



ATTACHMENTS

ORDINARY COUNCIL MEETING

Oatlands Municipal Offices
71 High Street, Oatlands
Wednesday 26th July 2023
10.00 a.m.

Item 5.1	Draft Council Meeting Minutes (Open) – 28 th June 2023
Item 5.2.1	Lake Dulverton & Callington Park Management Committee Meeting Minutes – 17 th July 2023 Woodsdale Community Memorial Hall Meeting Minutes – 19 th June 2023
Item 12.1.1	1844 Midland Highway Bagdad - Certified Draft Amendment Document –Rezoning Application Application for Planning Scheme Amendment and Application Addendum
Item 17.1.1	Policy – Draft Revision – Corrupt Conduct Prevention Policy

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

Wednesday, 28th June 2023
10.00 a.m.

Kempton Municipal Offices
85 Main Road, Kempton

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OPEN COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL HELD
ON WEDNESDAY 28th JUNE 2023 AT THE KEMPTON MUNICIPAL OFFICES
COMMENCING AT 10.01 A.M

1. PRAYERS

Reverend Dennis Cousens recited prayers.

2. ACKNOWLEDGEMENT OF COUNTRY

Mayor E Batt recited Acknowledgement of Country

3. ATTENDANCE

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

Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr G Finn (Manager Development and Environmental Services), Mrs A Burbury (Finance Officer), Mrs W Young (Manager Community & Corporate Development), Ms S Holliday (Receptionist / Administration Officer) and Mrs J Crosswell (Executive Officer).

4. APOLOGIES

Mr D Richardson (Manager Infrastructure & Works)

5. MINUTES

5.1 Ordinary Council Meeting

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 24th May 2023, as circulated, are submitted for confirmation.

RECOMMENDATION

THAT the Minutes (Open Council Minutes) of the Council Meeting held 24th May 2023 be confirmed.

DECISION

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

THAT the Minutes (Open Council Minutes) of the Council Meeting held 24th May 2023 be confirmed.

CARRIED

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

5.2 Special Committees of Council Minutes

5.2.1 Special Committees of Council - Receipt of Minutes

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

- Woodsdale Hall General Committee Meeting Minutes – 29th May 2023
- Mangalore Recreation Ground Committee Meeting Minutes – 7th June 2023
- Campania Recreation Ground Committee Meeting Minutes – 20th June 2023

RECOMMENDATION

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

DECISION

Moved by Clr D Fish, seconded by Deputy Mayor K Dudgeon

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

CARRIED

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

5.2.2 Special Committees of Council - Endorsement of Recommendations

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

- Woodsdale Hall General Committee Meeting Minutes – 29th May 2023
- Mangalore Recreation Ground Committee Meeting Minutes – 7th June 2023
- Campania Recreation Ground Committee Meeting Minutes – 20th June 2023

RECOMMENDATION

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

DECISION

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

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

CARRIED

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

5.3 Joint Authorities (Established Under Division 4 Of The *Local Government Act 1993*)

5.3.1 Joint Authorities - Receipt of Minutes

Nil.

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

Nil.

6. NOTIFICATION OF COUNCIL WORKSHOPS

DECISION

Moved by Cllr R McDougall, seconded by Cllr D Blackwell

THAT the information be received.

CARRIED

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

7. COUNCILLORS – QUESTION TIME

7.1 Questions (On Notice)

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

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

Nil.

7.2 Questions Without Notice

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

It states:

“29. Questions without notice

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

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

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

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

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

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

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

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

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

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

Clr A E Bisdee OAM – Council website – Can we please add photos of Clr Blackwell and Clr Miller.

General Manager – to be arranged.

Clr A E Bisdee OAM – Property – Main Street, Kempton (opposite new subdivision) – need to take further action to improve appearance of the property.

General Manager – to be inspected and appropriate action taken.

Clr A E Bisdee OAM – Property – Tunbridge (Southern end) – need to take further action to improve appearance of the property.

General Manager – to be inspected and appropriate action taken.

Clr F Miller – Telstra – Digital Connectivity Plan - any progress to date?

General Manager advised that the next stage in the process is for Council to ‘populate’ the ‘Connectivity Planning Pre Work Template’. Through discussion it was confirmed that a

dedicated workshop would be required for this purpose. It was also agreed that Mr Brian Mitchell MHA be invited to attend this session as he is involved in telecommunication issues at a federal level.

Clr D Blackwell – Kempton Roadside Stopover Area – report of a vehicle regularly exceeding the permitted length of stay period. Details of vehicle provided.

To be investigated and addressed accordingly.

Deputy Mayor K Dudgeon – Ambulance Station, Oatlands – current status of the project. *General Manager informed Council that it was his understanding that the tender for construction of the facility is imminent. The 2023-24 State Budget provides funding fro this project.*

Deputy Mayor K Dudgeon – Blackman River Bridge, Tunbridge – any update from the Department of State Growth?

General Manager informed Council that no further information (or update) has been received. The matter has been raised with Jane Howlett MLC and the Mayor has had communication with Mr John Tucker MHA.

Mayor E Batt – Kempton Clock Tower – still not operating.

Bring actioned as a priority.

Mayor E Batt - Callington Mill (Tower) – discussion re: current issues and the risk exposure for Council.

Comment provided by the General Manager, including confirmation that funds have been allocated in the 2023/24 Budget to ‘re-paint’ and undertake repairs of the Mill Tower, these components being Council’s responsibility.

Mayor E Batt – Kempton Township – exits onto the Midland Highway (north & South Junctions) – currently signposted as ‘Give-Way’. Would ‘Stop Signs’ be more appropriate?

Issue to be raised with the Department of State Growth as the responsible authority.

10.1 Permission to Address Council

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

- 10.30 a.m. - Mrs Martine Batt (Navigate Family Services) – provide a briefing update to Council on the operations of Navigate Family Services
- 10.45 a.m. - Andrew Dean (Reclink) - provide a briefing update to Council on the operations and activities of Reclink.

For information (from website) - Reclink Australia provides evidence-based sport and recreation programs to disadvantaged Australians to create socially inclusive, life-changing opportunities. In partnership with more than 500 community organisations, Reclink Australia's programs create pathways to improved health and wellbeing, education and employment outcomes for all participants.

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr D Blackwell

THAT the meeting be suspended at 10.30 a.m. to permit the above presentations.

CARRIED

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

DECISION

Moved by Clr A E Bisdee OAM, seconded by Deputy Mayor K Dudgeon

THAT the meeting reconvene at 10.57 a.m.

CARRIED

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

8. 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.

9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

Nil.

10. PUBLIC QUESTION TIME (SCHEDULED FOR 10.30 A.M.)

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

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

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

Councillors are advised that, at the time of issuing the Agenda, no Questions on Notice had been received from a member of the Public.

Julia Jabour – Southern Midlands Regional News

Oatlands Aquatic Centre – Operational Issue (Heating) – has the issue(s) been addressed? *General Manager advised that the recent issues relating to the Heating system are being further investigated and addressed. It was confirmed that the heating/cooling system has been design for the extreme temperature experienced in Oatlands, but the recent ‘minus’ temperatures have caused problems.*

Julia Jabour – has any further information or advice been received from the Department of Youth Justice regarding the possible establishment of a facility at Pontville?

General Manager advised that not further information has been received following the public consultation process.

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr A E Bisdee OAM

THAT the meeting be adjourned for morning tea at 11.00 a.m.

CARRIED

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

Tasmania Police Senior Sergeant John Parker, who was accompanied by Inspector Marco Ghedini, attended the Council Meeting for morning tea. This was to recognise Senior Sergeant Parkers' retirement in July 2023 after some 43 years service with Tasmania Police.

DECISION

Moved by Clr D Fish, seconded by Clr D Blackwell

THAT the meeting resume at 11.29 a.m.

CARRIED

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

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

11.1 Midlands Memorial Community Centre – 68 High Street, Oatlands - Minor Works (Forecourt)

Clr R McDougall has submitted the following Notice of Motion:

“THAT the Budget allocation of \$5000 in this current year’s budget for the painting of the front and long side of the Midlands Memorial Community Centre, and the \$2700 donation from the Oatlands Garden group for the provision of two bench seats for the MMCC forecourt, as per the attached diagrams be actioned immediately. And that if there are any funds remaining from the allocation that this be spent on the wicking beds as illustrated in the drawings.”

General Manager’s Comments:

This matter was last considered by Council at its meeting held 26th April 2023 (refer copy of Report attached). An agreed sketch from the Council Workshop was included as an attachment, and the following decision was made:

“THAT:

- a) *a decision (and any action) be deferred pending an on-site inspection by Councillors (aim to schedule for the next workshop session);*
- b) *Council consider the development of this forecourt as part of the overall development of the area at the front of the Oatlands Aquatic Centre (i.e. not in isolation); and*
- c) *The Oatlands Community Association be informed accordingly.”*

As an outcome of that subsequent site meeting, it was agreed that the resources available within Council’s Planning and Development section would progress an overall development plan.

Council’s Senior Planning Officer (Louisa Brown) circulated a revised concept plan at the meeting.

DECISION

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

THAT the Budget allocation of \$5000 in this current year’s budget for the painting of the front and long side of the Midlands Memorial Community Centre, and the \$2700 donation from the Oatlands Garden group for the provision of two bench seats for the MMCC forecourt, as per the attached diagrams be actioned immediately. And that if there are any funds remaining from the allocation that this be spent on the wicking beds as illustrated in the drawings.”

CARRIED

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

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

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

12.1 Development Applications

12.1.1 Development Application (DA2200097) Multiple dwellings (two units) at 28 Hall Street, Campania owned by A & K Glover and R & J Scafe

DECISION

Moved by Clr D Fish, seconded by Clr R McDougall

THAT THAT, in accordance with the provisions of the *Tasmanian Planning Scheme – Southern Midlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA2200097) for two (2) dwellings at 28 Hall Street, owned by Scaife and Glover subject to conditions detailed below.

CONDITIONS

General

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

Landscaping

- (3) Before any work commences submit a landscape plan prepared by a suitably qualified person for approval by Council's Manager Development and Environmental Services. The landscape plan must include:
 - a) The areas to be landscaped,
 - b) Details of surface finishes of paths and driveways.
 - c) Details of fencing.
 - d) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - e) Landscaping and planting within all open areas of the site.
- (4) Planting must bear a suitable relationship to the proposed height of the buildings and must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas. If considered satisfactory, the landscape plan will be endorsed and will form part of this permit.

