTEEN PERCHES on the Plan hereon.

FIRST SCHEDULE (continued overleaf)

CLIVE RICHARD WICKHAM and LAWRENCE MURRAY WICKHAM
both of Stonor, Farmers

AS TENANTS IN COMMON IN EQUAL SHARES.

REGISTERED NUMBER

244986

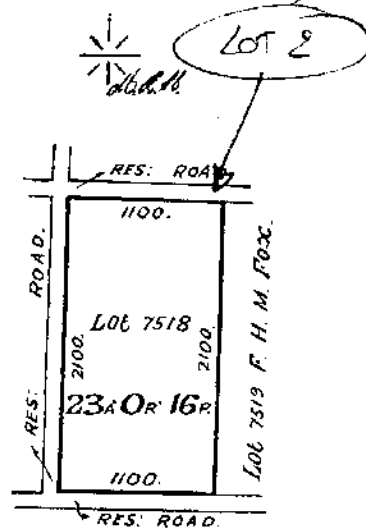
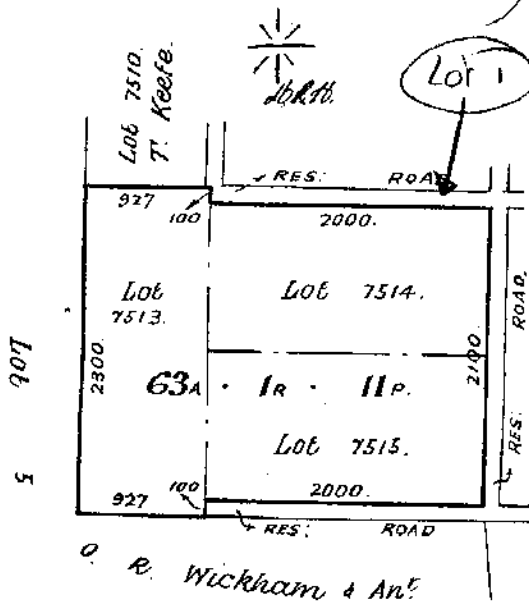
SECOND SCHEDULE (continued overleaf)

NIL

CANCELLED
12 APR 1995
Whitmore
RECORDER OF TITLES
DUPLICATE ISSUED

Lot 5 7513, 7514 & 7515 Gt to T. Bailey
Meas: in Links.

Lot 7518 Gt to G. Bailey
Meas: in Links.



Lot 1-2 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.

First Edition Registered 6 JAN 1967
Derived from C.T. Vol. 229 Fol. 169 - Transfer A235378 - M. Bailey.

NOTE: ENTRIES CANCELLED UNDER SIGNATURE OF THE RECORDER OF TITLES ARE NO LONGER SUBSISTING.

SEARCH OF TORRENS TITLE

VOLUME 244986	FOLIO 1
EDITION 2	DATE OF ISSUE 15-Oct-2002

SEARCH DATE : 30-Oct-2019

SEARCH TIME : 02.31 PM

DESCRIPTION OF LAND

Parish of NEWICK, Land District of MONMOUTH
 Lot 1 on Plan 244986
 Derivation : 63A-1R-11Ps Lots 7513, 7514 & 7515 Gtd to T Bailey
 Prior CT 2224/1

SCHEDULE 1

B632597 TRANSFER to GREGORY BRUCE WILSON and MARLENE JOYCE
 WILSON as tenants in common in equal shares

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

SEARCH OF TORRENS TITLE

VOLUME 244986	FOLIO 2
EDITION 2	DATE OF ISSUE 15-Oct-2002

SEARCH DATE : 30-Oct-2019

SEARCH TIME : 02.32 PM

DESCRIPTION OF LAND

Parish of NEWICK, Land District of MONMOUTH
 Lot 2 on Plan 244986
 Derivation : 23A-0R-16Ps Lot 7518 Gtd to G Bailey
 Prior CT 2224/1

SCHEDULE 1

B632597 TRANSFER to GREGORY BRUCE WILSON and MARLENE JOYCE
 WILSON as tenants in common in equal shares

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

PLANNING

DRAFT

ATTACHMENT
Agenda Item 11.1.1



THIS PLAN WAS PREPARED AS A PROPOSAL PLAN
TO ACCOMPANY A DEVELOPMENT APPLICATION TO COUNCIL
AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
ALL MEASUREMENTS AND AREAS ARE SUBJECT TO SURVEY.

PROPOSED PARATTAH PISTOL RANGE
OWNERS: GREGORY BRUCE WILSON, MARLENE JOYCE WILSON
"IONA" #1110 TUNNACK ROAD, MOUNT SEYMOUR, 7210
C.T. 244986/1, C.T.244986/2



10 Goodman Court Invermay TAS 7248
PO Box 593 Mowbray Heights TAS 7248
Phone (03) 6332 3760
Fax (03) 6332 3764
Email: admin@woolcottsurveys.com.au

Job Number
L190406

Drawn JAG	File name L190406_Proposal Plan_V2_011019.dwg	Date 15/11/19	Scale 1:5000@A3	Edition V2	Sheet 1 of 1
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Our Ref: L190406

Date: 15/01/2020

Jacqui Tyson
Senior Planning Officer
Southern Midlands Council
85 Main Street Kempton TAS 7030
By Email: mail@southernmidlands.tas.gov.au

Dear Jacqui,

PLANNING APPLICATION – FURTHER INFORMATION REQUEST – DA2019/105 – 1080 TUNNACK, MT SEYMOUR

I refer to the further information request letter dated 4 December 2019 relating to the above.

1. Noise / Attenuation distance

It is understood that the Attenuation Code under the upcoming Tasmanian Planning Scheme is not relevant to this application. However, the following additional information in relation to noise is provided to support this application.

This application is referring to a low-frequent and member-only shooting activity, as the range only opens from 10am to 4pm at weekends operating maximum 4 days a month. As stated in the planning report, the shooting pattern will generally be a small 2-minute bursts of fire followed by 5 minutes of no fire, and the pattern will repeat for approx. 2 hours. Therefore, the hours that the noise can be made will not cause an unreasonable loss of amenity.

The sound levels are low as suitable sound elimination methods will be applied. The firing shed will be installed with double layer insulation batts for noise elimination. The club will also only use subsonic ammunition which has been proven that it will significantly reduce sound and noise in the activity.

While the Planning Scheme does not require a specific noise measure methodology, to support this application, the owner has conducted sound measurements over several times at different locations to obtain noise levels from the shooting range. All measurements were taken with a calibrated Castle analogue sound meter. The owner used a 22LR and a 9mm Luger which are two common pistol calibers. All the gunshot used subsonic ammunition and were made within the isolated shed. 10 shots of each were fired with the average noise levels recorded as follows:

Locations	Sound measurement	
	22LR	9mm Luger
Inside the box at the firing line:	94 dB	114 dB
Standing in the common area	65 dB	88 dB
At the property boundary and entrance to the pistol club	55 dB	65 dB
From the nearest house on Beards Road	45 dB	52 dB

LAUNCESTON

10 Goodman Crt, Invermay
PO Box 593, Mowbray TAS 7248
P 03 6332 3760

ST HELENS

48 Cecilia St, St Helens
PO Box 430, St Helens TAS 7216
P 03 6376 1972

HOBART

Rear Studio, 132 Davey St,
Hobart TAS 7000
P 03 6227 7968

DEVONPORT

2 Piping Lane,
East Devonport TAS 7310
P 03 6332 3760

Edge of township of Parattah	inaudible	unmeasurable due to ambient sound. Very faint and only heard when concentrating.
Nearest house (black gate road)	inaudible	inaudible due to ambient sound, the prevailing wind was 15kmh westerly and this was enough to carry most sound away. It is estimated that on a still day the sound would be <55db, the same level as a normal conversation. For comparison it is measured vehicle noise on the black gate road at >80db.

A detailed site plan showing all the noise measure locations is attached. Based on the assessment, noise levels are assessed inaudible at the nearest house as well as at the edge of township of Parattah.

In addition, there will be maximum 10 people attending a single shooting activity. Patrons of the shooting range will enter and exist through the Beards Road at weekends only and it is estimated that maximum 40 vehicle movements would be generated. The traffic generation will be for attending the activity in nature with no commercial vehicle required. Therefore traffic is considered as extremely low and the noise associated with the traffic will be minimal. The traffic volumes will be even less as it is expected some of the club members will share rides to and from the site.

2. User numbers

The shooting range will be operated in the form of private club. Members who are attending to an event will be strictly by invite-only. Non-members are not permitted.

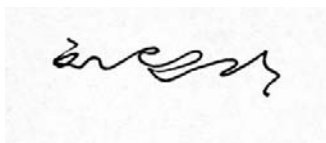
3. Amenities

The owner will provide a cassette type toilet that will be emptied after the event at the Oatlands RV Dump Point. Given the numbers and frequency of the activity, this is deemed sufficient.

I trust the above information satisfies your request.

Should you have any questions please do not hesitate to contact me.

Kind regards,
Woolcott Surveys



Yinghuan Liu
Town Planner

LAUNCESTON

10 Goodman Crt, Invermay
PO Box 593, Mowbray TAS 7248
P 03 6332 3760

ST HELENS

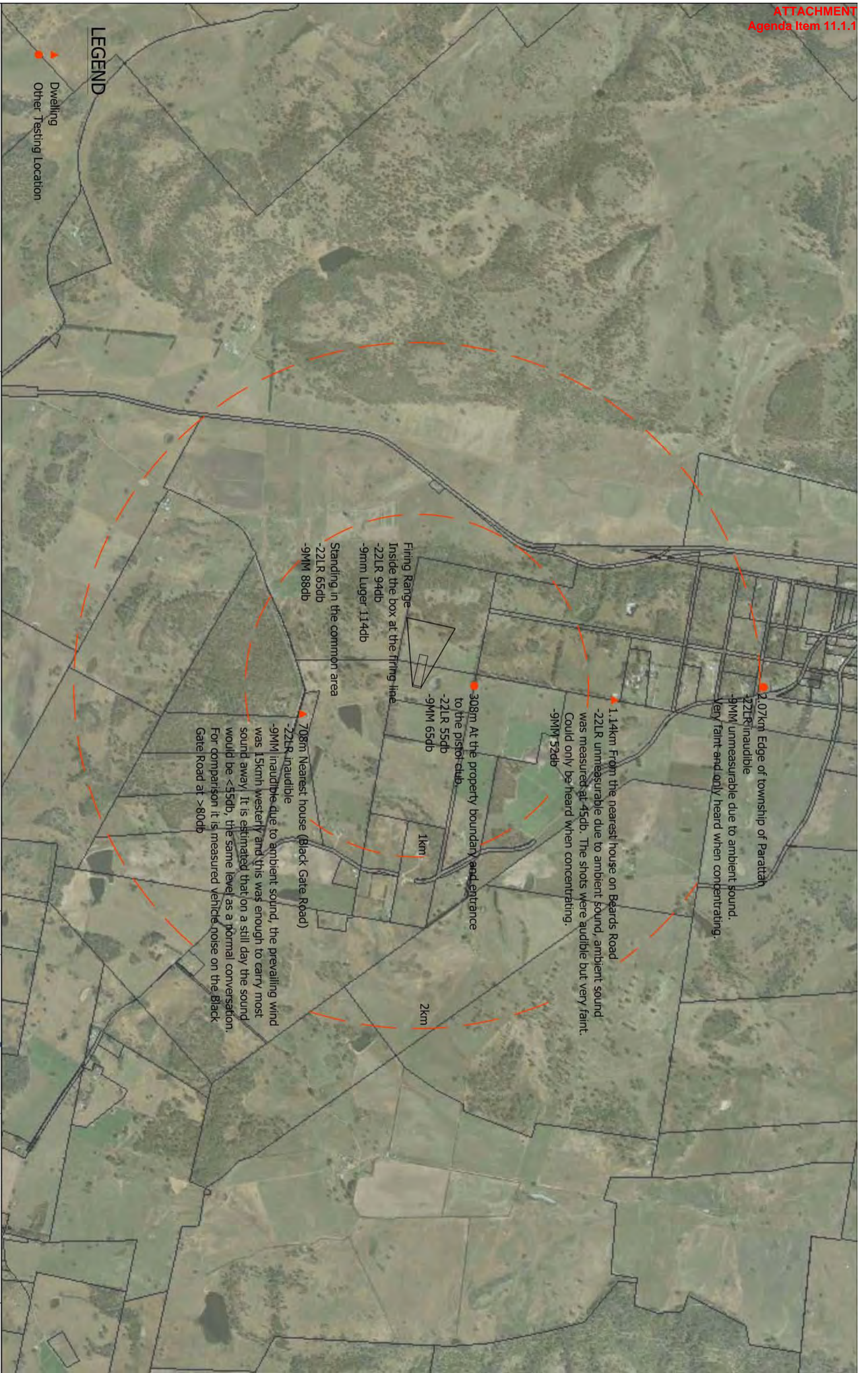
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 <p>WOOLCOTT SURVEYS</p> <p>10 Goodman Court Invermay TAS 7248 PO Box 593 Mowbray Heights TAS 7248 Phone (03) 6332 3760 Fax (03) 6332 3764 Email: admin@woolcottsurveys.com.au</p>		<p>Job Number</p> <p>L190406</p>
<p>Drawn</p> <p>JAG</p>	<p>File name</p> <p>L190406_Sound Test Plan_191219.dwg</p>	<p>Date</p> <p>19/12/19</p>
	<p>Scale</p> <p>1:20000@A3</p>	<p>Sheet</p> <p>1 of 1</p>

RECEIVED

05 FEB 2020

By SMC

ATTACHMENT
Agenda Item 11.1.1

5 February 2020

Tim Kirkwood
The General Manager
Southern Midlands Council
PO Box 21
Oaklands Tas 7120

Your ref : DA 2019/00105
2049983

Dear Mr Kirkwood

I am writing in regard to the Proposed Firing Range at 1080 Tunnack Road Mount Seymour owned by GB and MJ Wilson.

Here are a few points to why I think the proposal should be rejected.

1/ I was once a member of the Lone Ranges Shooting Complex in Belmont Western Australia (1999). One of the safety protocols there was individual locked booths for shooters. This proposal is just a shed.

2 Weapons and Ammunition, when not in use, should be locked in separate safes.

This proposal neglects any safety.

3 Are members of the proposed range to supply their own pistols and ammunition and what are the safety protocols?

This site is an insecure location.

4 The Sound Measurement* on the proposal indicates, on a still day sand would be the same level as a normal conversation, at the nearest house on Blackgate Road. A loud and very annoying

conversation, when you consider it will be in

2 minute bursts, followed by 5 minutes of no fire, repeated for approx 2 hours, between 10am and

4pm weekends. Potentially 6 hours of annoying

conversation per day, on weekends.