- (5) Prior to commencement of use, all trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Manager Development and Environmental Services. Evidence showing compliance with this condition must be submitted to and approved by the Manager Development and Environmental Services within 30 days of planting.
- (6) Replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

TasWater

- (7) The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA2022/01512-STM dated 24/04/2023, as attached to this permit.

Services

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

Parking and Access

- (9) At least six (6) car parking spaces must be provided on the land at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- (10) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer, and must include all of the following;
 - a) Constructed with a durable all weather pavement;
 - b) Surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material must be spray seal, asphalt, concrete or other approved material; and
 - c) Drained to an approved stormwater system.

Access to Road

- (11) The existing vehicular access from Hall Street, must be upgraded to the satisfaction of the Council's Manager of Infrastructure & Works and must include a minimum 2 coat seal.

Stormwater

- (12) Stormwater drainage for the section of the property access, must drain to a legal point of discharge either by Pump as described within the Development Application documents, or the property access graded to enable gravity feed to Council's Stormwater infrastructure on Hall Street at the developers cost. Either stormwater solution must be to the satisfaction of Council's Manager of Infrastructure & Works and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

- (13) Stormwater drainage from the proposed development must drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

Soil and Water Management

- (14) Before any work commences install temporary run-off, erosion and sediment controls and maintain these at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.

Construction amenity

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

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

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

- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
- (b) The transportation of materials, goods and commodities to and from the land.
- (c) Obstruction of any public footway or highway.
- (d) Appearance of any building, works or materials.

- (17) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Development and Environmental Services.

- (18) 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.

- (19) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the CBOS website: Director's Determination -

Categories of Building and Demolition Work (PDF, 504.4 KB) or for Low Risk Building Work information go to: Consumer Guide to Low Risk Building and Plumbing Work.

- B. The proposed works are located within a mapped bushfire prone area and as such a bushfire assessment and BAL must be provided by a suitably qualified person and form part of the certified documents for the building approval.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application
- D. Appropriate temporary erosion and sedimentation control measures during construction include, but are not limited to, the following -
- a) Minimise site disturbance and vegetation removal;
 - b) Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (e.g. temporarily connected to Council’s storm water system, a watercourse or road drain);
 - c) Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - d) Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains; and
 - e) Rehabilitation of all disturbed areas as soon as possible.

CARRIED

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

**12.1.2 Development Application Sa2200029 for Subdivision (1 Lot Plus Balance)
At 849 Native Corners Road, Campania**

DECISION

Moved by Cllr R McDougall, seconded by Deputy Mayor K Dudgeon

THAT, in accordance with section 57 of the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Scheme – Southern Midlands*, Council APPROVE Development Application SA2200029 for a Subdivision (1 Lot + Balance) at 849 Native Corners Road, Campania, subject to the conditions and advice below:

CONDITIONS

General

1. The subdivision and associated works must be carried out substantially in accordance with the application for planning approval, endorsed drawings and conditions of this permit and must not be altered or extended without the further written consent of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date on which notice of the granting of the permit is served to the applicant or the representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

Bushfire Hazard Management

3. The subdivision and associated works must be carried out in accordance with the endorsed Bushfire Hazard Report and its appendices.
4. Prior to Council sealing the final Plan of Survey, the subdivider must provide certification from a suitably qualified person that all requirements of the endorsed Bushfire Hazard Management Plan have been complied with.

Part 5 Agreements

5. Prior to Council sealing the final Plan of Survey, an agreement pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must be entered into in relation to the balance lot to the effect that the owners covenant and agree with Council that no dwelling is to be developed on this lot unless in accordance with the requirements of the *Tasmanian Planning Scheme – Southern Midlands* or its successors.
6. Prior to Council sealing the final Plan of Survey, an agreement pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must be entered into in relation to lot 1 to the effect that the owners covenant and agree with Council that this lot is within an established agricultural area and, as such, may be subject to noise, odour and other types of emissions from surrounding agricultural activities.
7. Agreements pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must bind the current owners and their successors in title, be prepared on a blank instrument form to the satisfaction of Council and be registered by the subdivider with the Recorder of Titles in accordance with the requirements in section 78 of the *Land Use Planning and Approvals Act 1993*. The subdivider must meet all costs associated with preparing and registering these agreements.

Easements

8. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of Council's Development & Environmental Services Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.

Endorsements

9. The final Plan of Survey must contain a notation indicating that Council cannot or will not provide a means of drainage to all lots shown on the Plan of Survey.

Covenants

10. 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 Development & Environmental Services Manager.

Final Plan of Survey

11. A final Plan of Survey and Schedule of Easements, as necessary, together with two (2) copies, must be submitted to Council for sealing. The final Plan of Survey must be substantially the same as the endorsed subdivision plan and must be prepared in accordance with the requirements of the Recorder of Titles.
12. A fee of \$265, or as otherwise determined in accordance with Council's Schedule of Fees & Charges, must be paid to Council for the sealing of the final Plan of Survey.
13. Prior to Council sealing the final Plan of Survey, all conditions of this permit must be satisfied. 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.
14. The subdivider must pay any Titles Office lodgement fees directly to the Recorder of Titles.

Accesses

15. Accesses must be upgraded in accordance with the Bushfire Hazard Management Plan and to the satisfaction of Council's Works & Technical Services Manager. The upgrades must be undertaken in a way that does not interfere with the efficiency or safety of Native Corners Road.
16. At least forty-eight (48) hours before commencing construction works for these accesses, the subdivider must provide written notice to Council's Works & Technical Services Manager.

Services

17. Prior to Council sealing the final Plan of Survey, services for lot 1 must be fully contained within this lot to the satisfaction of Council's Development & Environmental Services Manager.

Advice: The subdivider may be required to provide a wastewater assessment prepared by a suitably qualified person demonstrating that the wastewater treatment system for the existing dwelling is fully contained within lot 1.

18. 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 and associated works. Any works required are to be specified or undertaken by the authority concerned.

Construction amenity

19. Unless otherwise approved by Council's Development & Environmental Services Manager, the development must only be carried out between the following hours:

- | | |
|---|---------------------|
| • 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 |

20. All works associated with the subdivision 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.

21. 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 Council's Development & Environmental Services Manager.

22. 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.

ADVICE

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. 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 an 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

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

12.2 Subdivisions

Nil.

12.3 Municipal Seal (Planning Authority)

Nil.

12.4 Planning (Other)**12.4.1 Submission to the Tasmanian Planning Policies – Draft for Consultation in accordance with section 12C(3)(a) of the Land Use Planning and Approvals Act 1993.****DECISION**

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

THAT the attached submission to the *Tasmanian Planning Policies – Draft for Consultation in accordance with section 12C(3)(a) of the Land Use Planning & Approvals Act 1993*, be endorsed.

CARRIED

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

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

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

13.1 Roads

Strategic Plan Reference 1.1
Maintenance and improvement of the standard and safety of roads in the municipal area.

Nil.

13.2 Bridges

Strategic Plan Reference 1.2
Maintenance and improvement of the standard and safety of bridges in the municipality.

Nil.

13.3 Walkways, Cycle Ways and Trails

Strategic Plan Reference 1.3
Maintenance and improvement of the standard and safety of walkways, cycle ways and pedestrian areas to provide consistent accessibility.

Nil.

13.4 Lighting

Strategic Plan Reference 1.4
Ensure adequate lighting based on demonstrated need / Contestability of energy supply.

Nil.

13.5 Buildings

Strategic Plan Reference 1.5
Maintenance and improvement of the standard and safety of public buildings in the municipality.

Nil.

13.6 Sewers / Water

Strategic Plan Reference(s) 1.6
Increase the capacity of access to reticulated sewerage services / Increase the capacity and ability to access water to satisfy development and Community to have access to reticulated water.

Nil.

13.7 Drainage

Strategic Plan Reference 1.7
Maintenance and improvement of the town storm-water drainage systems.

Nil.

13.8 Waste

Strategic Plan Reference 1.8

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

13.8.1 Waste Management Survey - Ely Street, Dysart

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr D Blackwell

THAT Council, based on survey results, elect not to introduce a household collection service to the residents surveyed in the area of Ely Street, Dysart.

CARRIED

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

13.9 Information, Communication Technology

Strategic Plan Reference 1.9

Improve access to modern communications infrastructure.

Nil.

13.10 Officer Reports – Infrastructure & Works

13.10.1 Manager – Infrastructure & Works Report

QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

Nil.

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr A E Bisdee OAM

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

CARRIED

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

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 Residential

Strategic Plan Reference 2.1

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

Nil.

14.2 Tourism

Strategic Plan Reference 2.2

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

Nil.

14.3 Business

Strategic Plan Reference 2.3

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

Nil.

14.4 Industry

Strategic Plan Reference 2.4

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

Nil.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)**15.1 Heritage****Strategic Plan Reference – Page 22**

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

15.1.1 Heritage Project Program Report**DECISION**

Moved by Cllr D Blackwell, seconded by Cllr R McDougall

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

CARRIED

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

15.1.2 Southern Midlands Council submission to consultation for the Historic Cultural Heritage Act Amendment Bill 2023.**DECISION**

Moved by Cllr R McDougall, seconded by Deputy Mayor K Dudgeon

THAT council provide support for the Draft *Historic Cultural Heritage Act Amendment Bill 2023* and that Council's Manager Heritage Projects prepare a letter of support for the Mayor's Signature.

CARRIED

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

15.2 Natural

Strategic Plan Reference – page 23/24

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

15.2.1 NRM Unit – General Report

DECISION

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

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

CARRIED

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

15.2.2 Tasmanian Irrigation – Water Allocation for Lake Dulverton

DECISION

Moved by Clr D Fish, seconded by Deputy Mayor K Dudgeon

THAT:

- a) **The information be received; and**
- b) **Council sign and seal the relevant documents.**

CARRIED

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

15.3 Cultural

Strategic Plan Reference 3.3

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

Nil.

15.4 Regulatory (Development)

Strategic Plan Reference 3.4

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

Nil.

15.5 Regulatory (Public Health)

Strategic Plan Reference 3.5

Monitor and maintain a safe and healthy public environment.

Nil.