* Woolcott Surveys 15/1/20 Noise / Accentration distance.

5/ The Application for Planning Permit indicates the address for the development is 1110 Tunnack Road, however the Council letter indicates it is at 1080 Tunnack Road.

6/ In the letter from the Tasmanian Police, they seemingly have already, unofficially, approved the proposal. ie "We look forward to working with you in the process to establish your new range." and "... happy to liaise with you directly regarding the ongoing matters relating to your application." I do hope with these comments, the process has not been corrupted.

7/ Target pistol shooting, with live rounds, is not a sport (1.1 page 2). Air pistol is.

4/...

- 8/ Extensive road works by Southern Midlands Council to markedly improve roads lead late 2019, indicate proposal will pass. Or were roadworks a coincidence?
- 9/ The photographs supplied in the proposal, show that the applicant has already built the facility, indicating the applicants are expecting approval. Hopefully not another indication of a corrupt procedure.
- 10/ Doesn't the district have more than enough people with guns, without having more with concealable weapons?

For the safety and tranquillity for the numerous residents surrounding this site and the integrity of the Southern Midlands Council and the Tasmania Police, the application should be thoroughly rejected.

I look forward to hearing of the right and just outcome.

Yours

Sent: Wednesday, 12 February 2020 6:15 PM
To: SMC Mail
Subject: Attention General Manager

Dear sir,

In regards to recent notification for a proposed firing range at 1080 Tunnack Road Mt. Seymour , that after reading the current proposal I am in objection of it's development.

There are some discrepancies which in my opinion need to be addressed prior to any approval being given.

Firstly the letter of notification states that the range is to be located at the address of 1080Tunnack road and the application states that the proposed address is 1110 Tunnack Road.

The statement that the speed limit on Beards road to be less than 60 km/h, I was under the impression that it was an 80 km/h road as it's not sign posted at a lower speed and that gravel roads in Tasmania have a maximum limit of 80 km/h unless signed otherwise or in a built up area to which it is not.

The statement that the club will only use subsonic ammunition and the sounds are nearly non-audible is a very dubious claim, especially in a valley like area ,and no guarantee to the contrary that it won't be heard. The so called small 2 minute burst of fire is going to be very interruptive to the somewhat tranquility of the area.


The noise from farming is an acceptable and non permanent disruption but this would not be so with regular shooting.

Who will police the running of such a facility or will it be self governed, and will the SMC. act on any future complaints if approval is granted by you or do you wash your hands of any obligations?

I believe that there is a shooting facility in the nearby area of Woodsdale and can't see why that can't be used to accommodate the proposed club.

I sincerely hope that vote against this proposal and send a clear message that you are their first and foremost for the constitutes of the SMC. and have their welfare at hand.

Faithfully Yours



Sent: Friday, 14 February 2020 8:19 AM
To: SMC Mail
Subject: Ref: DA2019/00105 Firing range

In relation to letter received on the 3rd February 2020, I hereby object to the proposal of a firing range at 1080 Tunnack road Mt Seymour, owned by GB & MJ Wilson.

We don't want the noise of gunshots going of all day and it will ruin the peace and quite we have had here for 30 years.

I believe there is a rifle range at Campbell town and i have been told there is also one at Whiteford, so i can not see a need for another in the midlands area.

Also I must ask has there been an environmental study done in this area on how this will affect the bird life and wildlife.

I strongly oppose this proposal.

I have also been advised that everyone in the direct area have not received this letter that was sent to us and would like to know why that is the case.

Yours sincerely



From: Grant Wilson
Sent: Thursday, 5 March 2020 3:02 PM
To: Yinghuan Liu
Subject: Re: Request for extension of time - DA2019-105 [DA 2019 / 00105 (1080 Tunnack Road, Mt Seymour)]

Hi Ying, a reply to the representations.

Firstly with the sound, the club has imposed restrictions on the type of ammunition to be used to reduce sound and soil contamination. Also building a sound reducing firing line, these were put in place well before the DA was put to council to show we were serious about causing little to no disturbance to the community. No other pistol club we have dealt with has voluntarily included these restrictions in there DA. The club also intends on being open and approachable about any issues in the future.

The club shoots will go for a MAXIMUM of 2 hours, the 6 hour window is to allow for flexibility for members with weather, work and family commitments.

In the representations received there seems to be a lot of assumption and misinformation about how a pistol club works. We work under very strict guidelines put down by the Tasmanian Firearms Service and TAFE Tasmania, no firearms or ammunition are stored on site. They are only stored in the approved storage facility at the pistol owners residence or other approved place. Example, a firearms dealer.

The indication that the club, the southern midlands council and Tas police are corrupt are immature, offensive and upsetting. The members of the club have been proactive in engaging with Tas Police and TAFE Tasmania, the club has very limited funds so by having the range preapproved (simply saying that it is a suitable place to have a pistol range) was a way for the club to save money and preempt and concerns the council may have about the proposed area. Beards road, much like many roads in the southern midlands municipality is gravel and receive regular maintenance. The land owners and the president of the club reject any forms of corruption, we hope the councillors do the same and ignore this rude and misinformed representation.

The club wants to be open, approachable and accountable for any GENUINE concerns from the public and the council. A social licence is very important to us and we do not want to interrupt the daily lives of locals, we invite council as well as members of the public to contact the president of the club have they any concerns. A tour of the area and the sound reducing firing line I'm sure would put to rest any concerns.

Pistol shooting is a fun, safe and inclusive sport for all genders and abilities. Sport shooting in general has been at the leading edge of being inclusive and fair for all, and we plan to push forward with that mentality.

Grant Wilson
Club President
0427171621



Southern Midlands Council

Climate Change Adaptation Plan

2020

Acknowledgements

This Plan is an updated version of the Corporate Adaptation Plan developed between 2010 and 2013 as a component of the Regional Climate Change Project undertaken with the 12 Councils of southern Tasmania.

Technical input into this Plan was provided by:

Michael Grose Municipal-scale climate change modelling projections from Climate Futures Tasmania.

David Taylor Bushfire modelling based BRAM model (P&WS) augmented with Climate Futures data.

Shaun McElwaine Legal comment

Stakeholders engaged through consultation

Summary

There is an expansive and growing body of scientific evidence that the global climate is changing and that extreme weather events and sea level rise will increase in the 21st century. Local Government is well positioned to work with communities in managing and preparing for the impacts of climate change for a number of reasons, particularly its local knowledge and experience, its understanding of community needs and vulnerabilities, and its key role in responding to emergencies.

Key climate change risks for the Southern Midlands municipality (by 2100) include the following:

- The temperature of very hot days to increase by up to 3°C.
- The number of hot days over 30°C is expected to increase by 150%.
- Frost risk days are likely to decline significantly (implications for agricultural enterprises requiring chill hours).
- Extended heat waves and extreme temperatures is expected to enhance the occurrence of bushfire and result in more prevalent water stress and drought occurrence.
- Rainfall is expected to trend towards heavier events interspersed by longer dry periods. Rainfall volume in a 200-year average recurrence interval event is expected to increase by up to 25%.

Key vulnerabilities for the Southern Midlands municipal area in relation to the climate change risks include the following:

- **Infrastructure & Works** - increased damage to roads, culverts, stormwater infrastructure and bridges from larger flood events.
- **Development & Environmental Services** - lack of modelled data for flooding (and wildfire) in relation to guidance of planning decisions.
- **Community & Corporate Development** - impact on the regional economy due to stresses on the agricultural sector – from drying, soil erosion, heat stress, and new weed & pathogen impact.
- **Emergency Management** – capacity to efficiently deliver bushfire and flooding disaster support to the community. Reduced availability of water for firefighting.
- **Natural Resource Management** - impact on local vegetation communities and species due to heat & drought; drying of natural water bodies; changes in seasonal rainfall; and impact from new weeds & pathogens.

In taking action to address Southern Midlands Council's vulnerabilities a key overarching consideration is the potential liability exposure in relation to an adopted action, or inaction in particular circumstances. Advice to the Regional Climate Change Adaptation Project overall is that councils will not be liable for existing use or development, nor will liability be incurred for 'no action' in response to climate impacts. Should Council take action there could be liability if that action causes harm or damage. Council may also be found liable for operational advice such as in the assessment of planning applications and new developments.

This Adaptation Plan presents adaptation actions for each of Council's business areas. The actions were identified by Council staff in relation to Southern Midland's specific climate change risks.

In regard to **Infrastructure & Works**, assets are vulnerable in relation to flood and bushfire, and there is need to review design standards to determine the adequacy of infrastructure to cope with extreme events.

For **Development & Environmental Services**, the need for flood modelling was recognised in order to define high-risk areas for flood impact. Understanding risk is a key consideration in making well informed planning decisions.

In terms of **Community & Corporate Development**, action in relation to building community resilience in the face of drought was seen as important, together with encouraging innovation and diversification in the agricultural sector.

Natural Resource Management is an important area in which adaptation will be necessary. There is likely to be increasing impact on the agricultural sector and natural environment from more frequent extreme temperatures, more intense flood events, more frequent drought, and introduced species (those favoured by changing environmental conditions). Natural assets such as Lake Dulverton may require more resources to maintain water levels due to the drying trend in the Midlands. It was recognised that there is still opportunity to build resilience in the environment through fencing of important vegetation remnants, trialling of pasture species that are resilient to drought and protection of riparian areas vulnerable to flood erosion. It is recognised that these issues are larger than council's capacity to address, hence, regional collaboration is required, together with accessing grant funds.

The area of **Emergency Management** procedure was also viewed as an important area for Council to review in light of: potential increasing demand for emergency response; and Council's lack of recent experience in having to deal with a natural disaster. Access to sufficient volumes of water for firefighting was also highlighted as an emerging issue.

Aside from proposing actions to minimise the impact of climate change on Council business, the Adaptation Plan also recognises work being undertaken by Council's 'stakeholders'. The Plan identifies stakeholder linkages to assist in identifying collaborative opportunities, resource sharing and to avoid duplication of efforts wherever possible.

The Adaptation Plan incorporates an approach to implementation, key components of which include: incorporation of key risks and adaptation actions into established council documents and processes (e.g. risk register, strategic plan, asset management plan); and identification of a mechanism to implement sub-regional and regional adaptation actions through advocacy or collaboration.

Climate Change Summary for the Southern Midlands

Tasmania has had some of the highest resolution climate modelling conducted in Australia. The Climate Futures for Tasmania project, completed in 2013, provided a sound knowledge base for identifying climate related risks at a local level, to a 10 km² grid resolution. The information below is a summary of updated Climate Futures for Tasmania data relevant to the Southern Midlands municipal area.

Current climate and recent trends

- Southern Midlands has a temperate, maritime climate across the southeast half of the municipality with inland and elevated areas experiencing very cold winters and numerous frosts. Long-term average temperatures have risen in the decades since the 1950s, at a rate of up to 0.1 °C per decade.
- The average annual rainfall across the municipality is highly variable ranging from as low as 450 mm in the rain-shadow area through the centre of the municipality to greater than 700 mm towards the east coast and the highlands in the west. There has been a decline in average annual rainfall since the mid 1970s, and this decline has been strongest in autumn.
- Tasmania is not immune from the influence of large-scale climate drivers on the local climate e.g: the extended dry spell of 1995-2009 coincided with an 'El Nino' pattern; the dry spell of 2018-20 coincided with an Indian Ocean Dipole event; and extended wet spells coinciding with a 'La Nina' pattern. It is expected that climate change will exacerbate the impact of these broader scale patterns.

Projected change in the Southern Midlands by 2100 (Climate Futures for Tasmania - A2 emissions scenario)

	Change	Relative change
Temperature (annual average)	+2.6 to 3.3°C	
Summer days (>25°C)	+30 days	+150%
Heat waves (days)	5 days longer	+100%
Hottest day of the year	+3°C	
Frost risk days/year	-30 days	-60%
Rainfall (annual average)		Seasonal variation away from observed trends prior to 1990
Rainfall (wettest day of the year)		+20%
Rainfall extreme (ARI-200)	+25 mm	+25%
Evaporation		+19%

Extreme events

The changes to extremes will have significant consequences. Extreme rain and heat are most likely to impact upon council's infrastructure, roads, the local community, and environment. Projected impacts on Southern Midlands by 2100 are as follows:

- The temperature of very hot days to increase by up to 3°C. Heat waves (days in a row where temperatures are in their top 5%) currently last around 5 days and will increase by up to 5 days.
- Extended heat waves and more extreme temperatures will lead to more rapid drying across the landscape and increase the frequency and intensity of bushfires.
- Rainfall will trend towards heavier events interspersed by longer dry periods. High daily runoff events are likely to increase, including those that may lead to erosion or flooding. Rainfall volume in a 200-year average recurrence interval (ARI) event will increase by up to 25 %.

Table of Contents

SUMMARY	3
CLIMATE CHANGE SUMMARY FOR THE SOUTHERN MIDLANDS	5
TABLE OF CONTENTS	7
1.0 INTRODUCTION	8
1.1 PROJECT BACKGROUND.....	8
1.2 PROJECT CONTEXT	8
1.3 PURPOSE AND SCOPE	10
2.0 OVERARCHING CORPORATE CONSIDERATIONS.....	11
2.1 LEGAL LIABILITY	11
2.2 EMERGENCY MANAGEMENT	12
3.0 CLIMATE CHANGE RISKS & VULNERABILITIES	13
3.1 HEAT & BUSHFIRE	13
3.2 RAINFALL & FLOODING RISKS.....	19
4.0 CLIMATE CHANGE ADAPTATION ACTIONS.....	23
4.1 INFRASTRUCTURE & WORKS	23
4.2 COMMUNITY & CORPORATE DEVELOPMENT	24
4.3 DEVELOPMENT & ENVIRONMENTAL SERVICES	27
4.3.1 <i>Environmental Health</i>	28
4.4 NATURAL RESOURCE MANAGEMENT	29
4.5 EMERGENCY MANAGEMENT	32
5.0 STAKEHOLDER INVOLVEMENT & COLLABORATION	34
5.1 DEPARTMENT OF STATE GROWTH.....	34
5.2 DEPT. PRIMARY INDUSTRIES, PARKS, WATER & ENVIRONMENT (DPIPWE).....	35
5.3 MAV INSURANCE LIABILITY MUTUAL INSURANCE (LMI)	35
5.4 TASWATER	36
5.5 STATE EMERGENCY SERVICES (SES).....	37
5.6 TASMANIA FIRE SERVICE (TFS).....	38
6.0 ADAPTATION PLAN IMPLEMENTATION.....	39
6.1 FINANCIAL & RESOURCE REQUIREMENTS	39
6.2 STRATEGIC PRIORITIES – INCORPORATION INTO OTHER DOCUMENTS & PROCESSES	40

1.0 Introduction

1.1 Project Background

The Regional Councils Climate Adaptation Project 2010-2013 was initiated by the Southern Tasmanian Councils Authority's Regional Climate Change Initiative, a working group with representatives from each of the 12 southern councils. The project aimed to improve the capability and resilience of Tasmanian councils to manage the risks of climate change. The initial phase of the project was conducted in Tasmania's Southern Region. The project's key outputs were:

- Council (corporate) Climate Change Adaptation Plans for each of the 12 southern councils;
- a Regional Climate Change Adaptation Strategy covering themes common to all councils; and
- a Climate Adaptation Toolkit for review of Council's Adaptation Plans and extension to Cradle Coast and Northern Councils.

The Project was funded by the Australian Government's Local Government Reform Fund (LGRF), administered by the Department of Regional Australia, Local Government, Arts and Sport. The project was delivered by the Southern Tasmanian Councils Authority (STCA) in partnership with the Tasmanian Climate Change Office and the Local Government Association of Tasmania.

This document is an internal review of Southern Midlands Council's corporate adaptation plan initially produced through the Regional Councils Climate Adaptation Project.

1.2 Project Context

There is a growing body of scientific evidence that the global climate is changing and as a consequence extreme weather events and sea level rise is increasing¹. There are a range of potential future climate scenarios which are dependent upon the scale of effort achieved in reducing greenhouse gas emissions. Even if the composition of today's atmosphere was fixed (which would imply a dramatic reduction in current emissions), surface air temperatures would continue to warm by up to 0.9 °C². Under a 'best case scenario' where significant reductions in greenhouse gas

¹ IPCC, 2011: Summary for Policymakers. In: Intergovernmental Panel on Climate Change Special Report on Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation [Field, C. B., Barros, V., Stocker, T.F., Qin, D., Dokken, D., Ebi, K.L., Mastrandrea, M. D., Mach, K. J., Plattner, G.-K., Allen, S., Tignor, M. and P. M. Midgley (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

² IPCC, 2007: Climate Change, 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning (eds.)].

emissions are achieved it is still pertinent to initiate an adaptation response in order to minimise climate change impacts on infrastructure, economy, community and the environment.

In Australia, it is recognised by all tiers of government that it is appropriate and effective to manage climate change at a 'local' scale. The Australian Government recognises that Local Government will be key players in adapting to the local impacts of climate change and their engagement will be a critical part of any national reform agenda³. It has produced publications aimed at assisting local government manage climate change risk⁴ and implement adaptation actions⁵.

Scope is also afforded to Tasmanian councils to address climate change under the *Local Government Act (Tas) 1993*, which describes the role of councils to provide for the health, safety and welfare of the community; as well as represent and promote the interests of the community; and provide for the peace, order and good government of its municipal area.⁶

In managing and preparing for the impacts of climate change, Local Government is well positioned to work with communities due to its:

- core function to directly support and assist local communities;
- local knowledge and experience;
- understanding of community needs and vulnerabilities;
- key role in responding to emergencies;
- role in infrastructure design, construction and maintenance;
- role in review and update of planning schemes (in relation to identified local impacts and threats); and
- ability to effectively disseminate information and provide support to the community.

Local experience, in combination with relevant scientific data and technical expertise, provides the key inputs for undertaking a well informed 'risk management' approach to climate change. Effective adaptation requires a portfolio of actions, ranging from fortifying infrastructure to advocacy and collaboration. There is also an appreciation that managing current and future risks in relation to climate change can have benefits (such as improving human well-being and protecting biodiversity) regardless of the magnitude of climate change that occurs.

³ Department of Climate Change, 2010: *Adapting to climate change in Australia*, an Australian Government Position Paper

⁴ Australian Greenhouse Office, 2006: *Climate Change Impacts and Risk Management – a Guide for Business and Government*.

⁵ Department of Climate Change, 2009: *Climate Change Adaptation Actions for Local Government*.

⁶ *Local Government Act (Tas) 1993*. Section 20 Function and Powers.

1.3 Purpose and scope

This adaptation plan aims to improve the capability of Southern Midlands Council to manage the risks associated with climate change.

The development of this plan was based upon council-specific, climate projection data provided by the Antarctic Climate and Ecosystems Cooperative Research Centre (ACE CRC) 'Climate Futures for Tasmania' program. The plan identifies potential climate change risks within the context of currently available climate change data. Scientific research and modelling of climate change is continually evolving. Therefore, there is a potential that future climate change projection data may require reassessment of the risks, actions and timeframes identified in this Plan.

Specific outputs from the modelled climate scenario for Southern Midlands, such as future rainfall patterns, extreme events, and bushfire likelihood formed the basis of 'risk management' and 'adaptation action' workshops held with council staff in development of the original plan on which this updated version was based. Workshops were conducted in a manner consistent with the International Organisation for Standardisation (ISO) 31000:2009 Standard for Risk Management as well as the Australian Government publication *Climate Change Impacts and Risk Management: A Guide for Business and Government*.

The plan also presents adaptation actions to manage risks that are within council's sphere of influence, but are the responsibility, to some degree, of other organisations (such as State Government Agencies, Community Groups and Private Corporations). The primary purpose of the 'stakeholder' section of this plan is to ensure there is: understanding of roles and responsibilities; clarity as to where partner organisations are at in managing climate change risk; and identification of collaborative opportunities for managing risks that are relevant to local communities.

This adaptation plan incorporates an 'implementation plan' to ensure there is:

- a logical way for incorporation of key local risks and adaptation actions into council documents and processes such as risk registers, strategic plans, annual plans or asset management plans; and
- an appropriate mechanism to implement sub-regional and regional adaptation actions either through advocacy or collaboration.

2.0 Overarching Corporate Considerations

Corporate climate change adaptation considerations are those that fall across all Council service areas. Success of such actions is dependent on senior management support and will provide Council with a solid framework in climate change adaptation and minimise risk to council business.

2.1 Legal Liability

Councils are at the forefront of responding to climate change impacts and increasingly local communities are looking to their councils to provide solutions to adapt to, manage, transfer or share the risks associated with climate change impacts⁷. A key consideration of councils in the face of climate change is potential liability that they are exposed to through their various statutory roles, powers and functions.

To this end, the Regional Climate Change Adaptation Project engaged Shaun McElwaine + Associates (SMA) to provide advice on the legal context within the impacts of climate change reside and how they relate to local government as a whole. Councils are encouraged to consider the advice in full which is included in the package of supporting documents provided to Council with this Plan.

Overall the advice is consistent with the legal comments provided to the Australian Local Government Authority:

- Local Councils Risk of Liability in the Face of Climate Change Resolving Uncertainties; a report for the Australian Local Government Association, Baker and McKenzie, 22 July 2011.

A key consideration of councils in the face of climate change is potential liability that they are exposed to through their various statutory roles, powers and functions. The main 'legal' concern for councils is the potential liability that they are exposed to through their adopted action or inaction in particular circumstances. The advice established is that overall councils will not be liable for existing use or development, nor will they incur liability for 'no action' in response to climate impacts, however should they take action they could be liable should that action cause harm or damage. It also considered that councils may be found liable for operational advice such as the assessment of planning applications and new developments. Legal advice to this Project contained options for councils to pursue, with the State Government and in their own capacity to reduce their exposure and potential liability, bearing in mind that these actions may be more appropriately pursued through a regional approach.

⁷ Baker and McKenzie; 22 July 2011, 'Local Council Risk of Liability in the Face of Climate Change – Resolving uncertainties' A report for the Australian Local Government Association

Table: Potential corporate actions for Council to pursue in relation to legal liability

Amendment to *Local Government Act* (Tas) 1996, by the State Government, to insert an equivalent section to s733 *Local Government Act* (NSW) that exempts local governments for civil liability for the impacts of climate change where statutory powers, planning scheme provisions and assessment of development applications are done in good faith and in accordance with manual/s prepared by the State Government.

Formulation of State-wide codes to deal with climate change impacts to achieve a uniform set of provisions across the State that: contain specific development controls; removes decision making from planning authorities; does not require risk analysis; and sets prescribed levels for sea level rise in developed coastal regions throughout the State.

2.2 Emergency Management

As the closest level of government to the community, together with having a responsibility for the wellbeing of their community, councils have an important role in emergency management. Although councils are not a provider of emergency services, council functions in relation to emergency management include:

- provision of recovery centres and relief services during emergencies or disasters;
- provision of resources and information to emergency service teams such as Tasmania Fire Service and the SES;
- informing the community of the current situation, developments and ongoing prognosis during emergency events; and
- local emergency planning and development of mitigation options using risk analysis, prioritisation and treatment approaches.

Emergency management planning may be coordinated through a special council committee who have the role of preparing and reviewing a municipal emergency management plan.

For Southern Midlands Council, Climate Futures for Tasmania modelling defined extreme events in relation to heat waves, extreme rainfall and flooding as being of particular relevance to the municipal area. Extreme events and associated emergencies are likely to increase as a result of climate change resulting in resources for emergency management being stretched. Implications of climate change in relation to council's emergency management role are expanded upon later in this document.

3.0 Climate Change Risks & Vulnerabilities

3.1 Heat & Bushfire

Rising average temperatures and more frequent extreme temperatures have the potential to contribute to a variety of impacts including: more rapid drying of the landscape than traditionally experienced; longer bushfire seasons; enhanced wildfire intensity; heatwave related illness and mortality (particularly in vulnerable demographics such as the elderly). Impacts may also be incurred on council's infrastructure and property, on agricultural industries that are important to the region's economy, and natural resources.

Climate Change Projections HEAT & BUSHFIRE

By 2100 in the Southern Midlands:

- **Average annual temperatures are projected to increase by 2.6°C – 3.3°C.**
- **The number of days over 25°C is expected to increase by 150% - the summer season is lengthening.**
- **Frost risk days are likely to decline by up to 30 days/year.**
- **The temperature of very hot days to increase by up to 3°C.**
- **Warm spells (days in a row where temperatures are in their top 5%) currently lasting around 5 days will increase by up to 5 days.**
- **Extended heat waves and more extreme temperatures will enhance the occurrence and intensity of bushfires. Twice the danger – twice the area – twice as often.**

(Antarctic Climate and Ecosystems, RCP6 scenario)

Key vulnerabilities in the Southern Midlands community and environment to an increase in temperature, heatwaves and bushfire are:

Vulnerabilities HEAT & BUSHFIRE

Increasing temperatures and longer heatwaves in the Southern Midlands may result in:

- Greater frequency and intensity of drought and bushfire.
- Difficulty in accessing sufficient water resources for fire-fighting, farming and the environment.
- Reach of irrigation schemes no longer sufficient to support viability of the agricultural sector.
- An increase in heat related illness and mortality, particularly in vulnerable demographics such as the elderly.
- New invasive weed and pathogen species impacting on agricultural production and natural habitats.
- Higher temperatures and reduced 'chill hours' will create both benefits & setbacks for agricultural enterprises.

Changes to bushfire likelihood & behaviour may result in:

- Emergency services response capacity challenges – particularly as internal procedures have not been tested by a major event for some time.
- An increase in maintenance and replacement costs of Council and community infrastructure.
- Significant community disruption leading to a range of public health and safety issues.
- Exposure of shortcomings in the communications network i.e. mobile phone black-spots and/or damage to communications infrastructure.

RISKS associated with increasing temperature and heatwaves

	Risk Statement	Impact area	Risk Level	Council services affected	Other stakeholders
EMERGENCY MANAGEMENT					
	Diminished water resources due to extended dry spells having implications for capacity to fight fires	Community & Lifestyle	High	Emergency Management	SES; Tas Fire Service
NATURAL RESOURCE MANAGEMENT					
	Increased prevalence of weeds and pests resulting in biodiversity decline - leading to reprioritising of Council's NRM on-ground management priorities and requiring funds to enable resourcing of new challenges.	Environmental	High	NRM	DPIPWE; NRM South
	Impacts on the extent and distribution of threatened species and high value vegetation communities triggering biodiversity decline - leading to reprioritising of Council's NRM on-ground management priorities requiring funds to enable resourcing of new challenges.	Environmental	High	NRM	DPIPWE; NRM South
COMMUNITY					
	Heat and longer dry spells increasing the demand for and necessity of irrigation water. Water may be required to ensure viability of farming and to support diversification into new enterprises.	Advocacy	High	Community Development	Other tiers of Govt; Irrigation Tasmania

RISKS associated with increasing bushfire likelihood

	Risk Statement	Impact area	Risk Level	Council services primarily affected	Other stakeholders
COMMUNITY					
	Increased bushfire frequency causing damage to rural / private property and loss of pastures, crops, and livestock leading to adverse impacts on the community.	Community & Lifestyle	High	Community Health, Community Development	Rural Support Networks, Tas Fire Service
ASSETS & INFRASTRUCTURE					
	Increased frequency of bushfire events may result in increased maintenance and replacement costs for council assets located in bushfire prone areas.	Finance	High	Asset Management	

	Risk Statement	Impact area	Risk Level	Council services primarily affected	Other stakeholders
EMERGENCY MANAGEMENT					
	Increased bushfire frequency & severity, testing council's capacity and ability to efficiently set up a recovery centre & initiate appropriate response actions – particularly as Council has not been required to fulfil this role recently.	Community & Lifestyle	High	Emergency Management	SES; Tas Fire Service
	Increased bushfire frequency and severity testing the adequacy of communications resources – in relation to mobile phone black-spots or the potential of fire damage to mobile phone infrastructure.	Advocacy	High	Risk management; Community Development	Other tiers of Govt; Telstra
DEVELOPMENT & ENVIRONMENTAL SERVICES					
	Increasing bushfire likelihood and intensity resulting in planning conditions being inadequate for protection of people and property	Planning decisions	High	Planning; Risk Management	

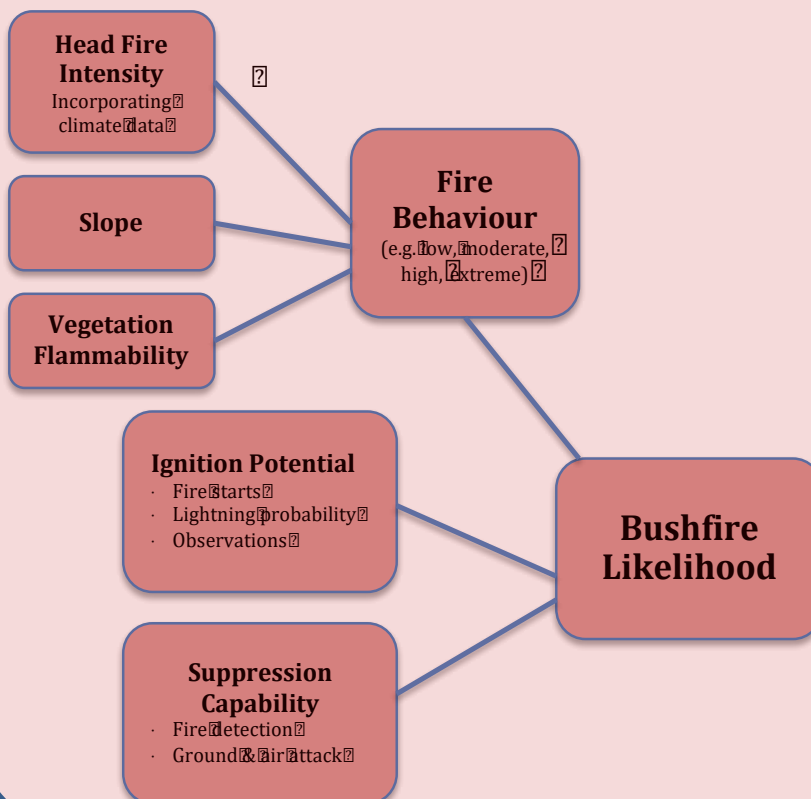
Case Study - Bushfire Modelling

Preliminary assessment of bushfire risk in Southern Midlands municipality in relation to climate change was assessed using the Tasmanian Bushfire Risk Assessment Model (BRAM), developed by the Tasmanian Parks and Wildlife Service.