15.6 Regulatory (Animals)

Strategic Plan Reference 3.6

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

15.6.1 Animal Management Report

DECISION

Moved by Cllr D Fish, seconded by Cllr A E Bisdee OAM

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

CARRIED

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

15.7 Environmental Sustainability

Strategic Plan Reference 3.7

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

Nil.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)**16.1 Community Health and Wellbeing****Strategic Plan Reference 4.1***Support and improve the independence, health and wellbeing of the Community.***16.1.2 The Future of Local Government Review - Conduct of Public Meetings****DECISION***Moved by Deputy Mayor K Dudgeon, seconded by Clr A E Bisdee OAM*

THAT, in accordance with section 60F of the *Local Government Act 1993*, Council resolve to conduct public meeting(s) for the purpose of discussing ‘The future of local government review’ and confirm the following meeting schedule (meetings to commence at 5.30 p.m.):

- 1. Kempton – Thursday 6th July 2023**
- 2. Oatlands – Tuesday 11th July 2023**
- 3. Campania – Thursday 13th July 2023**

CARRIED

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

16.2 Recreation

Strategic Plan Reference 4.2

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

16.2.1 Oatlands Aquatic Centre – Coordinators Report

DECISION

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

THAT the information be received and noted

CARRIED

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

16.3 Access

Strategic Plan Reference 4.3

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

Nil.

16.4 Volunteers

Strategic Plan Reference 4.4

Encourage community members to volunteer.

Nil.

16.5 Families

Strategic Plan Reference 4.5

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

Nil.

16.6 Education

Strategic Plan Reference 4.6

Increase the educational and employment opportunities available within the Southern Midlands

Nil.

16.7 Capacity & Sustainability

Strategic Plan Reference 4.7

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

16.7.1 Otlands – National Finalist KAB Sustainable Communities Award May 2023

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Cllr A E Bisdee OAM

THAT the:

1. Report be received and noted; and
2. Recipients be congratulated on their individual and collective recognition.

CARRIED

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

16.8 Safety

Strategic Plan Reference 4.8

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

Nil.

16.9 Consultation & Communication

Strategic Plan Reference 4.8

Improve the effectiveness of consultation & communication with the community.

Nil.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 Improvement

Strategic Plan Reference 5.1

Improve the level of responsiveness to Community & Developer needs / Improve communication within Council / Improve the accuracy, comprehensiveness and user friendliness of the Council asset management system / Increase the effectiveness, efficiency and use-ability of Council ICT systems / maintain the Business Process Improvement & Continuous Improvement framework

17.1.2 Review of Existing Policy – Municipal Seal Use Policy

DECISION

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

THAT Council:

1. Receive and note the report;
2. the revised version of the Municipal Seal Use Policy be adopted (with no further amendments).

CARRIED

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

17.1.3 Review of Existing Policies – Issue Resolution Policy and Fitness for Work Policy**DECISION**

Moved by Cllr D Blackwell, seconded by Cllr D Fish

THAT Council:

- 1. Receive and note the report;**
- 2. the revised versions of the *Issue Resolution Policy* and the *Fitness for Work Policy* be adopted (with no further amendments).**

CARRIED

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

**17.1.4 Review and Amendment of Existing Policies -
Fraud Control & Corrupt Conduct Prevention Policy****DECISION***Moved by Cllr R McDougall, seconded by Deputy Mayor K Dudgeon***That Council:**

1. Receive and note the report;
2. Consider the revised version of the *Fraud Control & Corrupt Conduct Prevention Policy* in preparation for the adoption of the revised policy, at the July 2023 Council meeting, subject to any Council amendments.

CARRIED

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

17.2 Sustainability

Strategic Plan Reference 5.2

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

17.2.1 Tabling of Documents

Nil.

17.2.2 Elected Member Statements

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

Clr F Miller – Provided general comment regarding the need to expand the focus beyond the Oatlands area when considering and allocating discretionary expenditure.

Clr D Blackwell – Broadmarsh Community Hall – confirmed commencement of project. Clr Blackwell informed Council that on-site works have commenced with a ‘sod-turning’ held 27th June 2023 - attended by Mayor Batt and B Mitchell MHA). Acknowledged the support provided by the Southern Midlands Council.

Clr A Bisdee – Report on attendance at the TasWater Owners Representative Meeting held 26th June 2023. Mentioned a key issue relating to the indexation of owner’s dividends as part of the forward Corporate Plan.

Deputy Mayor K Dudgeon – Informed Council that Mia Barwick, an Oatlands High School student, has been selected to represent Tasmanian in the Under15’s Girls Football National Competition.

17.3 Finances**Strategic Plan Reference 5.3**

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

17.3.1 Monthly Financial Statement (Period ending 31 May 2023)**RECOMMENDATION**

THAT the Financial Report be received and the information noted.

DECISION

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

That the Financial Report be received and the information noted.

CARRIED

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

17.3.2 2023/2024 Annual Plan & Budgets (Operating & Capital)

DECISION

Moved by Cllr A E Bisdee OAM, seconded by Deputy Mayor K Dudgeon

That Council, by absolute majority, formally approve the 2023/24 Annual Plan and Budget (Operating and Capital), subject to the following amendment:

Operating Grant - Australian Government (Financial Assistance Grant) – to be increased by \$215,678 (notified amount now \$4,206,436.

Note: Revised Budget deficit (excluding Capital Grants of \$228,342.

CARRIED

DECISION (by absolute majority)		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr D F Fish	✓	
Cllr R McDougall	✓	
Cllr F Miller	✓	

17.3.3 Adoption of the 2023 / 2024 Rates and Charges Resolution**DECISION**

Moved by Cllr A E Bisdee OAM, seconded by Cllr D Blackwell

That Council, by absolute majority, adopt the 2023-2024 Rates and Charges Resolution (as presented), subject to the following amendments:

- 1. Deletion of the penalty clause (i.e. clause 6(a)) with Council electing not to impose a penalty for the 2023-24 rating period; and**
- 2. Discount granted - increase the discount from 1.7% to 2% on rates and charges paid in full within 30 days after the date of issue. This discount is not applicable to rates and charges which are paid in instalments.**

CARRIED

DECISION (by absolute majority)		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr D F Fish	✓	
Cllr R McDougall	✓	
Cllr F Miller	✓	

17.3.4 Adoption of Schedule of Fees and Charges 2023-2024

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr R McDougall

THAT:

- A. This report be received by Council; and**
- B. The Schedule of Fees and Charges for 2023-2024 be adopted.**

CARRIED

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

18. MUNICIPAL SEAL

18.1 Municipal Seal – Formal Signing/Sealing of the Grant Deed(s) Safer Rural Roads Program

DECISION

Moved by Cllr R McDougall, seconded by Deputy Mayor K Dudgeon

THAT Council Sign and Seal the Grant Deeds for the Safer Rural Roads Program.

CARRIED

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

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Nil.

RECOMMENDATION

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

DECISION

Moved by Clr R McDougall, seconded by D Blackwell

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

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
<i>Closed Council Minutes - Confirmation</i>	15(2)(g)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Audit Panel Minutes</i>	15(2)(h)
<i>Saint Regina Limited</i>	15(2)(e)(ii)

CARRIED

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

RECOMMENDATION

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

DECISION

Moved by Cllr D Fish, seconded by Cllr A E Bisdee OAM

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

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

CLOSED COUNCIL MINUTES

20. BUSINESS IN “CLOSED SESSION”

20.1 Closed Council Minutes - Confirmation

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.

Item considered in Closed Session in accordance with Regulation 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

20.2 Applications for Leave of Absence

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.

Item considered in Closed Session in accordance with Regulation 15(2)(h) of the Local Government (Meeting Procedures) Regulations 2015.

20.3 Audit Panel Minutes

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.

Item considered in Closed Session in accordance with Regulation 15(2)(h) of the Local Government (Meeting Procedures) Regulations 2015.

20.3.1 Receipt of Minutes

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.

Item considered in Closed Session in accordance with Regulation 15(2)(h) of the Local Government (Meeting Procedures) Regulations 2015.

20.3.2 Endorsement of Recommendations

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.

Item considered in Closed Session in accordance with Regulation 15(2)(h) of the Local Government (Meeting Procedures) Regulations 2015.

20.4 Saint Regina Limited

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.

Item considered in Closed Session in accordance with Regulation 15(2)(e)(ii) of the Local Government (Meeting Procedures) Regulations 2015.

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr A E Bisdee OAM

THAT Council move out of “Closed Session”.

CARRIED

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

OPEN COUNCIL MINUTES

21. CLOSURE

The meeting closed at 2.09 p.m.

LAKE DULVERTON & CALLINGTON PARK MANAGEMENT COMMITTEE

MINUTES

Monday 17th July 2023

**Council Chambers
Oatlands
1.30 p.m.**

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LAKE DULVERTON & CALLINGTON PARK MANAGEMENT COMMITTEE

MINUTES Monday 17th July 2023

1.30 p.m.
Council Chambers
Oatlands

MEMBERS:

Chairman: Councillor Don Fish (Proxy: Clr R McDougall)

Parks & Wildlife Rep: Brian Campbell (in interim) (Proxy rep: t.b.c)

Resident Representatives: Mrs Maria Weeding, Mr Athol Bennett, Dr Robert Simpson,
Mrs/Clr Karen Dudgeon, Ms Helen Geard, Mrs Jenni Muxlow

1. ATTENDANCE

Councillor Don Fish, Councillor Rowena McDougall, Athol Bennett, Maria Weeding, Robert Simpson, Helen Geard, Jenni Muxlow, Karen Dudgeon, Brian Campbell, Joss Mooney (P&W rep - in attendance).

2. APOLOGIES

3. CONFIRMATION OF MINUTES

The Committee to confirm the 14th March 2023 minutes.

RECOMMENDATION

That the Committee confirm the minutes of the Lake Dulverton & Callington Park Management Committee meeting held on 14th March 2023.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

MOVED Mr Athol Bennett

SECONDED Dr Robert Simpson

THAT the Committee confirm the minutes of the Lake Dulverton & Callington Park Management Committee meeting, held on 14th March 2023.

CARRIED

4. BUSINESS ARISING FROM PREVIOUS MEETING

4.1 CALLINGTON PARK – UNISEX ACCESSIBLE TOILET + BABY CHANGE TABLE – PROPOSAL

To recap - Duo Design has been engaged to draw up the design of the building. Tas Water were contacted with initial discussion on the overall proposal to see if there would be any reasons to not proceed with the proposal.

Survey Plus undertook a detailed assessment of the site levels – including the foreshore area to the existing sewer pump pit on the foreshore that services the area in general.

Through Duo Design, a Hydraulic Engineers agreed to undertake the design work re disposal of the sewer waste, based on the surveyor's results, (which was work that had been requested to be undertaken by the Hydraulic Engineer). Around April, the Hydraulic Engineer informed us that they were heading overseas for three months and would only be able to do the work in July. We have re engaged with that person (through Duo Design) and we hope that the design assessment can now be undertaken in good time.

In the meantime, a draft concept plan drawn up by Duo Design was sent to TasWater for further comment. Response from TasWater came back to indicate they did not foresee any objections to the proposal.