Weather data from the Climate Futures for Tasmania Project (A2 scenario) was entered into the BRAM to enable modelling of a variety of bushfire scenarios.

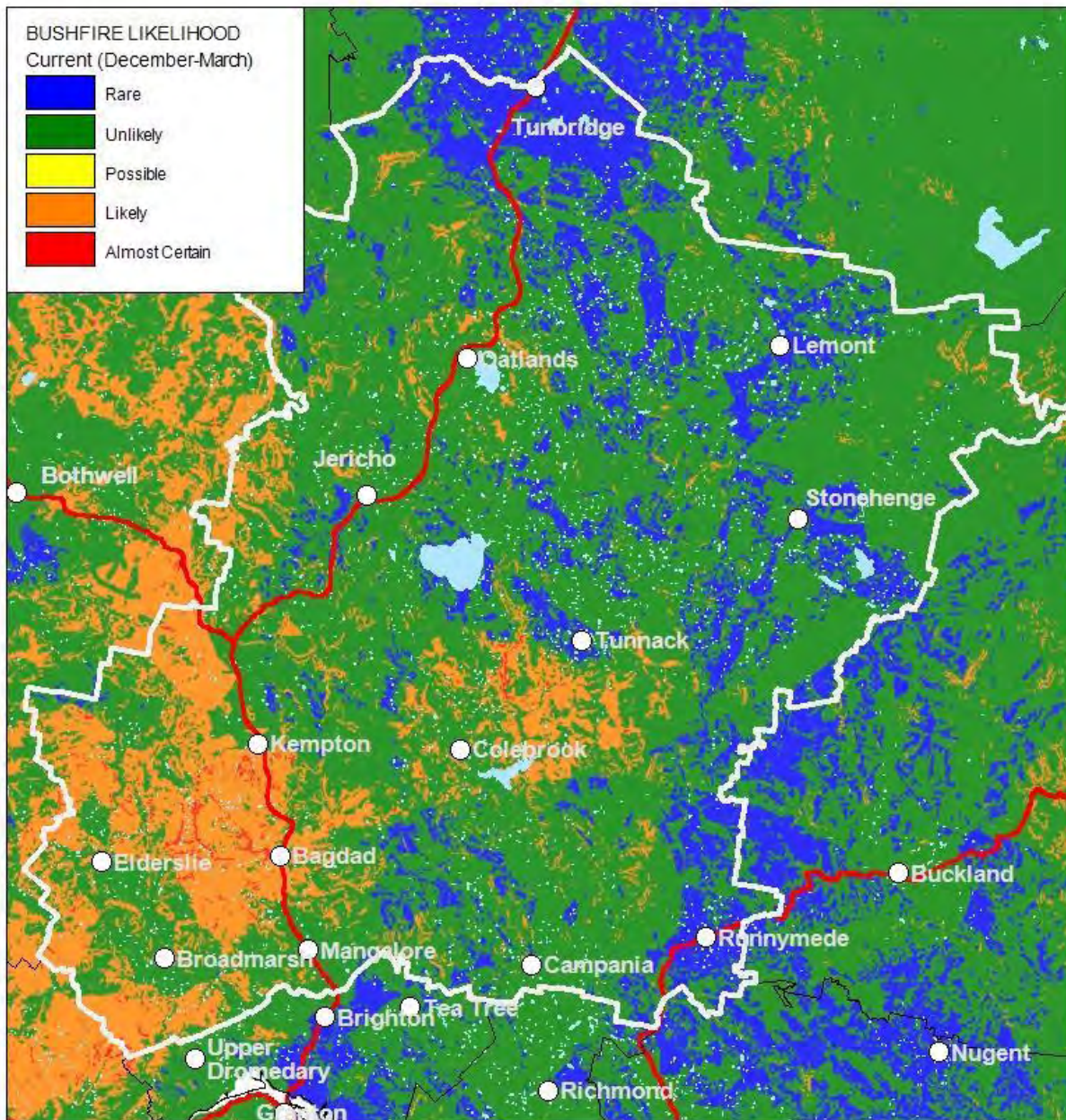
A summary of the key inputs and outputs of the BRAM model for the Regional Climate Change Adaptation Project is provided in the following diagram:

Figure: Inputs and outputs of BRAM bushfire model



The modelled near future (2010-2039) 'bushfire likelihood' output for the Southern Midlands municipal area is shown in the following figure:

Figure: Modelled near future (2010-2039) 'bushfire likelihood' output for the Southern Midlands municipal area



It was concluded that more work is required on the BRAM Model for reliable outputs in relation to climate change to be achieved. It is considered that small increases in 'likelihood' may be sufficient to trigger a major bushfire event. For example, projected increases to peak temperatures, and longer dry spells will have an impact on the likelihood of a bushfire igniting.

3.2 Rainfall & Flooding Risks

Increased rainfall variability, primarily increased rainfall intensity and flooding, is an impact of concern for Southern Midlands Council. Under climate change, rainfall events and flooding of a magnitude & frequency not experienced before have the potential to be devastating for infrastructure, agriculture, public safety and the regional economy.

Climate Change Projections RAINFALL & FLOODING

By 2100 in Southern Midlands:

- Rainfall is expected to trend towards heavier events interspersed by longer dry periods.
- Rainfall on the wettest day of the year to increase by about 20%.
- Rainfall volume in a 200-year average recurrence interval event will increase by up to 25%.

(Antarctic Climate and Ecosystems, 2011 – RCP6 scenario)

Vulnerabilities RAINFALL & FLOODING

Increased extreme rainfall events in Southern Midlands may result in:

- Increased damage to infrastructure (roads & bridges);
- Flooding in developing areas e.g. along Bagdad Rivulet;
- Testing of emergency services capacity, i.e. ability to efficiently implement an emergency response and set up a recovery centre - particularly as procedures have not been tested for some time;
- Impact on the regional economy due to agricultural impacts such as soil erosion and crop damage

RISKS associated with rainfall variability & flooding

Risk Statement	Impact area	Risk Level	Council services primarily affected	Other stakeholders
ASSET MANAGEMENT				
Increased maintenance and replacement costs triggered by flooding impacts on council infrastructure (roads, bridges, buildings, property).	Financial	Extreme	Asset Management	
Road and bridge network disruptions or failures associated with flood events causing shut down and increased costs associated with maintenance, retrofitting or replacement.	Community and lifestyle	High	Asset Management, Emergency Management	
Reduced water security resulting in lower water supply for fire-fighting leading to increased council asset damage resulting in increased maintenance and replacement costs.	Financial	High	Asset Management	Tas Fire Service
COMMUNITY & EMERGENCY MANAGEMENT				
Increased flood severity, testing council's capacity and ability to efficiently set up a recovery centre & initiate appropriate response actions – particularly as Council has not been required to fulfil this role recently.	Community & Lifestyle	High	Emergency Management	SES; Tas Fire Service
Reduced water security resulting in lack of water for fire-fighting leading to increased risk of property and infrastructure destruction and public safety issues.	Public Safety	High	Community Health, Emergency management	Tas Fire Service
Road and bridge network failures causing potential for loss of life and serious implications for public safety.	Public safety	High	Community Health, Emergency Management	
CORPORATE SERVICES				
Increased frequency and intensity of drought, placing stress on financial capacity of residents having flow-on effects for council income and budgets	Financial	High	Corporate Services, Finance	Industry Groups - Agriculture
NATURAL RESOURCE MANAGEMENT				
Declining rainfall leading to increasing stress on environmental assets such as Lake Dulverton resulting in pressure on Council to fund environmental water contributions.	Environmental	High	NRM	DPIPWE, P&WS

Risk Statement	Impact area	Risk Level	Council services primarily affected	Other stakeholders
Declining rainfall leading to less soil moisture and associated challenges such as ground cover issues, crop failure & wind erosion - resulting in pressure to reprioritise NRM on-ground management priorities in order to support the community.	Environmental	High	NRM	DPIPWE, NRM South
Increased flood flows resulting in riparian erosion and loss of habitat and water quality issues having implications for NRM unit priorities and project work.	Environmental	High	NRM	DPIPWE, NRM South
Changes in species composition in natural areas resulting in dieback of some species (e.g. white gum) leading to reprioritising of Council's NRM on-ground management priorities.	Environmental	High	NRM	DPIPWE, NRM South
Increasing prevalence of new pests, diseases and weeds due to rainfall variability resulting in impacts on agricultural productivity and profitability impacting upon council's NRM unit program priorities and resources.	Environmental	High	NRM	DPIPWE, NRM South
DEVELOPMENT & ENVIRONMENTAL SERVICES				
Inadequacies in 'Flood-prone Hazard Area' overlay resulting in inadvertent damage to approved developments leaving Council open to litigation.	Financial; Reputation	High	Planning; Finance	Tasmanian Planning Commission
Extreme rainfall combined with willows choking Bagdad Rivulet resulting in inundation of properties along the river flats.	Public Safety; Environmental	Moderate	Planning; NRM	

Case Study - Flooding in the Jordan River- Major flooding events in the Jordan River catchment can be a problem in the Southern Midlands municipality. Previous flood events have resulted in impacts on roads, bridges and fencing. Flood events are projected to increase in frequency and severity as a result of climate change.



4.0 Climate Change Adaptation Actions

4.1 Infrastructure & Works

Council's Infrastructure and Works team is responsible for overseeing the construction, maintenance and replacement of property and infrastructure assets, including roads, drains and culverts, bridges, stormwater infrastructure, council owned buildings and recreational infrastructure such as walking tracks. For councils, effective asset management is about understanding the required level of service and delivering it in the most cost effective manner. Managing this objective is core business for local government and is key to ensuring council sustainability. The projected impacts of climate change threaten conventional asset management both in terms of financial modelling, as well as the level of service that is acceptable or even achievable.

Projected increases in the intensity and frequency of extreme events directly impact on council asset base with significant and unpredictable financial and service delivery implications. Council's stormwater system for example is designed for historical climate and with projected climate change, will possibly become under-capacity in places. Council will therefore need to consider the additional cost of managing stormwater at the current acceptable level of service and either fund that cost or accept that a greater frequency of inundation events is likely. Acknowledging this, public inconvenience and safety issues have been identified as a recurring risk theme in relation to the impact of extreme events on council infrastructure.

Further to the projected increases in extreme events, incremental changes to the climate such as increasing average temperatures or reduced average rainfall will also have implications to council's capacity to deliver its infrastructure based services. Such changes may result in accelerated structural fatigue in council's infrastructure. Design standards based upon past climate data and patterns may need to be reconsidered for new or replacement infrastructure to account for incremental climate change projections.

Infrastructure & Works adaptation actions and treatments

Action Code	Adaptation Action	Responsibility	Relevant Council document	Original risk level	Treated risk level
I1	Investigate mechanisms to reduce the impact of peak flows during extreme rainfall events.	Works Manager	Emergency Management Plan, Council & Community Newsletter, Risk Register	High	Moderate
I2	Install safety signage at appropriate locations to inform community of flood risk and water depth.	Works Manager	Strategic Plan, Operational Plan, Risk Register	High	Moderate
I3	Incorporate climate change projections, particularly extreme rainfall, into asset design (bridges, culverts, stormwater).	Municipal Engineer	Asset Register, Risk Register	High	Moderate
I4	Gradually replace timber bridges with concrete bridges.	Works Manager	Asset Register, Risk Register	High	Moderate
I5	Seal roads (strategically prioritised) to reduce maintenance requirements in relation to rainfall variability.	Works Manager	Asset Register	High	Low

4.2 Community & Corporate Development

Southern Midlands Council has an important role in community and economic development, particularly through encouraging investment and job growth, and enhancing liveability and environmental attributes which may influence individual's decisions to live in the municipal area. Climate change has significant potential, as evidenced by experience from past droughts, to impact upon the basis of the economy - the agricultural sector. If the Southern Midlands community is not prepared for the impacts of climate change then Council may be required to invest increasing resources in community support to assist residents through tough times, particularly extended dry periods and the increasing prevalence of extreme events.

There is also potential opportunity associated with climate change. Warming temperatures, changing seasonal rainfall, increased evaporation and reduced frost days not only present challenges, but new opportunities for innovative farmers. There is a potential role for council in disseminating specific information to the community in relation to

these opportunities. An initial part of this work has already been conducted through the Climate Futures Tasmania Project 'Impacts on Agriculture' technical report⁸.