A Building Surveyor is on board and will assist with the planning once the development application is ready to go to Council.

A meeting on site with Parks & Wildlife was held just prior to the meeting – to give them an indication as to what the proposal means for the foreshore area. A trench along a part of the foreshore (mainly through the car park area) will have to be excavated to put the sewer pipe in to the sewer pump pit. The pit is located beside the public toilet block on the foreshore. The proposal will be submitted to Parks once there is a better idea as to the final route of the pipeline.

RECOMMENDATION

That the committee note the information and the proposal continue to progress.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

RESOLVED

THAT the information be noted.

4.2 BUDGET 23/24

At the last meeting the committee decided on a budget to submit to Council for funding consideration.

The outcome of the budget request was provided to the meeting.

RECOMMENDATION

That the committee note the information.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

MOVED Dr Robert Simpson

SECONDED Ms Karen Dudgeon

THAT the Committee budget for the 2023-2024 year be noted and accepted.

CARRIED

0 Item/Activity	Lake Dulverton & Callington Park Management Committee Final 23/24 Works Schedule and Budget Detail	Budget 23/24	Expenditure to date:	Balance to carry forward
Callington Park	Single on site toilet, D/A compliant with baby change table \$80,000. Slab works, Sewer and plumbing work, electrical works. installation of supplied toilet block building. \$60,000. 23/24 Building cost increase and additional design and hydraulic engineering costs (including cost for sewer pit and pump being installed if deemed necessary) \$18000	158000	5070.00	152930
Callington Park	Well. Any general works - as required	2000		2000
Lake Dulverton - tourism (special project)	Brochure for visitors to the area re Lake - environs, flora & fauna info. 23/24 Second professional print run of the brochures. (extremely popular)	5000	0	5000
Lake Dulverton - general	Committee budget for various - such as planting on foreshore and general work as required	2000	0.00	2000
Midlands Water Scheme	Operating budget - purchase of water for Lake Dulverton	25800	0	25800
Marys Island	Investigate feasibility of some form of access from end of Mahers Point across to Marys Island. Planning, public consultation and preliminary engineering.	0		0
		\$ 192,800	\$ 5,070.00	\$ 187,730.00

4.3 TABLE AT CALLINGTON PARK

At the last meeting it was agreed that it would be best to replace the old table and seats with a new units. A working bee was held on Saturday 15th April at 9.00 to change over the table. Don, Maria, Ras, Athol and John Weeding undertook the works. A few railings in the sheep yards were also repaired / replaced.

RECOMMENDATION

That the committee note the information.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

RESOLVED

THAT the information be noted.

4.4 FISHERS ON THE LAKE FORESHORE

At the last meeting it was decided that Grant Wilson be invited to the next meeting to discuss any concerns that fishers have in regard to the lake. This was in response to a request to have the ramp area near the stop over site available at all time for fishers to use for fly fishing, yet sometimes campervans had encroached upon the area.

Since our last meeting there has also been some clearing of the reeds that are grow in the lake water. The task was undertaken by hand by a local fishing enthusiast, and the reeds were mostly removed from the lake water area once cut. The area cut went from the stop over area through to the area opposite the infant school, approx. 10 meters out from the foreshore, following the shore line. Some concern regarding this activity was raised by some bird enthusiasts that had noted a rare bird in close proximity to the reed area that had been cut. The bird had been noted at one point with young hatchlings earlier in the year. Maria spoke to the fisher asking them to encroach into the bay area just beyond the infant school, (bay where the walking track starts with the people counter). This was understood and agreed.

Grant, who is involved with the Oatlands fishing folk was invited to the meeting to discuss this the groups plans for use of the lake by fishers etc. including plans for any future works or events over the next 12 months or so. Unfortunately Grant has had to send his apologies, and he is not able to rearrange his prior commitment. Grant indicated that he will send notes for the committee meeting that go over the fishing group plans etc. The information was tabled at the meeting. See attached.

There was further discussion about the presence of a rare species of water bird that has been noted for the last few seasons as inhabiting the lake. There is only 30 pairs of this bird that have been sighted in Tasmanian in recent times with some observed with young at Lake Dulverton. The locations that these specific birds have been sighted overlaps some of the area whereby reed cutting is planned. The bird specialist from Parks is currently away, but will visit the area prior to the breeding season. Information provided will better inform the Committee as to how to best work with the fishers, so that the fishing activities can continue while protecting any sensitive habitat areas. It was noted that the Management Plan incorporates fishing as an activity on the lake, and as such the reed cutting activity in the Township/Recreation Zone is covered under the Plan (see attached). In summary it was

agreed that the specifics of the areas for cutting will need to be fine-tuned going forward, and this needed to occur soon to enable timely outcomes to be achieved.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

RESOLVED

THAT the information be noted and Parks & Wildlife personnel to revisit the Lake area for further advise the Committee.

5.0 TREASURER'S REPORT

A statement detailing Receipts and Expenditure for the financial year 2022/2023 was tabled at the meeting.

A statement detailing the Receipts and Expenditure for the financial year to date was tabled at the meeting.

RECOMMENDATION

That the statement detailing Receipts and Expenditure for the 2022/2023 financial year be received and noted.

That the statement detailing Receipts and Expenditure for the 2023/2024 financial year to date be received and noted.

SUB COMMITTEE RECOMMENDATIONS TO COUNCIL:

MOVED Ms Karen Dudgeon

SECONDED Mr Athol Bennett

THAT the statement detailing Receipts and Expenditure for the financial year 2022/2023 be received and noted.

CARRIED

MOVED Dr Robert Simpson

SECONDED Ms Karen Dudgeon

THAT the statement detailing Receipts and Expenditure for the financial year 2022/2023 be received and noted.

CARRIED

SOUTHERN MIDLANDS COUNCIL

LAKE DULVERTON / CALLINGTON PARK MANAGEMENT COMMITTEE

STATEMENT OF RECEIPTS AND PAYMENTS

For the period 1st July 2022 to 30th June 2023

RECEIPTS	\$	PAYMENTS	\$	COMMENTS
Opening Balance 01.07.22 Commonwealth Bank Account	26,620.24			
Capital				
Callington Park - Continuation of lighting and surveillance	4,000.00	Project C3020002	0.00	
Callington Park - Toilet	140,000.00	Project C4070055	5,070.00	Details below
Operating				
Callington Park - Repairs to well	2,000.00	Project 302 - 7053	0.00	
Lake Dulverton foreshore - solar Lights	1,800.00	Project 302 - 5015	392.80	Cement & Galv. Posts
Lake Dulverton Brochures	5,000.00	Project 202 - 5001	5,249.99	Workhorse studio
Lake Dulverton - Committee Budget	2,000.00	Project 302 - 7053	336.52	Catering walking track opening, postage, dynabolts
Tas Irrigation - Water Operational Costs	25,800.00	Operational Charge	6,555.35	
		Asset Renewal Levy	2,552.05	
		Water Usage	7,520.73	
Interest	123.52	Bank Charges	0.00	
Donations	9,211.96			
		Total Expense to date	<u>\$ 27,677.44</u>	
		Funds on hand	188,878.28	
	<u>\$ 216,555.72</u>		<u>\$ 216,555.72</u>	

Funds on hand are represented by:

Comm. Bank Account No.06 7004 28003859 - 30.06.23	35,830.72
Special Projects - Unexpended Budget	153,047.56
	<u>\$ 188,878.28</u>

Callington Park Toilet (C4070055)

			\$
13/12/2022	Duo Design	Planning Drawings Stage 2	1,520.00
13/12/2022	Duo Design	Administration Project Co-ordination	200.00
13/12/2022	Duo Design	Concept Layout Stage 1	1,500.00
7/03/2023	Survey Plus	Survey for Hydrology	1,850.00
TOTAL TO DATE			<u>5,070.00</u>

6.

SOUTHERN MIDLANDS COUNCIL
LAKE DULVERTON / CALLINGTON PARK MANAGEMENT COMMITTEE

STATEMENT OF RECEIPTS AND PAYMENTS

For the period 1st July 2023 to 14th July 2023

RECEIPTS	\$	PAYMENTS	\$	COMMENTS
Opening Balance 01.07.23 Commonwealth Bank Account	35,830.72			
Capital				
Callington Park - Toilet	158,000.00	Project C4070055	5,070.00	Additional \$18,000 in 23-24 budget \$5,070 spent 2022-23
Operating				
Callington Park - Repairs to well	2,000.00	Project 302 - 7053	0.00	
Lake Dulverton foreshore	-	Project 302 - 5015	0.00	
Lake Dulverton Brochures	5,000.00	Project 202 - 5001	0.00	
Lake Dulverton - Committee Budget	2,000.00	Project 302 - 7053	0.00	
Tas Irrigation - Water Operational Costs	25,800.00	Operational Charge	0.00	
		Asset Renewal Levy	0.00	
		Water Usage	0.00	
Interest	0.00	Bank Charges	0.00	
Donations	0.00			
		Total Expense to date	<u>\$ 5,070.00</u>	
		Funds on hand	223,560.72	
	<u>\$ 228,630.72</u>		<u>\$ 228,630.72</u>	

Funds on hand are represented by:

Comm. Bank Account No.06 7004 28003859 - 30.06.23	35,830.72
Special Projects - Unexpended Budget	187,730.00
	<u>\$ 223,560.72</u>

Callington Park Toilet (C4070055)

			\$
13/12/2022	Duo Design	Planning Drawings Stage 2	1,520.00
13/12/2022	Duo Design	Administration Project Co-ordination	200.00
13/12/2022	Duo Design	Concept Layout Stage 1	1,500.00
7/03/2023	Survey Plus	Survey for Hydrology	1,850.00
TOTAL 21-22			<u><u>5,070.00</u></u>

6.0 OTHER MATTERS**6.1 WATER INTO LAKE DULVERTON – FROM THE BLACKMAN**

As has been the case for a few years - Taswater is now in charge of the water line that comes from the Blackman dam through to the township of Oatlands. Prior to the water treatment plant, there is the line branches off the main line and delivers water to Lake Dulverton, - a 5.6 Km line that was put in by the community. When excess water is available at the town supply dam site. TasWater directs water to Lake Dulverton. Council has a water right licence to take the Blackman water for Lake Dulverton. Last winter, the Lake received 73.5 ML through this line – between the 5th April 2022 – to 4 January 2023.

The line has just been turned on again as of July 2023. The water flow is around 3.5 L/second, which is not fast, but this rate has been set to not overly draw down the back pressure in the line, as back pressure is required to take water into the plant for the treatment of the raw water before it goes to Oatlands township. It is unclear as to how long the Lake Dulverton line will run over the balance of this year. It run dates vary from year to year according to the overall dam water supply water levels as determined by the season.

For noting.

RECOMMENDATION

That the information be noted.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:**RESOLVED**

THAT the information be noted.

6.2 PROPOSED DOG EXERCISE PARK AREA – LAKE DULVERTON FORESHORE

Council has been approached by some local residents of Oatlands requesting that a dog park be developed in the area. There is a section on the Lake foreshore that has been identified by the group as an ideal location for the establishment of such a site. For this reason, the Committee will consider the information and make a recommendation to Council in the first instance. The group provided information that covers many aspects of their proposal. The information was tabled at the meeting. Prior to the meeting, Parks and Wildlife officers visited the site proposed by the group, and looked at a site that may be another option.

The committee were provided with the information. (See attached)

There was considerable discussion. The following was recorded:

A dedicated dog use area within the foreshore conservation area would need to go through a process to be legally recognised. This change would require approval as per Parks & Wildlife legislation, with sign off by the Minister (or Minister's Delegate).

With the information available the committee found it difficult to determine the level of demand for such a facility. Does demand warrant the expense of setting up a facility and ongoing Council costs to maintain the facility once in operation.

Query as to the Flax Mill location, topography had its merits re shelter but is it too far out from the Oatlands township? Most people would have to drive to the location to use it. Would that mean usage was lower than anticipated?

It was agreed that the dog parks are popular in the urban areas, but was there a need in this area? It was noted that around 400 signatures had been obtained on a petition. Furthermore it was noted that there are off lead areas in many locations about the town.

The neighbour closest to the proposed area on the Flax Mill / Freds Point was not against the proposal, but expressed a desire that their boundary fence would be improved to make sure dogs did not inadvertently go on to their property. (*Thoughts of other nearby residents - not provided/known*).

It was noted that there were currently opportunities to apply for some grant funds – but it was too premature to seek any funds, as any proposal would have to go through a process with Parks & Wildlife (if within the foreshore area) and the Council Planning process.

Several other sites were put forward as possible options but it was noted that more work would be required to determine the suitability of any other site.

The committee made no final determination on the proposal, and thought it was best wait until further information could be provided initially by Parks & Wildlife.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

MOVED Ms Jenni Muxlow
SECONDED Dr Robert Simpson
THAT

1. it be noted that the Committee are not opposed to the idea of a dog park as a concept.
2. Parks & Wildlife to further advise the committee on the legalities of establishing a dog park in a Conservation Area, and what would be the process to enable this to happen if it were to go ahead.
3. Council be asked to look at the possibility of other site options – beyond the foreshore of Lake Dulverton.

CARRIED

6.3 WATER INTO LAKE DULVERTON – STORM WATER – PROPOSAL FOR NOTING

There is a development application currently with Council that is under active consideration. Part of the proposal involves excess water going into Lake Dulverton. There was no further information that could be provided to the meeting. Parks (Brian) will follow up with the Property Services division and let the Committee know of any relevant matters pertinent to the committee. The committee agreed that they would not have any issues with additional water going in to Lake Dulverton, providing it met an environmentally safe standard of water quality so that did not adversely affect the water in the lake.

RECOMMENDATION

That the information be noted.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:**RESOLVED**

THAT the information be noted.

6.4 CALLINGTON PARK – LIGHTING AND SECURITY SURVEILLANCE

Background: Upon completion of the new playground in Callington Park in late 2020 it was noted that there was a few incidents of vandalism at the site, and the decision was taken to install some security cameras and lighting at the site.

Since that time, the level of vandalism has declined significantly, to the point that it is now rare to have issues reported at the site. It is suspected that the initial burst was because this was a new venue and there was a concentration of people at the site given the new space for play and recreational activities. As a response, it was agreed that lighting and security cameras be installed on the site.

The lighting and cameras were sources and have been held by Council for some time now. The installation was programed on to the Council works program. For a range of reasons, the works have not occurred due to other pressing priorities for the work force that needed to take precedent.

By chance, the course of time that has elapsed has revealed that may be we should re-evaluate the need to have cameras and lighting installed.

A little bit of research on lighting public spaces was undertaken, and it has revealed that providing lighting all hours of the day actually can increase the level of activity in an area well into night time hours. Given the focus is for use as a play space, essentially for children, supported by the BBQ hut, primarily used for lunch and evening meals during the warmer and longer daylight hours in the year, then reconsideration perhaps should be given to not lighting the area for all hours of the day.

If the committee are in agreement with this change in sentiment, then the cameras will be redirected to use by Council in other areas that have emerged as priorities for surveillance, and the light poles will be used at other locations.

Discussion: Parks & Wildlife confirmed that they often do not light certain facilities if they are designed for day time use only. The committee considered the proposal to not go ahead with the cameras and light poles, noting that there are other areas Council manage that could

make use of the items. It was agreed that the installation of the cameras and lights not proceed.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

RESOLVED
THAT the information be noted.

6.5 OTHER MATTERS

6.5.1 Lake Dulverton Water – Tasmania Irrigation and SMC Agreement

The committee were informed that a formal agreement had been reached in regard to the 215 Ml water right provided by the State Government for Lake Dulverton, to ensure the lake Fountain and Township/Recreation Zones of Lake Dulverton retain water from year to year. It was noted that the finalisation of the agreement had taken some considerable time as there had been some misunderstanding as to the terms of the water being issued for use at Lake Dulverton. At one stage – a little while after the initial water being provided in 2014, Tas Irrigation indicated that the use was for a limited time. This was not the case. Maria Weeding had been involved with the Lake and the proposed water scheme prior to the formal existence of Tasmania Irrigation (or TIDB as it was originally known).

Evidence of the water being provided by the State Government as an ongoing year on year take had to be clarified. This was solved with a bank of detailed evidence that Maria Weeding had been able to provide to Tas Irrigation management. With this evidence, a Memorandum of Understanding, an Irrigation Right, a Zone Flow Delivery Right and a Term Transfer (that will be renewed) was sorted and agreed to finally secure the water long term for the Lake. The documents were signed off officially by Council at the June 2023 meeting. Tas Irrigation will now counter sign and the arrangement going forward will be finally sorted. See attached document (*MOU only*) for noting.

SUB COMMITTEE RECOMMENDATION TO COUNCIL:

RESOLVED
THAT the information be noted.

7.0 NEXT MEETING

To be determined at a later date – as information becomes available for a meeting.

The meeting closed at 3.20 p.m.

* * * * *

Confirmed thisday of

Chairman.....

Item 4.4.

Lake Dulverton and Callington park management committee

Thank you for your invitation to speak at your meeting, regretfully I am unavailable on the day.

I am writing on behalf of a small group of fishers who have been active on the lake the last 12 months and want to improve angler access along the foreshore and dam wall.

Angling has always been part of the landscape on Lake Dulverton but its popularity rises and falls along with the water levels of the lake, we are currently seeing an uprise in angling numbers due to steady water levels and the presents of large trophy trout.

Local man Kerry Mancey had maintained the popular fishing holes for most of his life, using hand tools and mechanical cutting to do so. In recent times due to health issues Kerry no longer fishes and therefor stopped maintaining the angler access. Approximately the last 10 years or so no maintenance has taken place.

Last year I approached the school principal about reopening the Central Tasmanian Aquaculture Centre, a trout hatchery located on the school grounds. During the process I made contacts with local people with similar interests and while we waited to hear from the school, we turned our attention to the lake and reopening the fishing holes.

We formed an informal group, found some old handheld cutters and borrowed the councils Electric Boat mounted cutter and had 2 working bees on the lake. Progress was difficult due to the 10 or so years without being cut, but we opened up a few holes and angler numbers boomed. Even to the point where Reclink hosted a fishing competition with generous prize money.

Our group is also very mindful of the diversity that these aquatic plants bring to the lake, and do not want to disturb the bird or aquatic life. We don't cut near nesting sites and only work on small areas at a time. After all it's the plant life that sustains these large trout, helps keep the water cooler in summer and filters the water.

Our group has also done mowing and brush cutting along the foreshore where the council ends its service, as well as rubbish removal.

Recently I spoke with Inland Fisheries about Lake Dulverton, how its fishing and the increased angler activity and this lead to a large stocking of both rainbow and brown trout for the upcoming season.

Future intentions

Our group would like to continue opening up the old fishing holes along the foreshore, and along the dam wall (Map attached for reference) to allow more space for fishers. On a nice evening I have counted up to 10 anglers along the approximately 200m of foreshore, its

great to see so many people by the lake but unfortunately it is a deterrent in particular for young anglers.

There is interest in starting a fishing club based in Oatlands or creating a subbranch with a nearby club. This would allow for a more formal approach to the angling on lake Dulverton, as well as being involved with the lake Dulverton committee and the Southern Midlands Council.

On a personal note I would like to see the small dam turned into a junior angler water. These waters are managed by Fishing Clubs in conjunction with Inland Fisheries to allow access for junior anglers only to develop their skills and grow the sport in Tasmania. This also allows for junior development days with "tagged trout" promotions and competitions.

Currently the school has no intentions of reopening the trout hatchery at the school, despite huge public and industry support. I will revisit the proposal and try to get some answers from the school

In conclusion we are a group of likeminded fishes who want to improve angler access, grow our sport in the Southern Midlands and give back to our community. All the while being respectful of the plant and animal life that make Lake Dulverton so unique.

Feel free to contact me if you have any questions or comments

Grant Wilson

0427 171 621

Grant_wilson_06@hotmail.com

3D



Lake
Dulverton

Maria Weeding

From: Maria Weeding <weedington@bigpond.com>
Sent: Wednesday, 12 July 2023 6:04 PM
To: 'Grant Wilson'
Cc: Maria Weeding
Subject: RE: Fishing information

Hello Grant

I think you have provided a lot of information and a really good map of your proposed activity. Well done.

The only thing I think that may be a question – and it is not answered in what you have written, is the just confirmation about how you want to treat the reeds that are cut. When I spoke to Ted Carnes a few weeks ago, he had been working at getting many of them out of the water, and then he had them in various piles on the foreshore (covering over things like some foreshore weeds etc). I suggested that he mulch on the banks where the trees had been planted – so that sort of took them out of sight from being on the foreshore. That way it also was a good outcome in helping to suppress grass growth around the establishing trees plots that are at various locations along the foreshore. Alternatively – may be just as easy to lob the cut material into a ute tray and take elsewhere – given that some times the tree plots are not that close. Just a thought.

It was obvious that not all the reeds could be easily reached in some places – as they had floated out a bit too far for Ted to retrieve from the shore. As you would know – the rotting vegetation de oxygenates the water – not good for the fish!