Southern Midland's priority adaptation actions, and identified treatments, in relation to community/economic development are presented below

Community & Corporate Development adaptation actions and treatments

Action Code	Adaptation Action	Responsibility	Relevant Council document	Original risk level	Treated risk level
C1	Encourage diversification of economic opportunities within the community in relation to envisaged hardship on traditional industries due to weather extremes.	Manager Community Services	Strategic Plan – Community & Lifestyle, Risk Register	High	Moderate
C2	Increasing awareness of agricultural enterprises suited by changing conditions that will sustain ongoing economic production within the agricultural sector.	NRM Unit, Manager Community Development	Annual plan when conditions warrant, Risk Register	High	Moderate
C3	Work in collaboration with rural financial advisory services to assist landowners during drought periods.	Manager Community Services	Risk Register	High	Moderate
C4	Build element of contingency into council's forward financial management plan to allow for reduced revenue during drought.	General Manager, Finance Officer	Forward Financial Management Strategy, Risk Register	High	Low
C5	Lobby Commonwealth and State government agencies to provide adequate funding for relief to farmers during periods of drought.	Manager Community Services, General Manager, elected members	Strategic Plan, Risk Register	High	Moderate
C6	Lobby higher tiers of government and Irrigation Tasmania to investigate extending the irrigation network to assist in building confidence and resilience in the agricultural industries of the Midlands.	Manager Community Services, General Manager, elected members	Strategic Plan, Risk Register	High	Moderate

⁸ Holz GK et al. (2010). Climate Futures of Tasmania: impacts on agriculture technical report. Antarctic Climate & Ecosystems Cooperative Research Centre, Hobart, Tasmania.

Case Study – Impacts on agriculture

Grazing - The yields from extensive grazing systems are affected by the prevailing temperature, rainfall, evaporation and radiation conditions, as well as the concentration of carbon dioxide in the air. Simulations of extensive grazing systems using phalaris or sub-clover pasture at Tunbridge under the high emissions scenario show that yields are projected to increase until mid-century due to warmer temperatures, then plateau. The increase in yields occurs mainly in spring and a small increase in autumn, with a decrease in summer yields. Changes to feed quality are also likely, with a decrease in protein content due to elevated carbon dioxide concentrations. These changes would affect farming practices such as the choice of species and cultivar and timing of operations by the second half of the century.

Wheat - Simulations of wheat cropping at Tunbridge (assuming the Tennant cultivar is grown, fertilizer is applied using current practice and no new technology is developed) suggest that yields could be expected to decrease slightly from now until the end of the century (by less than 10%). This is at least partly due to an increase in nitrogen stress, placing a larger demand for fertilizer. Given adequate irrigation and nutrient management, there is a potential for a 10-15% increase in yields. There is also a shorter time to maturity meaning less growth prior to flowering.

Berries, fruits & nuts - Chilling affects the growth and flowering of berries, fruits and nuts. Accumulated chill hours decrease given the warming under the two future climate scenarios. Under the A2 scenario, accumulated chill hours at Campania reduce from around 2500 hours annually, to around 1700 hours by the end of the century.

(Antarctic Climate and Ecosystems, 2011 – A2 emission scenario)



4.3 Development & Environmental Services

Climate change risks have implications for council's role in planning and development approval, particularly in relation to possible litigation if risk to property from climate change related disasters are not adequately identified or communicated.

In relation to changes in flood and bushfire risk from a warming climate, planning scheme overlays should be developed to incorporate scientific data and modelling to appropriately guide development in flood prone areas and in areas with high fire likelihood.

In the current planning scheme, the Bushfire-Prone Areas Code overlay covers the majority of the municipal area. It ensures that use and development is appropriately designed, located, serviced (by water supply) and constructed to reduce risk to human life, property and cost to the community. The overlay does however lack detail. It is limited by lack of specific data and modelling for bushfire likelihood and behaviour in relation to conditions expected due to climate change. For informed decisions to be made, modelling input data could include: vegetation flammability; projected fire season length; slope; ignition potential; and suppression capability.

In terms of flood risk, the Flood Prone Hazard Areas Code overlay in the current planning scheme is based upon historic known flood inundation data. Identified areas at risk of flooding occur along the Jordan, Coal and Blackman Rivers, however, smaller waterways in proximity to development areas e.g. Bagdad Rivulet, should be considered in terms of potential risk to property in relation to planning decisions made by Council staff.

There is currently no state-wide mapping of areas potentially susceptible to flooding risks, and no flood modelling specific to the rivers and waterways of the Southern Midlands has been undertaken. This leaves council in a vulnerable situation, because according to climate change scenarios, previously unforeseen inundation events are likely to occur.

This situation will be addressed by the Tasmanian Flood Map Project, a 3 year project that began in October 2018, jointly funded by the Australian and Tasmanian governments. This project will:

- ensure that most communities will have access to a high resolution digital terrain model through the collection of light detection and ranging (LiDAR);
- develop the Tasmanian Flood Map to support a flood risk assessment, and the development of land use planning and building controls;
- partner with local governments to undertake detailed flood studies and evacuation planning for the communities most at risk of flooding.

The project was developed following severe floods in 2016, which made it clear that it is critical to have an understanding of flood risks to enable investment in recovery and increase community resilience to future flood events.

Development & Environmental Services adaptation actions and treatments

Action Code	Adaptation Action	Responsibility	Relevant Council document	Original risk level	Treated risk level
D1	Stay engaged with the Tasmanian Flood Map Project in relation to outputs specifically relevant to the Southern Midlands.	DES staff	Planning Scheme, Risk Register	High	Moderate
D2	In order to reduce flooding risk to properties along Bagdad Rivulet, seek grant funds to remove willows from the rivulet and to revegetate with natives.	DES & NRM staff	Risk Register	Moderate	Low
D3	Push for bushfire modelling in relation to climate change projections to achieve higher resolution to the bushfire prone areas overlay to assist in making better informed planning decisions, to minimise risk to life and property.	DES staff	Planning Scheme, Risk Register	High	Moderate

4.3.1 Environmental Health

Council's role in regard to environmental health may include: aged care, child health, special needs care, supported accommodation and counselling and support services. Climate change has many implications for community health. Gradual shifts over time in temperature, humidity and rainfall patterns can create ideal conditions for disease vectors, such as mosquitos, in areas where there was no previous exposure. Direct impact of extreme events such as bushfire and heatwaves can result in emergency services and community support services being stretched beyond their capacity. There is now an established link between extreme heatwaves and an increase in mortality in vulnerable sectors of the community.

Severe seasonal conditions such as drought lead to tough environmental and economic situations for farmers, which can result in more widespread mental illness, depression and suicide. Councils have an important community role in promoting and maintaining links to relevant support services in times of hardship.

4.4 Natural Resource Management

The natural resource management (NRM) role at Southern Midlands Council is focused on management of local reserves, protecting local biodiversity, managing threats such as weeds, and running community programs e.g. revegetation through the Midlands Tree Committee.

The natural environment of the Southern Midlands is under pressure as evidenced by the obvious signs of tree dieback, soil erosion and saline affected areas. Pressures on the environment are being exacerbated by a shifting climate. This is supported by weather data demonstrating that average annual rainfall is in decline. Long spells with little or no rain are becoming common which, at times, stretches water resources for farming and the environment to breaking point. The high prevalence of threatened vegetation communities and threatened species listings in the Southern Midlands also suggest that land use, fragmentation of natural vegetation, and environmental change are taking a toll.

The climate change we are now experiencing is occurring relatively rapidly. In natural vegetation communities this change is likely to favour some species and disadvantage others. A possible outcome is loss of vulnerable species and changes in structure, function and composition of vegetation communities. Additionally, exacerbated threat to vegetation communities may occur through proliferation of weeds which may be favoured by changing temperature and rainfall conditions. Direct physical impacts on natural systems may also be exacerbated under climate change, for example, rivers and streams are likely to experience flood flows at levels not seen before, creating vulnerability to erosion in riparian areas.

There may be a need to refocus NRM activities in the future away from addressing issues in isolation to a strategic approach that is well informed about landscape-scale ecological processes. This approach will enable limited resources to be deployed wisely and in ways that address several issues, for example, revegetation in conjunction with landscape connectivity priorities.

Southern Midland's priority adaptation actions, and identified treatments, in relation to natural resource management are presented in the table below.

NRM adaptation options & treatments

Action Code	Adaptation Action	Responsibility	Relevant Council document	Original risk level	Treated risk level
N1	Increase resourcing for recognition, mapping & treatment of existing & new weed incursions, including review of which herbicide is used.	NRM	Southern Midlands Weed Management Strategy, Risk Register	High	Moderate
N2	Work in collaboration with key stakeholders to ensure that Council is well positioned to access funding to protect and maintain high priority vegetation communities and threatened species.	NRM	Natural Resource Management Strategy	High	High
N3	Undertake natural values assessments for landowners and provide advice on management options in regard to important conservation values and environmental threats.	NRM	Natural Resource Management Strategy	High	High
N4	Raise awareness amongst riparian landholders on the likelihood of more significant floods and options for minimising riparian erosion (e.g. riparian revegetation).	NRM	Natural Resource Management Strategy	High	Moderate
N5	Provide advice to landowners and recommendations on drought tolerant native plant species.	NRM	Natural Resource Management Strategy	High	Moderate
N6	Work in collaboration with relevant stakeholders to understand emerging climate change impacts on agriculture and how they can be managed. For example, workshops of regenerative agriculture techniques, and drought tolerant (or hardy) species.	NRM	Natural Resource Management Strategy	High	Moderate
N7	Obtain funding to continue the work of the Midlands Tree Committee.	NRM	Natural Resource Management Strategy	High	Moderate
N8	Obtain funding to continue to supplement the water level in Lake Dulverton as this is critical habitat for a range of species, particularly threatened migratory birds.	Lake Dulverton Committee	Strategic Plan	High	Low
N9	Continue work to protect environmental values and understand issues affecting wildlife living at Chauncy Vale Wildlife Sanctuary.	Chauncy Vale Management Committee	Chauncy Vale Joint Management Plan	High	High

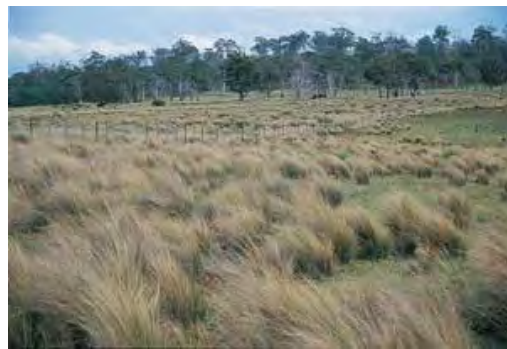
Case Study – Climate change and natural values

Wetlands - Wetlands and marshes in the municipality provide refuge for many species, including migratory birds. Lake Dulverton is home to the Greater Crested Grebe, a wetland bird whose numbers have declined significantly in recent years. Without intervention, its lake habitat is vulnerable to drying up.



Threatened species - One of the strongholds of the threatened Ptunarra Brown Butterfly is silver tussock grassland patches in the Southern Midlands. Mild winters enable the European wasp to overwinter, whereas in the past, winter conditions killed off this predatory species. These wasps pose additional pressure on this species. This is an example of the indirect effects of changing climatic conditions on biodiversity.

Grasslands – Areas of lowland temperate grasslands are present in the municipality, forming important native pastures and habitat to a range of species, many of them threatened with extinction. Some of the best remaining lowland temperate grasslands areas in Australia are found in the midlands. Climate change and increased CO₂ levels are predicted to change the species composition and nutritional values of grasslands for native species of mammals and invertebrates (as well as for livestock), including favoring the invasion of invasive species.



Source: Department of Primary Industries, Parks, Water and Environment, Resource Management and Conservation Division (2010). Vulnerability of Tasmania's Natural Environment to Climate Change: An Overview. Unpublished report. Department of Primary Industries, Parks, Water and Environment, Hobart, Tasmania. Image: tasmanianplants.com

4.5 Emergency Management

As the closest level of government to the community, together with having a responsibility for the wellbeing of their community, councils have an important role in emergency management. Although councils are not a provider of emergency services, council functions in relation to emergency management include:

- provision of recovery centres and relief services during emergencies or disasters;
- provision of resources and information to emergency service teams such as Tasmania Fire Service and the SES;
- informing the community of the current situation, developments and ongoing prognosis during emergency events; and
- local emergency planning and development of mitigation options using risk analysis, prioritisation and treatment approaches.

Emergency management planning may be coordinated through a special council committee who have the role of preparing and reviewing a municipal emergency management plan. For Southern Midlands Council, Climate Futures for Tasmania defined extreme events in relation to heat waves, extended dry spells, extreme rainfall and flooding as being of particular relevance to the municipal area. Extreme events and associated emergencies are likely to increase due to climate change resulting in resources for emergency management being stretched.

Of particular relevance in relation to increasing bushfire threat is council's, and the community's, capacity to fight fires in the face of diminished water resources. Water stress is becoming commonplace in the Midlands due to rising average temperatures, declining annual rainfall and greater evaporation.

The likely increasing call on emergency management capacity highlights the importance of regular review of council's risk register in relation to updated scientific projections on climate change trends and the associated implications at a local level.

Emergency Management adaptation actions & treatments

Action Code	Adaptation Action	Responsibility	Relevant Council document	Original risk level	Treated risk level
E1	Develop and/or review and Action Document that spells out clearly all the procedures necessary to efficiently set up a recovery centre and subsequent emergency response actions.	Emergency Management Committee	Action Document – Establishment of Recovery Centres in Southern Midlands; Emergency Management Plan	High	Low
E2	Increase fire-fighting units and infrastructure in relation to increasing fire risk.	Emergency Management Committee	Emergency Management Plan, Risk Register	High	Moderate
E3	Task each fire brigade to undertake an assessment of water resource availability - to ensure there is adequate capacity to deal with large bushfires during dry spells.	Emergency Management Committee; fire brigades	Emergency Management Plan, Risk Register	High	Moderate
E4	Education/advocacy - increasing awareness on the importance of fuel reduction at the appropriate time of the year or when conditions are favourable.	Emergency Management Committee	Emergency Management Plan, Council & Community Newsletter, Abatement Notice Provisions, Risk Register	Extreme	High
E5	Become more proactive in issuing hazard abatement notices in relation to longer dry spells and bushfire risk.	Emergency Management Committee, Works Manager	Emergency Management Plan, Council & Community Newsletter, Abatement Notice Provisions, Risk Register	High	Moderate
E6	Control bushfire prone vegetation around council & community assets.	Works Manager	Emergency Management Plan, Risk Register	High	Moderate
E7	Collaborate with Tas Fire Service and other organisations (including other councils) to review the adequacy of bushfire management plans.	Emergency Management Committee	Annual Plan, Risk Register	Extreme	High
E8	Advocate to both Telstra and higher tiers of government the necessity to eliminate mobile phone black-spots in areas vulnerable to bushfire to ensure communications reliability during a crisis.	Emergency Management Committee; elected members	Emergency Management Plan, Risk Register	High	Low

5.0 Stakeholder Involvement & collaboration

Climate change projections are likely to impact either directly or indirectly on all aspects of council function. Further to this, impacts are likely to be felt throughout the community affecting other organisations that council has involvement with. A collaborative adaptation response between all stakeholders is therefore essential for council to maintain its service level in a changing climate. It is important that linkages between organisations are identified, that there is awareness of what each other is working on, and that duplication of efforts is avoided wherever possible.