Any comment on the fishing group's overall plans for dealing with the cut reeds (and also an outline of when they would want to cut them – months of the year that is) would be good to capture.

Other than that I see as missing info – I think you have done a great job with what you have provided.

Happy for you to respond to this in an email reply – or amend the Word Doc you sent if you would prefer to add something in there.

Look forward to hearing from you. **(Please reply ALL – so it goes to the Council email as well)**

Thanks Grant.

Regards

Maria

From: Grant Wilson <grant_wilson_06@hotmail.com>
Sent: Tuesday, July 11, 2023 7:35 PM
To: mweeding@southernmidlands.tas.gov.au; Weedington@bigpond.com
Subject: Fishing information

Hi Maria,

Have a read when you get a chance and let me know if you have any questions and I'll try and include an answer. I'm only really available tomorrow night to make any changes or add ons.

Thank you
Grant Wilson

Maria Weeding

From: Grant Wilson <grant_wilson_06@hotmail.com>
Sent: Wednesday, 12 July 2023 7:11 PM
To: Maria Weeding
Subject: Fwd: Fishing information

Sent from my iPhone

Begin forwarded message:

From: Grant Wilson <grant_wilson_06@hotmail.com>
Date: 12 July 2023 at 7:09:24 pm AEST
To: Maria Weeding <weedington@bigpond.com>
Subject: Re: Fishing information

Hi Maria,

Yes when we first started cutting we spoke about carting the cuttings away but it never really eventuated.

Going forward I think tree mulching where possible and carting away else where is the solution. As the fishing holes become established the cuts will just be maintenance type cuts and produce much less organic material.

One thing I didn't speak about in the letter was the Red Fin Perch, they are listed as a pest species and must be disposed of if caught. Lake Dulverton has a very large population of red fin perch due to its ideal breeding conditions. If a formal club was created we would like to work with Council, the lake Dulverton committee and Inland fisheries to increase signage and ask for a few extra bins along the waterfront. Last season there were a lot of dispatched fish left on the foreshore to rot.

Hope this is helpful

Grant Wilson

Sent from my iPhone

*Extract from the
Lake Dulverton Management Strategy (2002)*

Objectives

The objectives of Conservation Areas are:

- To conserve natural biological diversity
- To conserve geological diversity
- To preserve the quality of water and protect catchments
- To conserve sites or areas of cultural significance (eg Brady's Cave)
- To provide for controlled use of natural resources
- To encourage education based on the purpose of the reservation and the natural or cultural values of the Conservation Area or both
- To encourage appropriate tourism and recreational use and consistent with the conservation of the Conservation Area's natural and cultural values.

All of these objectives are addressed in terms of the preparation of this Management Strategy.

2.3 Management Zones

The Lake has been zoned to ensure appropriate management and use is made of its different parts. The four (4) zones take into account various localised features, conditions and values and assess the potential management in terms of the zone values identified.

The management zones are detailed as follows:

ZONE/LOCATION	VALUES	GENERAL AIM
<p>Fountain Zone The area of the small Lake including fountain (2.2 Ha) – adjacent to High Street</p>	<p>High use area with visitor services provided together with fish stock for Lake area. Use of the fountain as a tourist focal point and reminder of the benefits of a Lake full environment.</p>	<p>To provide visitor services and facilities reflecting the higher demands of usage. To maintain, as far as possible, the focal point of the zone together with the restored natural features.</p>
<p>Township Zone This area contains the foreshore area between the Callington Mill and Mahers Point, a direct interface between Lake and environs.</p>	<p>Banks have been cleared and maintained for recreational purposes.</p>	<p>To provide for sustainable dispersed recreational activities and small-scale recreation facilities without significant impact on the Lake's natural processes. To provide for education opportunities around the</p>

ZONE/LOCATION	VALUES	GENERAL AIM
<p>Natural Zone The eastern shoreline divided from the replenished Lake by the bund wall at Marys Island and including most of the natural and farmed foreshore.</p>	<p>Important natural values are found in the zone in both wetland features and lunettes.</p> <p>The retention of this area in a Lake form provides wetlands of special significance.</p> <p>Areas of private land ownership around the Lake have traditionally been used for rural activities in conjunction with the Lake values.</p>	<p>Lake environs.</p> <p>To manage the natural assets of this zone in a manner which reinforces the natural assets and provides management of the pastoral areas in line with these values.</p> <p>To maintain the character of the foreshore interface and where possible restrict human influences on the Lake edge and floor.</p> <p>To maintain traditional private landowner usage of the foreshore and private land on the Lake edge</p>
<p>Conservation Zone The north eastern shore of the Lake from First Point to Double Rock Point, including the boundary to the Oatlands Golf Course.</p>	<p>Important natural formations along the water interface supporting a range of habitat.</p> <p>Area of conservation value</p> <p>Recognition of a range of private land ownership and activities around the Lake</p>	<p>To provide for a restricted passive recreation activity within the environmental constraints of the recharged Lake.</p> <p>To recognise the rights of private ownership and usage of the private land forming the interface of the Lake</p>

The management zones form the basis on which objectives can be established for the various values and issues identified within the Management Strategy. The boundaries selected for the zones are arbitrary given the nature of the land usage, land ownership and the overall extent of the interface at specific locations.

4.5 Fishing

Fishing sections of the Sanctuary are currently maintained for fishing consistent with the decision by the Inland Fisheries Service in the early 1960s to stock the Lake with Brown trout.

The Lake's reputation for good fishing spread far and wide. However, with the dwindling water levels, the quality of the fishery declined. In tandem with this, breeding is negligible and the continuation of recreational fishing is reliant upon a continuous stocking program.

The Wildlife Sanctuary status of the Lake requires special consideration to be given to trout fishing in the Lake.

Variation to the water level will continue to cause management difficulties as to the quantity and quality of the fish habitat, which will be only overcome once the water level is maintained at a sustainable depth.

Aims

- To manage the Wildlife Sanctuary in a manner which balances recreational fishing opportunities with retention of the natural ecosystems of the Lake environs;
- To encourage minimal impact angling practices.

Objectives

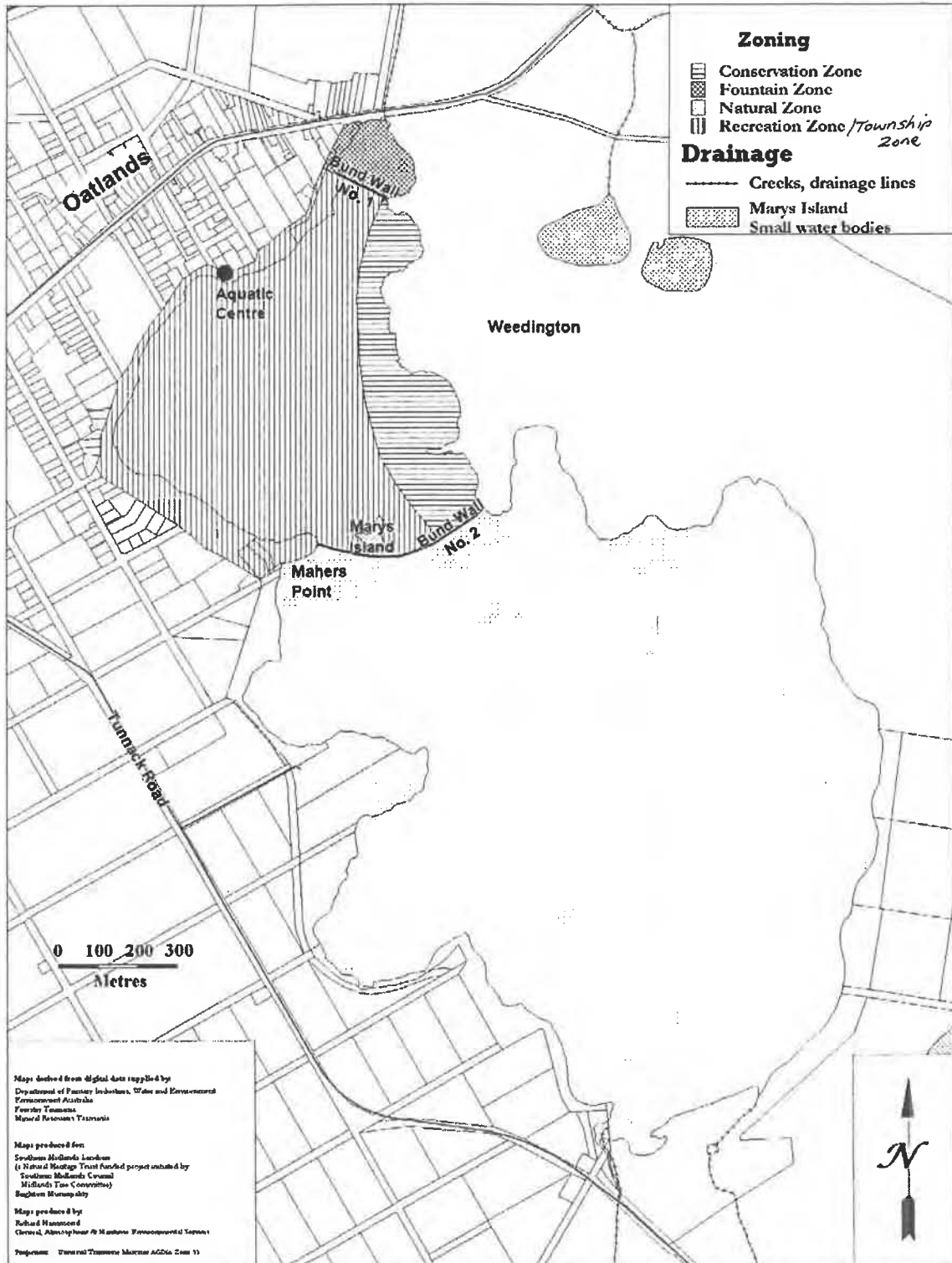
- To continue to expand trout fishing in the wider Lake subject to Inland Fisheries regulations;
- To encourage the use of only recreational fish species which are compatible to the Lake environment (e.g. trout);
- To ensure that all fish stocking is carried out under strict supervision of the Inland fisheries Service;
- To encourage a more strategic basis for restocking of the Lake;
- To prepare and disseminate information for local fishers particularly on aspects of the Sanctuary and regulations;
- To liaise with Inland Fisheries Service on the dissemination of material;
- To limit the degree to which aquatic plant growth extends over the Lake surface using natural deterrents;
- To ensure that methods of fishing are considered in the proposed Fishing Management Plan to be prepared by the Inland Fisheries Service.

4.6 Interpretation and Education

At a number of points on the Esplanade foreshore, interpretation panels to assist in recognising the fauna and flora of the Lake have been erected. They provide an opportunity of understanding the diversity of values which are attributed to the Wildlife Sanctuary.

MAP 2 ZONING

Lake Dulverton Zoning



Maria Weeding

From: SM News <info@smnews.com.au>
Sent: Tuesday, 11 July 2023 2:25 PM
To: Maria Weeding
Subject: FW: Proposal for Oatlands dog park
Attachments: Petition.docx; Lenah Valley rules.jpeg; Agility poles.jpeg; Ramp etc.jpeg

Maria

Can you please draw to the attention of the Lake Dulverton and Callington Park Management Committee the following proposal for a fully-enclosed off-lead dog park for Flax Mill hill, Oatlands. We understand that this area – owned by Parks – comes under your remit.

Attached is a petition we circulated widely. We currently have over 400 signatures, with some outstanding petitions still to be collected. Signatories are locals, people from the district, from all around Tasmania and the mainland. We circulated the petition to the RV parks, where we know there are people who travel with dogs. The response has been overwhelmingly positive. The idea of dogs being out of control when off the lead is not, in our experience, an issue. Dogs feel less threatened when off the lead, and in any case, under the Dog Control Act they must be under effective control at all times. Signage will display the rules of the park (see attached image from the John Turnbull dog park at Lenah Valley).

Thank you for supplying a map of the hill. I have not yet been able to draw in the proposed area to be fenced and I will attend to this asap. Our proposal would not include re-fencing Lairmairanepair Park but of course this is a popular walking area for dogs and their owners, particularly in the winter (reduced risk of snakes). The fenced area would not encroach on the existing driveway but would be on its lake side, along in front of the Park, and down towards and across the bottom of Hay Street. Parking would be at the end of Hay Street on the nature strip.

In other dog parks we have visited, there is a dedicated walking track that goes right around the park, so that people can exercise their dogs while walking themselves. There are also installations such as tunnels (eg. made from old tyres), ramps, agility poles, a sandpit and the like (see images attached) to give the dogs extra mental and physical stimulation besides walking and running.

The fenced-off area would need to include a smaller area for small dogs and puppies. We have visited a number of other dog parks where smaller areas exist and it makes good sense to allow bigger dogs to fun freely and smaller dogs and puppies to feel more secure.

The fenced-off area would need to be mowed during periods of heavy growth, which possibly means more than once a year (which is what currently occurs). This is to reduce the risk of snakes sheltering in long grass.

Requirements inside the park (or close by) include water (or a tank with runoff from a shelter of some kind, perhaps), rubbish bins, compostable disposal bags (or preferably a composting system for waste) and some seating. We would be happy to plant extra tre

We hope to secure grant funding (eg. via the Open Spaces Grant Program available to Council) and other support from businesses (eg. Nutrien, veterinarians) to help fund this initiative.

Regards
Julia Jabour

On behalf of the Dog Park Proponents

Please sign our petition for an off-lead dog exercise area in Oatlands

We, the undersigned, respectfully ask the Southern Midlands Council to establish a fully-enclosed off-lead exercise area for dogs in Oatlands. While we acknowledge there are several walking pathways in the township, there is no fenced, secure area where dogs can be socialised off-lead. A designated dog park would not only benefit the residents of the area, but also local and interstate visitors travelling with dogs.

Tasmanians who travel regularly to yard and sheep dog trials and those showing and competing in tracking, agility, herding trials, canine disc and lure coursing and the like would be most likely to use the exercise area and then patronise local hospitality outlets. There is also the potential to hire the area for canine competitions.

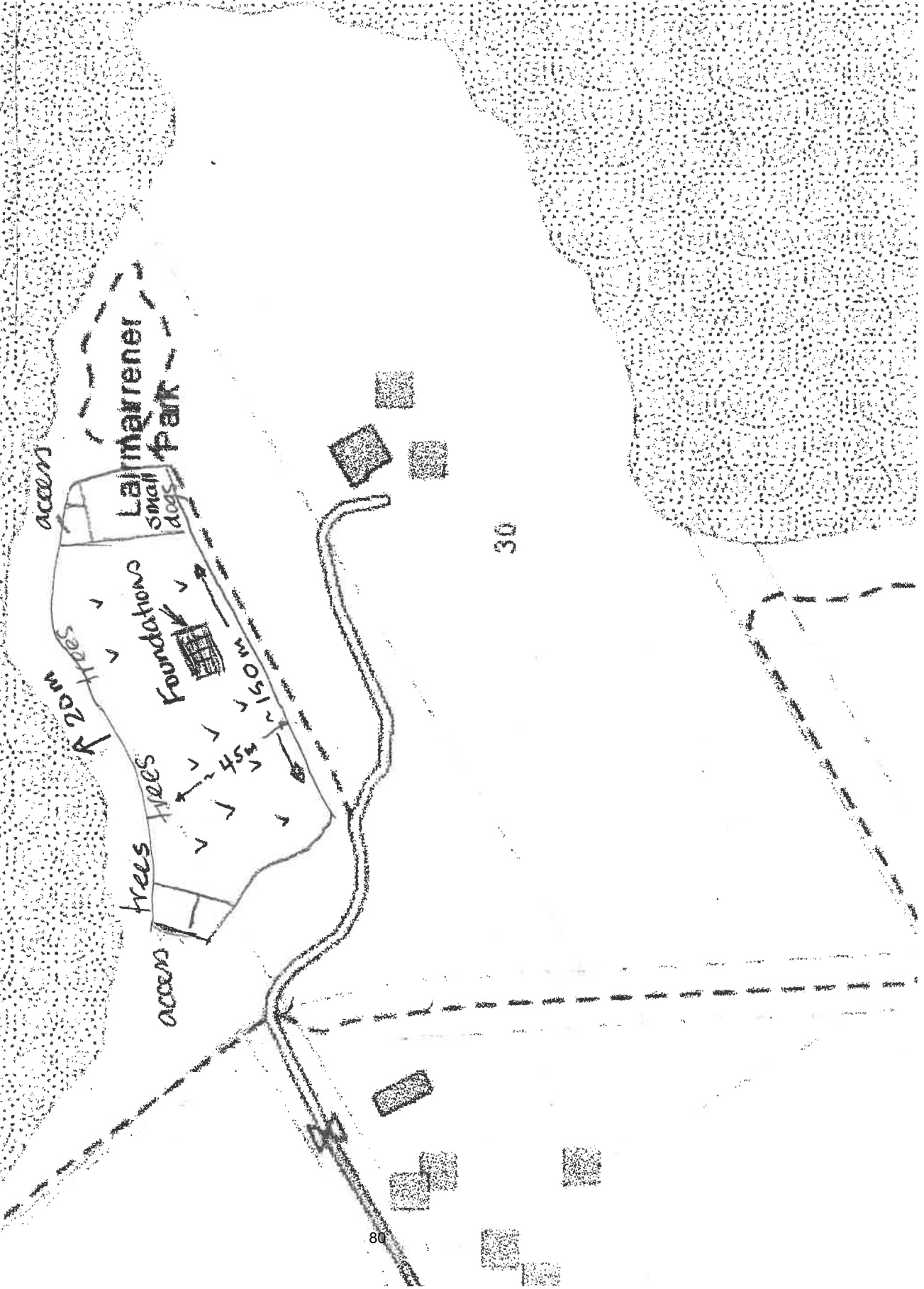


Socialising has many benefits for both dogs and their owners. It teaches dogs how to react to the world around them in a positive, healthy way. Dogs play together as a pack, which is a great mental and physical workout; they, and their owners, learn what the 'rules' of behaviour are between the group; they develop confidence and comfort with new experiences; and they have fun – all of which promotes good health in both the dogs and their owners.

NAME	ADDRESS	SIGNATURE

OATLANDS

Freds
Point





Lake Dulverton and Callington Park Management Committee -
 meeting Monday 17 July 2023
 Agenda item 6.2 – proposed dog exercise park area

Example of sign and dog exercise infrastructure from Lenah Valley



Tunnel and ramp for dogs to use



Agility poles for dogs to run around



Flex Mill - Oaklands. Archive photo. (Operated 1941-1946)

Item 6.5

MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT IS BETWEEN:

SOUTHERN MIDLANDS COUNCIL in their capacity as Managing Authority of Lake Dulverton of 71 High Street, Oatlands TASMANIA 7120 (hereafter "SMC")

AND

TASMANIAN IRRIGATION PTY LTD [ANC 133148384] of Level 2 Launceston Airport, Western Junction, TASMANIA 7212 (hereafter "TI")

(together SMC and TI are the "Parties")

BACKGROUND

Application

1. This Memorandum of Understanding ("MoU") applies to the future management of the Midlands Irrigation District water allocation designated for Lake Dulverton, Oatlands, in the Southern Midlands Municipality, Tasmania.
2. The Parties intend this MoU to:
 - 2.1. Recognise the terms and conditions under which the Lake Dulverton, Midlands Water Scheme (MWS) water was allocated by the State Government of Tasmania, acknowledging the Government's advice at that time indicated an operational model would need to be developed that suited the circumstances;
 - 2.2. Recognise the Tasmanian Irrigation Midlands Irrigation District contractual obligations and scheme trading rules and outline those conditions that will not apply to Southern Midlands Council in respect of the Lake Dulverton water; and
 - 2.3. Recognise the environmental requirements associated with Lake Dulverton.

Purpose

3. The purpose of this MoU is to:
 - 3.1. Foster a cooperative approach towards the management of the water allocation for Lake Dulverton, acknowledging that the Midlands Irrigation District was designed and implemented with a commercial emphasis and associated policies and procedures have been determined based on an irrigation regime. As a consequence there are some specific requirements within the standard Agreements which raise issues in terms of compliance and

there are operational requirements that are not necessarily appropriate for the delivery of water into Lake Dulverton. This requires the parties to adopt a flexible approach.