In order for there to be clear understanding of roles and responsibilities in relation to management of the identified climate change risks, together with recognition of opportunities to develop or strengthen existing collaborations, the stakeholders listed below are considered to be important.

5.1 Department of State Growth

State Growth provides infrastructure and related services for the social and economic development of Tasmania. By providing a strategic approach to the provision of both physical infrastructure and regulatory frameworks, State Growth aims to:

- Enhance infrastructure decision-making across Government;
- Facilitate a safe, sustainable and efficient transport system that enhances economic and social development, in the context of the challenges of climate change, and
- Promote reliable, efficient, safe and sustainable energy systems.

State Growth acknowledges that the impacts of a changing climate are highly varied, but notes there are impacts more likely to affect the serviceability of the state road network, the key threatening impacts being: increased intensity of rainfall events; sea level rise; and storm surge. State Growth is considering a whole-of-asset risk assessment to identify those sections of the road network more at risk from the effects of climate change over the next 20-40 years for road infrastructure, and 100 years for bridges.

State Growth will continue to support and sponsor collaborative research and the development of tools and applications. In terms of projects, State Growth has co-funded several climate change related projects, including:

- Climate Futures Tasmania – Infrastructure (CFT-I);
- Greenhouse Gas Assessment Workbook for Road Projects – Transport Authorities Greenhouse Group (TAGG), and
- ‘Carbon Gauge – Calculating the Greenhouse Footprint of Roads’.

5.2 Dept. Primary Industries, Parks, Water & Environment (DPIPWE)

DPIPWE have several programs in relation to climate change adaptation, the one most relevant to the Midlands is 'The Natural Systems Resilient to Climate Change Project'. Key elements of the Project are:

- Vulnerability of Tasmania's Natural Environment to Climate Change, DPIPWE (2010);
- spatial layer predicting spread/occurrence of WONS (weeds of national significance) in the future;
- spatial layer predicting areas that are not vulnerable to the root-rot fungus (*Phytophthora cinnamomi*);
- spatial layer as a predictor of biosecurity and disease issues related to the natural environment;
- spatial layer identifying fire 'refugia' i.e. areas in the landscape with low vulnerability to wildfire; and
- spatial layer highlighting past glacial 'refugia', i.e. where vegetation communities have contracted to in the past during changing climate.

5.3 MAV Insurance Liability Mutual Insurance (LMI)

MAV Insurance Liability Mutual Insurance (LMI) is the primary insurer for all of the councils in Southern Tasmania. Many of the Councils have identified LMI as their most critical risk management framework that should be considered in climate change risk management and adaptation planning.

LMI does not have a statutory obligation to manage climate risks. They do however have a general commitment to assist member councils in effectively managing their risks with a focus on continuous improvement. LMI has developed a broad range of manuals and guidance documents for its members, although not specific and limited to climate change. These documents and support materials may be made available on request.

LMI conducts a biennial audit on all its members, part of which is an Organisational Risk Management section. As part of this section we examine the comprehensiveness of risk assessments for 4 risk areas of council in some detail, one of which is climate change.

LMI also has an internal risk register that includes risks to the scheme from a key claims driver view as well as unusual, new and emerging risks. Climate Change is one of the risks, and is being monitored by the Risk Committee. LMI is unable to provide this risk register to Councils, as it is an internal document only.

LMI does not dictate to members about how they manage their risks. Recommendations and suggestions for improvements may be made, however they have neither the power nor the inclination to 'demand' changes.

5.4 Taswater

Taswater is the council owned water and wastewater corporation and is responsible for delivering water and wastewater services to the community and managing the associated asset base.

Taswater is beginning to actively manage climate change in its operations and strategic planning. This is primarily being driven by a recognition that climate change may compromise achieving level of service standards and since a commitment has been made to achieving service level provisions, the organisation must therefore adopt an adaptation response. The following actions have been implemented:

- Desktop risk register;
- Climate change strategy (mitigation and adaptation) with a view to develop precinct plans; and
- Policy to include climate change as a key part of corporate plan goals and actions.

In terms of collaboration in climate change adaptation and effective service delivery, Taswater has raised the following points:

- Loss of critical infrastructure around coast lines due to inundation as a result of sea level rise and storm surge is identified as a key climate change risk. Better consideration needs to be made when approving a development adjacent to the coast or creek where adequate setback for water and sewer infrastructure may not be provided to ensure protection from erosion/inundation.
- Reduced water availability is identified as a key climate change risk and better collaboration needs to be achieved in setting growth boundaries around towns so that population limitations are set within the sustainable yield profile of the drinking water catchment and/or reservations are put in place for additional drinking water catchments.
- Better management of bushfire risk needs to be achieved, allowing for approval of critical asset protection measures (e.g. creating buffers around pump stations) within council planning.
- Bushfire management is a key strategic risk as it has huge effects upon drinking water catchments, service provision, abnormal demand management spikes, hydrant performance, and power outages to water and wastewater infrastructure. Council and TFS could jointly help manage these risks with Taswater in a number of ways.

5.5 State Emergency Services (SES)

The State Emergency Services is the statutory authority that coordinates emergency management responses state-wide. It is a division of the Department of Police and Emergency Management and is comprised of both paid staff and volunteers. It has four core functions that are set out in the Emergency Management Act (Tas) 2006 s.26 as follows:

- The provision of advice and services relating to emergency management in accordance with emergency management plans or as otherwise authorised by the State Controller or Minister in writing provided to the Director SES, other than the provision of a service provided by another statutory service.
- The provision of services relating to rescue and retrieval operations as authorised by the Minister or State Controller.
- The provision of administrative services for the State Committee and each Regional Committee, including support in the preparation and review of emergency management plans as required by the State Committee and Regional Committees.
- The recruitment, training and support of volunteer members of the State Emergency Service.

Local Government is an important stakeholder in the delivery of emergency management responses and planning. It is identified in key SES documents and plans that set out the key roles and responsibilities of stakeholders. Pursuant to section 34 of the EMA each Council must: prepare an Emergency Management Plan: review the EMP every 2 years; appoint an emergency management coordinator and establish and maintain voluntary units.

The SES's response to climate change, through the 'Natural Disaster Resilience Program and other funding programs, has been to fund and engage in research initiatives that identify and seek to quantify key climate risks as they apply across Tasmania, including:

- Climate Futures Tasmania – Bushfire.
- Climate Futures Tasmania - Extreme Events.
- Clarence City Council study into the effect of sea level rise – this was the precursor to the current work that CCC has undertaken.
- Tasmanian Extreme Wind Hazards Stand-alone Tool (TEWHST).
- State Framework for natural hazards and Land Use Planning Project.

The SES is the custodian of a significant body of climate change data as a result of its involvement in the Climate Futures Tasmania project and collaboration with Geoscience Australia (Extreme Wind Hazard Project). Opportunities exist for the utilisation of this data to inform local, regional and state emergency management planning.

5.6 Tasmania Fire Service (TFS)

Tasmania Fire Service (TFS) is participating in research and modelling for bushfire. The research being conducted includes, looking at current bushfire risks and assessing current prediction tools to determine modelling for the future. This research will have a bearing on issues such as:

- resource to risk modelling;
- community protection planning;
- bushfire prediction tools;
- bushfire weather modelling;
- prescribed burning modelling; and
- fire management planning.

TFS also participated in the Climate Futures for Tasmania Project, especially the 'Extreme Events' component. TFS will use this to map a pathway forward for future strategic planning.

Currently, TFS is reviewing the State Fire Protection Plan in which the above issues are called up. Additionally, as part of another review process, TFS is incorporating these developed strategies into its operational corporate plan.

From TFS's perspective the relationship with local government will be important, if not critical for future directions in climate change. Through the State Fire Management Council (SFMC), TFS will engage with local government to ensure they are consulted regarding climate change and bushfire risk into the future. SFMC is currently lobbying State Government for funding to assist with additional programs to develop strategies for vegetation management for the mitigation of bushfires. This also includes legislative changes. This program will include climate change contingencies as part of the planning process. LGAT are an identified key stakeholder in this program and will be consulted throughout the development of this strategy. SFMC provides a forum for local government to work with TFS and other land management agencies in relation to climate change and bushfire mitigation.

TFS will need to work closely with local government for the development of fire management planning, prescribed burning programs and development planning, especially in bushfire prone areas.

6.0 Adaptation Plan Implementation

The implementation of this Plan requires a co-ordinated approach, both across council business, in partnership with other councils, and with external stakeholders. Key components of implementation include:

- a consistent process for adaptation plan endorsement by all councils of the region;
- a logical way for incorporation of key local risks and adaptation actions into council documents and processes such as risk registers, strategic plans, annual plans or asset management plans; and
- an appropriate mechanism to implement sub-regional and regional adaptation actions either through advocacy or collaboration.

Implementation of the adaptation actions in this plan may provide Southern Midlands Council with a buffer to the challenges posed by climate change. Effective implementation does not mean 're-inventing the wheel', to the contrary many of Council's current activities/operational practices can be modified to assist in managing future climate variability. To this end, it is that outcomes from the risk assessment process used to support the development of this Plan are integrated with other Southern Midlands Council risk management and planning activities.

It is important that management play a role in Plan implementation by remaining engaged and assuming responsibility for implementing adaptation actions.

6.1 Financial & resource requirements

Financial and resource availability are critical factors for enabling implementation of adaptation actions. The adaptation options identified in this Plan will come at varying degrees of cost and resource requirement. It is likely that Southern Midlands Council will initially support implementation of those adaptation actions which are cost effective and align with current resource capacity and availability. Implementation of these actions will enable Council to gain some initial momentum in responding to impacts posed by climate change.

It is important to recognise that not all climate change action within Council will require its own funding, but will become embedded in the operational business of Council through appropriate governance arrangements, planning and policy. Notwithstanding this, some of the more complex adaptation options will require substantial financial support and resources. For these actions, pursuing grant funding and establishing partnerships for collaborative or common actions can be effective in reducing the overall cost of action for Council, enabling the full cost of action to be offset.

6.2 Strategic Priorities – incorporation into other documents & processes

Strategic priorities are broad level climate change adaptation actions that do not specifically address a particular area or risk and fall across numerous Council service areas. Success of such actions is dependent on management support. Implementation of strategic actions will provide Council with a solid framework in climate change adaptation and will build an internal culture that supports the implementation of the more specific adaptation actions described earlier. Strategic priority examples are provided in the following Table:

Broad level climate change adaptation actions that may be implemented across Council (Strategic Priorities)

Strategic Priority Description	Reasoning
Integrate climate change risk management into existing Council wide risk assessment framework.	Climate change risks should be incorporated into Council's existing risk management processes. From a process point of view this will ensure that climate change risks continue to be properly addressed.
Assign a climate change officer to oversee implementation of this Plan.	A representative from Council is recommended to be assigned to oversee the implementation of actions outlined in the Plan.
Consideration of climate change risks and impacts during the development of other Council strategies, policies and plans.	The climate change impacts and risk process outlined throughout this adaptation action plan should be considered in the development of future plans, policies and strategies to ensure that these issues are incorporated throughout all of Council's service areas. This will also ensure there are mechanisms for actions to be implemented.
Support the STCA in engaging with relevant State Government departments to identify and address gaps in planning instruments, policies, funding and legislation.	State Government has a significant influence over planning and policy at the local Government level. By engaging state government and establishing clear lines of communication, Southern Midlands Council, in partnership with the STCA, may be able to inform and influence relevant State Government departments to assist in local climate change impact adaptation.
Integration of adaptation action plan and greenhouse gas mitigation measures to prioritise projects that have dual benefits.	Ensure that future emissions are considered in the decision making process of prioritising adaptation actions. Often dual benefits can be achieved for climate change mitigation and adaptation.
Report on climate change adaptation progress into any future publicly available documents or reports.	Reporting on climate change adaptation progress will assist in engaging the community and informing other Councils on Southern Midlands Council's progress.
Consider developing climate change related KPI's which would be reported on through Council's annual report.	Consider developing climate change related Key Performance Indicators (KPI's) which would be reported on through Council's annual report.
Ensure that the projected impacts of climate change are properly considered in Council's emergency management planning.	Emergency response plans should be investigated, developed and implemented considering the best available climate change projections. Up to date emergency response procedures can minimise consequences when extreme events occur.
Where required, support the implementation of the Regional Councils Climate Change Adaptation Strategy.	Administered through the STCA, the Regional Councils Climate Change Adaptation Strategy aims to drive adaptation in local government for the region and deliver on a number of common actions that are relevant to its member councils. The success of this strategy is dependent on a high level of buy in from each of the Councils across Southern Tasmania.



Grant deed

Grant program: 2019-20 Major Grants Program

The Crown in Right of Tasmania
(represented by the Department of Communities Tasmania
(Grantor))

and

Southern Midlands Council
(Recipient)

OCS APPROVED TEMPLATE
Grant Docs-Grant deed (short form) template-3-2014-AU
(December 2014)

REFERENCE AND CONTACT DETAILS
Department: Communities Tasmania
Contact officer: Manager, Grants, Sport and Recreation Infrastructure
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Doc Ref: Grant Deed - Southern Midlands Council - Sport and Recreation Major Grants
Program 2019-20.DOC

Contents

Details and recitals		1
Information Table		2
1	Definitions and interpretation	3
1.1	Definitions	3
1.2	Interpretation	4
1.3	Headings	5
1.4	No rule of construction applies to disadvantage party	5
1.5	Information Table	5
2	Grant	6
2.1	Agreement to provide Grant	6
2.2	Acknowledgments	6
3	Payment of Grant to Recipient	6
3.1	Method of Grant payment	6
3.2	Conditions affecting Grant payment	6
4	Application of Grant and related matters	6
4.1	Application of Grant for Approved Purpose	6
4.2	Commencement of Approved Purpose	7
4.3	Completion of Approved Purpose	7
4.4	Compliance with Law	7
4.5	Financial records	7
4.6	Notice by Recipient of adverse matters	7
5	Publicity concerning Grant and Approved Purpose	7
6	Repayment of Grant by Recipient	7
6.1	Repayment obligation	7
7	Review, monitoring, audit, reports and related matters	8
7.1	Review, monitoring or audit of Relevant Matters	8
7.2	Reporting	8
8	Representations and warranties	8
8.1	Warranties	8
8.2	No reliance by the Recipient	8
9	Default Events and termination	8
9.1	Default Events	8
9.2	Termination - Default Events	9
10	Special terms and conditions	9
11	GST	10
12	Notices	10
12.1	Notice requirements	10

12.2	Method and address for delivery	11
12.3	Time of receipt	11
13	Miscellaneous	11
13.1	Governing law	11
13.2	Dispute jurisdiction	12
13.3	Entire agreement clause	12
13.4	Liability	12
13.5	Benefit	12
13.6	Severance	12
13.7	Counterparts	12
13.8	Further assurance	12
13.9	No partnership or agency	12
13.10	Legal costs	13
13.11	Amendment	13
13.12	Waiver	13
13.13	Successors and assigns	13
13.14	Rights cumulative	13
13.15	Set-off	13
13.16	No assignment	13
13.17	Disclosure	13
13.18	Determination	14
13.19	Consent and approvals	14
13.20	Doctrine of merger	14
13.21	No interference with executive duties or powers	14
13.22	Surviving provisions and termination	14
	Signing	16

Grant deed

Details and recitals

Date:

Parties:

Name	The Crown in Right of Tasmania (represented by the Department of Communities Tasmania)
Short form name	Grantor
Notice details	C/- Department of Communities Tasmania, 15 Murray Street, Hobart TAS 7000 Email: csrgrants@communities.tas.gov.au Attention: Deputy Secretary Communities, Sport and Recreation

Name	Southern Midlands Council
ACN/ARBN/ABN	68 653 459 589
Short form name	Recipient
Notice details	PO Box 21, OATLANDS TAS 7120 Telephone: (03) 6254 5060 Email: abenson@southernmidlands.tas.gov.au Attention: Mr Andrew Benson, General Manager

Recitals:

- A. The Grantor has agreed to provide a monetary grant to the Recipient upon the terms and conditions set out in this Deed.
- B. The Recipient has agreed to accept the Grant on the terms and conditions set out in this Deed.

Information Table

Item 1 (clause 1.1): Approved Purpose for which the Grant is provided
The Approved Purpose is to assist the Recipient with the major refurbishment of Runnymede Cricket Ground.
Item 2 (clause 2.1): Grant Amount
The grant amount is thirty five thousand one hundred and forty two dollars (\$35,142.00) (plus GST if applicable)
Item 3 (clause 3.1): Payment method for the Grant
The Grant is to be paid to the Recipient within 15 Business Days after the date of this Deed by electronic funds transfer.
Item 4 (clause 3.2(a)): Conditions precedent to payment of the Grant
Not applicable
Item 5 (clause 4.2): Date for commencement of the Approved Purpose
On signing of the grant deed.
Item 6 (clause 4.3): Date for completion of the Approved Purpose
The date for completion of the Approved Purpose is 30 June 2021
Item 7 (clause 7.2): Reporting requirements
The Recipient must provide to the Grantor not later than 30 days after the Date for Completion (specified in Item 6), the following reports: a) Final report on the carrying out of the Approved Purpose. b) Acquittal report on the Recipient's use and expenditure of the Grant. Each report must be in a form and substance satisfactory to the Grantor. The Grantor will provide the report template to the Grantee prior to the expiry of the reporting period.
Item 8 (clause 10): Special terms and conditions
<ul style="list-style-type: none">• The recipient must comply with the 2019-20 Sport and Recreation Major Grants Program Guidelines.• As per section 5, the Recipient must acknowledge the support of the Tasmanian Government, as per Annexure A.

Agreed terms and conditions

The parties agree as follows:

1 Definitions and interpretation

1.1 Definitions

In this Deed, unless the context otherwise requires:

Approved Purpose means the purpose for which the Grant is provided as set out in Item 1.

Authorised Officer means:

- (a) if a party is the Crown or a Minister of the Crown, each of the Secretary of the department responsible for the administration of the Grant, an Acting Secretary of that department, a Deputy Secretary of that department, and a nominee of any of them; or
- (b) for any other party, a person authorised in writing by that party.

Business Day means a day that is not a Saturday, a Sunday, Easter Tuesday or a statutory holiday (as defined in the *Statutory Holidays Act 2000* (Tas)) generally observed in Hobart.

Crown means the Crown in Right of Tasmania.

this Deed means this deed and includes all its annexures, appendices, attachments and schedules (if any).

Default Event means each of the events specified in clause 9.1.

Details means the details and recitals set out above.

Government Body includes a body politic, a government (federal, state or local), a governmental, judicial or administrative body, a tribunal, a commission, a department or agency of any government, and a statutory authority or instrumentality.

Grant means the grant paid, or to be paid, by the Grantor to the Recipient pursuant to clause 2.1.

Grantor means the person or entity named above as Grantor and, where the context requires, includes the employees, authorised contractors and agents of that person. If the Grantor is a Minister of the Crown, a reference to the Grantor includes that Minister's predecessors and successors in office (as applicable).

GST means any goods and services tax or similar tax imposed by the Commonwealth of Australia (but excluding any penalty, fine, interest or similar payment).

GST Laws means applicable Laws relating to GST.

Information Table means the table titled 'Information Table' set out above.

Item means an item in the Information Table.

Law means:

- (a) principles of law or equity established by decisions of courts;

- (b) legislation and subordinate legislation; and
- (c) requirements, approvals (including conditions) and guidelines of any Government Body that have force of law.

month means calendar month.

Recipient means the person named above as the Recipient and, where the context requires, includes the officers and employees of the Recipient.

Relevant Matter means any matter or thing related to any of the following:

- (a) the performance by the Recipient of its obligations under this Deed;
- (b) the receipt, use or expenditure of the Grant;
- (c) the carrying out of the Approved Purpose (including the effectiveness of the Recipient's carrying out of the Approved Purpose);
- (d) any report provided, or to be provided, by the Recipient to the Grantor in accordance with this Deed;
- (e) any information provided by the Recipient to the Grantor in connection with any application for the Grant;
- (f) any breach of this Deed by the Recipient;
- (g) the occurrence, or possible occurrence, of any Default Event.

Right includes a right, a power, a remedy, a discretion or an authority.

1.2 Interpretation

In this Deed, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa;
- (b) words importing a gender include all genders;
- (c) other parts of speech and grammatical forms of a word or phrase defined in this Deed have a corresponding meaning;
- (d) a reference to a thing (including property or an amount) is a reference to the whole and each part of that thing;
- (e) a reference to a group of persons includes a reference to any one or more of those persons;
- (f) a reference to an annexure, an appendix, an attachment, a schedule, a party, a clause or a part is a reference to an annexure, an appendix, an attachment, a schedule or a party to, or a clause or a part of, this Deed;
- (g) a reference to any legislation or legislative provision includes subordinate legislation made under it and any amendment to, or replacement for, any of them;
- (h) writing includes marks, figures, symbols, images or perforations having a meaning for persons qualified to interpret them;
- (i) a reference to a document includes:
 - (i) any thing on which there is writing;

- (ii) any thing from which sounds, images or writings can be reproduced with or without the aid of any thing else;
- (iii) an amendment or supplement to, or replacement or novation of, that document; or
- (iv) a map, plan, drawing or photograph;
- (j) a reference to an agreement includes an undertaking, deed, agreement or legally enforceable arrangement or understanding, whether or not in writing;
- (k) a reference to a 'person' includes a natural person, a partnership, a body corporate, a corporation sole, an association, a Government Body, or any other entity;
- (l) a reference to a party includes that party's executors, administrators, successors and permitted assigns and substitutes;
- (m) a reference to a Minister includes, as applicable, that Minister's predecessors and successors in office;
- (n) a reference to a Government Body or other body or organisation that has ceased to exist, or that has been renamed, reconstituted or replaced, or the powers or functions of which have been substantially transferred, is taken to refer respectively to the Government Body or other body or organisation as renamed or reconstituted, or established or formed in its place, or to which its powers or functions have been substantially transferred;
- (o) a reference to an office in a Government Body or other body or organisation includes any person acting in that office, and if the office is vacant, the person who for the time being is substantially responsible for the exercise of the duties, functions or powers of that office;
- (p) mentioning any thing after the words 'includes', 'included' or 'including' does not limit the meaning of any thing mentioned before those words;
- (q) a reference to a day is to be interpreted as the period of time in Tasmania commencing at midnight and ending 24 hours later;
- (r) reference to a time or date in connection with the performance of an obligation by a party is a reference to the time or date in Hobart, Tasmania, even if the obligation is to be performed elsewhere; and
- (s) references to '\$' and 'dollars' are to Australian dollars.

1.3 Headings

Headings are included for convenience only and do not affect the interpretation of this Deed.

1.4 No rule of construction applies to disadvantage party

In relation to the interpretation of this Deed, no rule of construction is to apply to the disadvantage of a party because that party was responsible for the preparation of this Deed or any part of it.

1.5 Information Table

- (a) An Item that has not been completed will be taken to be 'not applicable'.
- (b) Unless the context otherwise requires, expressions defined in the Information Table have the same meanings when used in other parts of this Deed.

2 Grant

2.1 Agreement to provide Grant

Subject to the terms of this Deed, the Grantor will provide to the Recipient the monetary grant set out in Item 2 for use by the Recipient for the Approved Purpose in accordance with this Deed.

2.2 Acknowledgments

The Recipient acknowledges and agrees that:

- (a) the Grantor's financial assistance to the Recipient in respect of the Approved Purpose is limited to the Grant;
- (b) nothing in this Deed requires the Grantor to provide any further financial assistance to the Recipient in respect of the Approved Purpose; and
- (c) the Grantor is not responsible for any liabilities incurred by the Recipient, or any obligations entered into by the Recipient, as a result of or arising out of, the Recipient's obligations under this Deed or in respect of the Approved Purpose.

3 Payment of Grant to Recipient

3.1 Method of Grant payment

Subject to clause 3.2, the Grantor will pay the Grant to the Recipient in the manner specified in Item 3. If no method of payment is specified in Item 3, the method of payment will be as determined by the Grantor.

3.2 Conditions affecting Grant payment

- (a) **(Conditions precedent):** If Item 4 includes any conditions precedent to the payment of the Grant, then the obligation of the Grantor to pay the Grant or part of the Grant is subject to the prior and continuing satisfaction of those conditions precedent (except for any of those conditions precedent waived in writing by the Grantor).
- (b) **(Default Events):** The Grantor is not required to pay the Grant (or if the Grant is payable by instalments, any instalment of the Grant) to the Recipient if a Default Event has occurred and has not been remedied to the satisfaction of the Grantor.
- (c) **(Requirement for tax invoice):** If the Grant, or any instalment of the Grant, is subject to GST, the Grantor is not required to pay the Grant (or the relevant instalment) until the Grantor has received from the Recipient a correctly rendered tax invoice in accordance with clause 11.

4 Application of Grant and related matters

4.1 Application of Grant for Approved Purpose

- (a) The Recipient must only use the Grant to undertake the Approved Purpose.
- (b) The Recipient must not change the Approved Purpose without the prior written approval of the Grantor, which approval may be given or withheld in the Grantor's absolute discretion.

- (c) The Recipient must undertake the Approved Purpose exercising reasonable skill, care and attention.

4.2 Commencement of Approved Purpose

The Recipient must substantially commence (to the Grantor's satisfaction) the Approved Purpose by the date shown in Item 5 or such later date, if any, approved in writing by the Grantor.

4.3 Completion of Approved Purpose

The Recipient must complete the Approved Purpose by the date shown in Item 6 or such later date, if any, approved in writing by the Grantor.

4.4 Compliance with Law

The Recipient must comply with all applicable Laws in expending the Grant and in carrying out the Approved Purpose.

4.5 Financial records

- (a) The Recipient must keep and maintain proper accounts, records and financial statements showing, the receipt, use and expenditure of the Grant and the carrying out of the Approved Purpose.
- (b) The Recipient's financial statements must show, as separate items, the receipt, use and expenditure of the Grant.
- (c) The Recipient must allow the Auditor-General of Tasmania (or his or her nominee) to audit, inspect, and to take copies of, the Recipient's accounts, records and financial statements relating to the receipt, use and expenditure of the Grant.

4.6 Notice by Recipient of adverse matters

The Recipient must immediately notify the Grantor in writing of:

- (a) the occurrence of any matter, event or thing, occurring after the date of this Deed, that adversely affects or materially delays the Recipient carrying out the Approved Purpose in accordance with, or the performance by the Recipient of its obligations under, this Deed;
- (b) any breach of this Deed by the Recipient; or
- (c) the occurrence of any Default Event.

5 Publicity concerning Grant and Approved Purpose

The Recipient must include in any correspondence, promotional material, public (including media) announcement, advertising material, or other publication concerning the Approved Purpose, an acknowledgement that the Approved Purpose is assisted by a grant from the Grantor. The acknowledgement must be in a form and substance approved in writing by the Grantor.

6 Repayment of Grant by Recipient

6.1 Repayment obligation

The Recipient must repay to the Grantor on demand in writing by the Grantor:

- (a) any part of the Grant that is not required by the Recipient to carry out the Approved Purpose;
- (b) any part of the Grant that is used by the Recipient for a purpose that is not an Approved Purpose; and
- (c) the Grant (or such part of the Grant as may be determined by the Grantor in its absolute discretion) if:
 - (i) the Recipient does not complete the Approved Purpose by the date shown in Item 6 or such later date, if any, approved in writing by the Grantor;
 - (ii) this Deed is terminated by the Grantor in accordance with clause 9; or
 - (iii) a Default Event occurs.

7 Review, monitoring, audit, reports and related matters

7.1 Review, monitoring or audit of Relevant Matters

The Grantor may from time to time review, monitor or audit any Relevant Matter. The Recipient must in connection with any such review, monitoring or audit by the Grantor comply with any reasonable directions of the Grantor.

7.2 Reporting

- (a) The Recipient must provide to the Grantor the reports and other documents (if any) specified in Item 7.
- (b) The Recipient must provide to the Grantor such other reports and documents as required by the Grantor from time to time in connection with any Relevant Matter. Unless otherwise stated in Item 7, nothing in that Item limits the reports or frequency of reports that the Grantor may require under this clause 7.2(b).

8 Representations and warranties

8.1 Warranties

The Recipient represents and warrants to the Grantor that all information given, and each statement made, to the Grantor by the Recipient or its agents concerning any application for the Grant, is true, correct and not misleading in any way.

8.2 No reliance by the Recipient

The Recipient acknowledges that it has not entered into this Deed in reliance on any representation, warranty, promise, statement or undertaking made by the Grantor or any person on behalf of the Grantor.

9 Default Events and termination

9.1 Default Events

Each of the following events is a Default Event for the purposes of this Deed:

- (a) **(Breach not capable of being remedied):** If the Recipient breaches any of its obligations under this Deed and the breach is not capable of being remedied.

- (b) **(Failure to remedy breach):** If:
 - (i) the Recipient breaches any of its obligations under this Deed;
 - (ii) the breach is capable of being remedied; and
 - (iii) the Recipient fails to remedy the breach within the period (being a period of not less than five Business Days) specified by the Grantor in a notice given to the Recipient detailing the breach.
- (c) **(Repudiation):** If the Recipient repudiates this Deed.
- (d) **(Natural person):** If the Recipient is a natural person, at any time before the Recipient has performed all of its obligations under this Deed, the Recipient:
 - (i) dies;
 - (ii) becomes an insolvent under administration (as defined in section 9 of the *Corporations Act 2001* (Cwlth)), or any action is taken which could result in that event; or
 - (iii) ceases to be of full legal capacity.
- (e) **(Body corporate related events):** If the Recipient is a body corporate, at any time before the Recipient has performed all of its obligations under this Deed:
 - (i) the Recipient becomes an externally administered body corporate (as defined in section 9 of the *Corporations Act 2001* (Cwlth));
 - (ii) the Recipient is dissolved, wound-up or its registration is cancelled;
 - (iii) any process or action is commenced or taken which could lead to an event mentioned in clause 9.1(e)(ii); or
 - (iv) in the opinion of an Authorised Officer for the Grantor, the corporate governance or administration of the Recipient is materially deficient or unsatisfactory.
- (f) **(Representation):** If any representation or warranty by the Recipient in this Deed is untrue, false or misleading when made or repeated.

9.2 Termination - Default Events

In addition to any other Rights, if a Default Event occurs, the Grantor may terminate this Deed by notice in writing to the Recipient. The termination takes effect when the Grantor's notice is taken to have been received by the Recipient in accordance with clause 12.3 (or any later date specified in the notice).

10 Special terms and conditions

- (a) The special terms and conditions (if any) in Item 8 form part of this Deed.
- (b) If there is any inconsistency between the special terms and conditions in Item 8 and another provision of this Deed, the special terms and conditions override the other provision to the extent of the inconsistency.
- (c) A special term or condition in Item 8 is taken not to be inconsistent with another provision of this Deed if the special term or condition and the other provision of this Deed are both capable of being complied with.

- (d) To avoid doubt and without limiting the operation of clause 13.14, any Right contained in Item 8 is in addition to any other Rights provided for in this Deed or at Law.

11 GST

- (a) Unless otherwise stated in this Deed, all amounts payable by one party to another party are exclusive of GST.
- (b) If GST is imposed or payable on any supply made by a party under this Deed, the recipient of the supply must pay to the supplier, in addition to the GST exclusive consideration for that supply, an additional amount equal to the GST exclusive consideration multiplied by the prevailing GST rate. The additional amount is payable at the same time and in the same manner as the consideration for the supply.
- (c) A party that makes a taxable supply under this Deed must provide a valid tax invoice to the recipient of the supply.
- (d) A party's right to payment under clause 11(b) is subject to a valid tax invoice being delivered to the party liable to pay for the taxable supply.
- (e) If the consideration for a supply under this Deed is a payment or reimbursement for, or contribution to, any expense or liability incurred by the supplier to a third party, the amount to be paid, reimbursed or contributed in respect of the expense or liability will be the amount of the expense or liability net of any input tax credit to which the supplier is entitled in respect of the expense or liability.
- (f) Where any amount payable under this Deed is paid by being set-off against another amount, each amount must be calculated in accordance with this clause 11 as if it were an actual payment made pursuant to this Deed.
- (g) Unless the context otherwise requires, expressions used in this clause 11 that are defined in the GST Laws have the meanings given to those expressions in the GST Laws.

12 Notices

12.1 Notice requirements

- (a) A notice, certificate, consent, application, waiver or other communication (each a **Notice**) under this Deed must be:
- (i) in legible writing in the English language;
 - (ii) subject to clauses 12.1(b) and 12.1(c), signed by or on behalf of the sender or by a lawyer for the sender;
 - (iii) marked for the attention of the person or position (if any) specified in the Details applicable to the intended recipient of the Notice or, if the intended recipient has notified otherwise, marked for attention in the way last notified; and
 - (iv) left or sent in accordance with clause 12.2.

- (b) A printed or copy signature is sufficient for the purposes of sending any Notice by facsimile.
- (c) A Notice sent by email is taken to have been signed by the sender.
- (d) A Notice must not be given orally.

12.2 Method and address for delivery

- (a) Subject to clause 12.2(b), a Notice must be:
 - (i) left at the intended recipient's address set out in the Details;
 - (ii) sent by prepaid ordinary mail (or prepaid airmail, if from one country to another country) to the intended recipient's address set out in the Details;
 - (iii) sent by facsimile to the intended recipient's facsimile number (if any) set out in the Details; or
 - (iv) sent by email to the intended recipient's email address (if any) set out in the Details.
- (b) If the intended recipient of a Notice has notified the sender of another address, facsimile number or email address for the purposes of receiving Notices, then subsequent Notices to that intended recipient must be left at or sent to the address, facsimile number or email address (as applicable) last notified by that intended recipient.

12.3 Time of receipt

- (a) Subject to clause 12.3(b), a Notice is taken to have been received by the intended recipient:
 - (i) if left at the intended recipient's address, at the time of delivery;
 - (ii) if sent by prepaid ordinary mail, on the third Business Day after the day of posting, or if sent by prepaid airmail from one country to another country, on the tenth Business Day after the day of posting;
 - (iii) if sent by facsimile, at the time shown in the transmission report as the time when the whole Notice was sent; and
 - (iv) if sent by email, four hours after the time the email was sent (as recorded by the device from which the email was sent) provided that the sender has not received an automated message that the email has not been delivered.
- (b) If a Notice is received by a recipient on a day that is not a Business Day or after 4.00pm on a Business Day, the Notice is taken to be received at 9.00am on the next Business Day.
- (c) A Notice is effective from the time it is taken to have been received in accordance with clauses 12.3(a) and 12.3(b) (unless a later time is specified in the Notice, in which case the notice takes effect from that time).

13 Miscellaneous

13.1 Governing law

This Deed is governed by the Laws applying in Tasmania.

13.2 Dispute jurisdiction

The parties submit to the non-exclusive jurisdiction of courts with jurisdiction in Tasmania, and any courts that may hear appeals from those courts, in respect of any proceedings in connection with this Deed.

13.3 Entire agreement clause

- (a) This Deed forms the entire agreement of the parties in respect of its subject matter. The only enforceable obligations of the parties in relation to the subject matter of this Deed are those that arise out of the provisions contained in this Deed. All prior agreements in relation to the subject matter of this Deed are merged in and superseded by this Deed unless expressly incorporated in this Deed as an annexure, an appendix, an attachment or by reference.
- (b) Nothing in clause 13.3(a) affects the Grantor's Rights in connection with this Deed in relation to any information given, or statement made, to the Grantor by the Recipient, its employees or agents concerning any application for the Grant.

13.4 Liability

An obligation of, or a representation, a warranty or an indemnity by, two or more parties (including where two or more persons are included in the same defined term) under or in respect of this Deed, binds them jointly and each of them severally.

13.5 Benefit

An obligation, a representation, a warranty or an indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and each of them severally.

13.6 Severance

If a provision of this Deed is or at any time becomes illegal, prohibited, void or unenforceable for any reason, that provision is severed from this Deed and the remaining provisions of this Deed:

- (a) continue to be enforceable; and
- (b) are to be construed with such additions, deletions and modifications of language as are necessary to give effect to the remaining provisions of this Deed.

13.7 Counterparts

- (a) This Deed may be entered into in any number of counterparts.
- (b) A party may execute this Deed by signing any counterpart.
- (c) All counterparts, taken together, constitute one instrument.

13.8 Further assurance

The parties agree to do or cause to be done all such acts, matters and things (including, as applicable, passing resolutions and executing documents) as are necessary or reasonably required to give full force and effect to this Deed.

13.9 No partnership or agency

- (a) Nothing contained or implied in this Deed will:
 - (i) constitute, or be taken to constitute, a party to be the partner, agent or legal representative of another party for any purpose;

- (ii) create, or be taken to create, a partnership or joint venture; or
 - (iii) create, or be taken to create, an agency or trust.
- (b) The Recipient must not represent or hold itself out to be a partner, joint venturer, agent or representative of the Grantor.

13.10 Legal costs

Each party must bear their own costs in preparing and negotiating this Deed.

13.11 Amendment

This Deed may only be amended or supplemented in writing signed by the parties.

13.12 Waiver

- (a) A failure or delay in exercising a Right does not operate as a waiver of that Right.
- (b) A single or partial exercise of a Right does not preclude any other exercise of that Right or the exercise of any other Right.
- (c) A Right may only be waived in writing, signed by the party to be bound by the waiver. Unless expressly stated otherwise, a waiver of a Right is effective only in the specific instance and for the specific purpose for which it was given.

13.13 Successors and assigns

This Deed is binding on and benefits each party and, unless repugnant to the sense or context, their respective administrators, personal representatives, successors and permitted assigns.

13.14 Rights cumulative

Each Right of the Grantor provided for in this Deed:

- (a) operates independently of any other Right of the Grantor provided for in this Deed; and
- (b) is cumulative with, and does not exclude or limit, any other Right of the Grantor, whether at Law or pursuant to any other agreement, deed or document.

13.15 Set-off

The Grantor may set-off against any moneys payable by the Grantor to the Recipient under this Deed any debt or other moneys from time to time due and owing by the Recipient to the Grantor. This right of set-off does not limit or affect any other right of set-off available to the Grantor.

13.16 No assignment

The Recipient must not assign any of its Rights and obligations under this Deed except with the prior written consent of the Grantor.

13.17 Disclosure

- (a) Despite any confidentiality or intellectual property right subsisting in this Deed, a party may publish all or any part of this Deed without reference to another party.
- (b) Nothing in this clause derogates from a party's obligations under the *Personal Information Protection Act 2004* (Tas) or the *Privacy Act 1988* (Cwlth).

13.18 Determination

Where the Grantor is required or entitled to form or hold an opinion or view under or in relation to this Deed, that opinion or view may be formed or held by an Authorised Officer for the Grantor. This clause does not limit any other way in which the Grantor may otherwise form or hold an opinion or view under or in relation to this Deed.

13.19 Consent and approvals

- (a) This clause applies to any consent or approval which the Recipient must obtain from the Grantor in accordance with this Deed. For the avoidance of doubt, this clause does not apply to any consent or approval to be given under any legislation.
- (b) A request for consent or approval must be made in writing.
- (c) A consent or approval for the purposes of this Deed is not effective unless given in writing.
- (d) A consent or approval may be given subject to reasonable conditions.
- (e) A Recipient must comply with any conditions subject to which the consent or approval is given. To the extent that the Recipient fails to comply with the condition, that failure is taken to be a breach of this Deed.

13.20 Doctrine of merger

The doctrine or principle of merger does not apply to this Deed or to anything done under or in connection with this Deed. Accordingly, no Right or obligation of a party is merged in any thing done pursuant to this Deed.

13.21 No interference with executive duties or powers

Nothing in this Deed is intended to prevent, is to be taken to prevent, or prevents, the free exercise by the Governor, by any member of the Executive Council, or by any Minister of the Crown, of any duties or authorities of his or her office. Any provision of this Deed that is inconsistent with this clause is of no legal effect to the extent of the inconsistency.

13.22 Surviving provisions and termination

- (a) The termination of this Deed does not affect or limit the operation or effect of clauses or parts of this Deed:
 - (i) that are expressed to survive the termination of this Deed;
 - (ii) that, at Law, survive the termination of this Deed; or
 - (iii) that are necessary to survive the termination of this Deed:
 - (A) to give full force and effect to the parties' respective Rights, obligations and liabilities on or after the termination of this Deed;
 - (B) to enable a party to make, enforce or defend any claims related to this Deed; or
 - (C) to give full force and effect to the operation of clause 13.22(b) or clause 13.22(c).
- (b) The termination of this Deed does not affect any claims related to, or any Rights, releases, obligations or liabilities accrued or incurred under, this Deed before the date on which this Deed is terminated.

- (c) Nothing in this clause 13.22 affects or limits the operation of another provision of this Deed which gives a party Rights, or imposes obligations on a party, on or after the termination of this Deed.

Executed as a deed

Signing

Execution by the Grantor

Executed as a deed on behalf of **The Crown in Right of Tasmania** by the person named below in the presence of the witness named below:

Signature: →

Being a person who has authority to sign this Deed on behalf of the Grantor

*Print name and position:

Witness' signature: →

*Witness print name and position:


*Use BLOCK LETTERS

*Witness print address:

Execution by the Recipient

The common seal of Southern Midlands Council was hereunto affixed by authority of its committee in the presence of:

*TK Keenan
General Manager*

Common seal: → 

Signature: →

*Print name and office held:

Signature: →

*Print name and office held:

*Use BLOCK LETTERS

Note: If the Association has adopted the 'Model Rules', the common seal must be affixed in the presence of: two members of its committee; or one member of its committee and the public officer of the Association or any other person the committee has appointed for that purpose.

Annexure A - Acknowledgement of Funding

The Recipient must acknowledge the support of the Tasmanian Government, as follows:

1. the Recipient must use the Tasmanian Government 'supported by' logo (as shown below) to promote the Approved Purposes.
2. the Recipient must include the logo in all marketing relating to the Approved Purposed including, but not limited to:
 - advertisements
 - newsletters, including electronic newsletters
 - media releases
 - press, radio and television advertising
 - display material; and
 - recipient's website homepage.
3. the Recipient must include the following statement on their social media site/s in the 'About' section: [Southern Midlands Council/Project] is supported by the Tasmanian Government.
4. to ensure the correct logo is used appropriately for marketing and promotional purposes, all materials must be approved by Communities, Sport and Recreation (CSR) prior to publication/promotion. Please contact CSR on 1800 204 224 to arrange supply of the logo.
5. the logo must be reproduced according to the following specifications:

LOGO COLOUR (as illustrated)

The logo may only appear in:

- full-colour – Blue PMS 653, Olive PMS 618 and Black
- black (mono)
- white (reversed out of a solid colour background).

MINIMUM SIZE

The logo must always be at least 20mm wide if vertical and 30mm wide if horizontal.

A smaller version can only be used if the print surface area demands it (ie pens, badges). A certain amount of space must be maintained around the logo – refer to www.communications.tas.gov.au and search for 'size' details.

PLEASE NOTE

- Do not change the format, colour, shape or typeface (font) of the logo.
- Take care not to distort the logo when resizing – its height and width must change in proportion so it is not squeezed or squashed.
- Do not create your own version of the logo or add any text; use only the versions supplied.
- Other variations of the logo are available from CSR.