General

4. Lake Dulverton is a designated Conservation Area, reserved under the Nature Conservation Act 2002.
5. Granting of the water allocation by the State Government was for environmental purposes and the aim is to ensure that a secure water supply is available to restore and maintain Lake Dulverton as a wetland environment, benefiting the environment and the community.
6. The Southern Midlands Council is the Managing Authority for the Lake.
7. Management of the Lake is guided by the *Lake Dulverton Wildlife Sanctuary Management Plan 1980* and the *Lake Dulverton Management Strategy 2002* with a *Memorandum of Understanding between Southern Midlands Council and Tasmanian Parks and Wildlife Service* linking the two management documents.
8. Under the *Lake Dulverton Management Strategy 2002*, four zones differentiating permitted use have been designated. The Midlands Irrigation District water, will be allocated to three of the four zones, with management of that water guided by the *Operational Plan – Water Allocation Lake Dulverton, Oatlands, 2014*.
9. An allocation of 215 ML (with a flow rate of 1ML per day) of winter water was granted to the Crown by TI, as directed by the Minister for Primary Industries and Water in October 2011, on the understanding that the water is to be held by TI on behalf of the Crown.
10. TI, on behalf of the Crown is to lease the water right to Southern Midlands Council, the Managing Authority of Lake Dulverton.
11. A “Connection Agreement – Pipeline Connection” was signed between the Parties on 9 September 2014. A current Irrigation Right, Zone Flow Delivery Right for Summer and Winter, and new Connection Agreement (executed on the same date as this MoU) will be issued by TI at the time of signing this MoU, reflecting the agreement for water use. The Parties agree this MOU will reflect the terms and conditions outlined in those agreements. Any terms and conditions that do not apply to the use of water for Lake Dulverton, will be expressly stipulated in this MoU.

IT IS HEREBY AGREED:

12. “The Annexure 2 - Irrigation Right” (“Irrigation Right”), “Annexure 3 – Zoned Flow Delivery Right (“Delivery Right”)” and the “Connection Agreement – Pipeline Connection (Connection Agreement)”, all form a part of and are incorporated into this MoU, which applies retrospectively,

- from the date of on or around, 1 September 2014 (being the date the Midlands Irrigation District was commissioned).
13. TI, on behalf of the Crown agrees to transfer the irrigation allocation to the Southern Midlands Council to be held for the life of the irrigation scheme in accordance with clause (2.2) of both the Irrigation Right and the Delivery Right.
 14. This MoU automatically renews every (25) twenty-five years, for the life of the irrigation scheme (unless terminated in accordance with the terms of Irrigation Right, Delivery Right or Connection Agreement, whichever is applicable).
 15. The current term of (25) twenty-five years is due to automatically renew on or around 1 September 2039, upon which time this MoU will automatically continue for a further 25 years, and at the cessation of that 25-year period, for an additional 25 years and so on; unless TI notifies SMC that the term will not be extended at least one month before the term would otherwise end.
 16. In lieu of a Farm Water Access Plan, an *“Operational Plan – Water Allocation Lake Dulverton, Oatlands, 2014”* was produced in 2016 (Edition 2).
 17. Management of the Lake is guided by the *Lake Dulverton Wildlife Sanctuary Management Plan 1980* and the *Lake Dulverton Management Strategy 2002* with a *Memorandum of Understanding between Southern Midlands Council and Tasmanian Parks and Wildlife Service* which links the two management documents. The documents will be reviewed from time to time and the management of the Lake will be guided by the most recent document.
 18. Any financial arrangements that form part of this MoU prevail over any prescribed charges, not referred to in this MoU, unless otherwise agreed between the Parties in writing.
 19. This MoU applies only to areas of the Lake where the Midlands Irrigation District water is applied.

AGREED VARIATIONS TO STANDARD DOCUMENTS

Annexure 2 - Irrigation Right Midlands Irrigation Scheme (the “Irrigation Right”)

20. Pursuant to 23.5 (Variation and Waiver) of the Irrigation Right, the Parties Agree the following:
 - 20.1. CLAUSE 6.6 “Excess Water” - in the event the Southern Midlands Council desires to take more water than its 215ML entitlement in any Supply Period; the specific terms and conditions (including pricing) will be negotiated with TI in advance and will not be based on TI’s published excess water charges.
 - 20.2. CLAUSE 7 and 8 “Tradability and Transfer of Annual Volume” – if the Southern Midlands Council elects to transfer the Irrigation Right for any monetary consideration, they may recover their costs and expenses, after which any profits are to be transferred and retained

by TI. Water may only be temporarily traded, in circumstances where water is not required to fill the lake in any given year.

- 20.3. CLAUSE 23.8 – “Whole Agreement” – the Parties agree, this MoU forms a part of and is incorporated into the Irrigation Right.
- 20.4. Save for each clause detailed in this clause 20, all other terms and conditions of the Irrigation Right remain unamended.

Annexure 3 - Zone Flow Delivery Right Midlands Irrigation Scheme (the “Delivery Right”)

21. Pursuant to clause 23.5 (Variation and Waiver) of the Delivery Right, the Parties Agree the following:

- 21.1. CLAUSE 6 and 7 “Tradability and Transfer of the Customer’s Zoned Flow Rate” – if the Southern Midlands Council elects to transfer a zoned flow delivery right for any monetary consideration, they may recover their costs and expenses, after which any profits made are to be transferred and retained by TI. Water is only to be traded, if water is not required to fill the lake in a particular year.
- 21.2. CLAUSE 23.8 “Whole Agreement”- this MoU forms a part of and is incorporated into the Delivery Right.
- 21.3. Save for each clause detailed in this clause 21, all other terms and conditions of the Delivery Right remain unamended.

Annexure 4 - Connection Agreement - Pipeline Connection (the “Connection Agreement”)

22. Pursuant to clause 16.4 (Variation and Waiver) of the Connection Agreement, the Parties Agree the following:

- 22.1. CLAUSE 4.4 (FWAP) - The requirement for Farm Water Access Plan (FWAP) does not apply to SMC. FWAP’s have been replaced by the ‘*Operational Plan – Water Allocation Lake Dulverton, Oatlands, 2014*’, now covered by the Operational Plan)
- 22.2. CLAUSE 16.7 – “Whole Agreement” - this MoU forms a part of and is incorporated into the Connection Agreement.
- 22.3. Save for each clause detailed in this clause 22, all other terms and conditions of the Irrigation Right remain unamended.

MISCELLANEOUS

Law and Jurisdiction

23. This MoU is governed by the laws of Tasmania and each party irrevocably and unconditionally submits to the exclusive jurisdiction of the courts of Tasmania.

Inconsistency

24. It is the intention of and agreed by the Parties, that if there is any inconsistency or conflict between the provisions of this MoU and the Irrigation Right, Delivery Right, Connection Agreement and the "Annexure 1 Trading Rules" (or any other document executed in connection herewith), the terms of this MoU shall prevail to the extent necessary to resolve such inconsistency.

Severance

25. If any provision of this agreement is invalid and not enforceable, other provisions which are self-sustaining and/or capable of separate performance with regard to the invalid provision, are and continue to be valid and enforceable on their terms.

Counterparts

26. This document may be executed in any number of counterparts, all of which taken together are deemed to constitute one and the same document.

Executed as an agreement on _____ / _____ / _____

Signed for and on behalf of Southern Midlands Council
by a duly authorised representative in accordance with
s126 of the Corporations Act 2001 (Cth):

By:

Signature



Name

TF KIRKWOOD

Position

GENERAL MANAGER

In the presence of:

Signature



Name

MARIA WEEDING

Position

NRM UNIT MANAGER

Execution by Tasmanian Irrigation Pty Ltd by
a duly authorised representative in accordance with
s126 of the Corporations Act 2001 (Cth):

CEO:

Signature

Name

Secretary:

Signature

Name

Attached and executed together with this MoU:

1. ANNEXURE 1 – TRADING RULES
2. ANNEXURE 2 – IRRIGATION RIGHT
3. ANNEXURE 3 – ZONED FLOW DELIVERY RIGHT
4. ANNEXURE 4 – CONNECTION AGREEMENT

March Woodsdale Community Memorial Hall

Est. 1905

MINUTES – General Committee Meeting

Monday 19th June 2023

Woodsdale Hall

Welcome/Opening:

- The President welcomes members and declares the meeting open at 7.35 pm.

Attendance:

Mrs Kaye Rowlands, Mrs Sally Stubs, Mrs Ann Scott, Mr Leon Scott, Mrs Marion Wiggins, Mrs Ann Wiggins, Ms Alyson Scott

Apologies:

Mrs Allison Scott, Mrs Karen Dudgeon, Ms Kate Bourne

Moved: Sally Stubs

Seconded: Alyson Scott

Motion Carried

Confirmation of Minutes for the last meeting – May 29th 2023

Moved: Marion Wiggins

Seconded: Leon Scott

Motion Carried

Business Arising from Previous Minutes – 29th May 2023

- Defibrillator has arrived – thanks to Alyson for picking it up. Will advertise it on the Community notice page. Installation to be at the hall in the entrance to the toilets near the wheely bins- solar security light over the top – need to purchase one. Ask Graeme/Martin to put it up.

When installed - organise a training night – approach Kristyn.

- Heat pump repairs – Horne from Bothwell will install it. Waiting on a call.
- Paper towel has arrived – Alyson to pick it up from the council.
- Toilet painting quote from Stuart Wilson - paint \$1200 (paint) \$1300 labour.

Moved: Ann Scott

Seconded : Alyson Scott

That we organise a quote from Mr Stuart Wilson for all the painting required and present it to Council. Painting has not been done for 20 years, requires attention.

- Whipper snippering completed by Council. Very happy with the result.
- Football dinner - \$35 per head. Confirmed for August 5th.
- 2 course meal – pork, lamb, chicken (10kg of each). Potato, swede, carrots, peas/corn, cauliflower/broccoli bake with a bread roll/butter. 68 last year – 10 workers.
- Dessert – Pavlova, fruit salad, apple strudel with icecream and whipped cream.
- Tea and coffee. Red serviettes.

Financial Report:

Balance at 19th June 2023 – \$10484.12

Treasurers report – ready to hand to council for audit– left with Kaye to pass on.

Moved: Alyson Scott

Seconded: Mr Leon Scott

Motion Carried

Correspondence: NIL

General Business:

- Cleaning outside of hall - Ian and Anthony to organise.

Moved: Kaye Rowlands

Seconded: Leon Scott

Motion Carried

Bookings:

- Hairdresser did not turn up – no further bookings confirmed.

Annual General Meeting Date: September 18th 2023

Meeting Closed at 8.05

NEXT MEETING – July 24th

TASMANIAN PLANNING SCHEME - SOUTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE

REFERENCE: DRAFT AMENDMENT DA2300/40

The *Tasmanian Planning Scheme – Southern Midlands Local Provisions Schedule Map* is amended by rezoning the land at 1844 Midland Highway, Bagdad described as Certificate of Title 184820/1 and Certificate of Title 184820/2 from the Future Urban Zone to the Village Zone as shown below in Figure 1. The Planning Authority is satisfied that draft amendment DA2300/40 meets the Local Provisions Schedule Criteria as provided in Section 34 of the *Land Use Planning and Approvals Act 1993*.

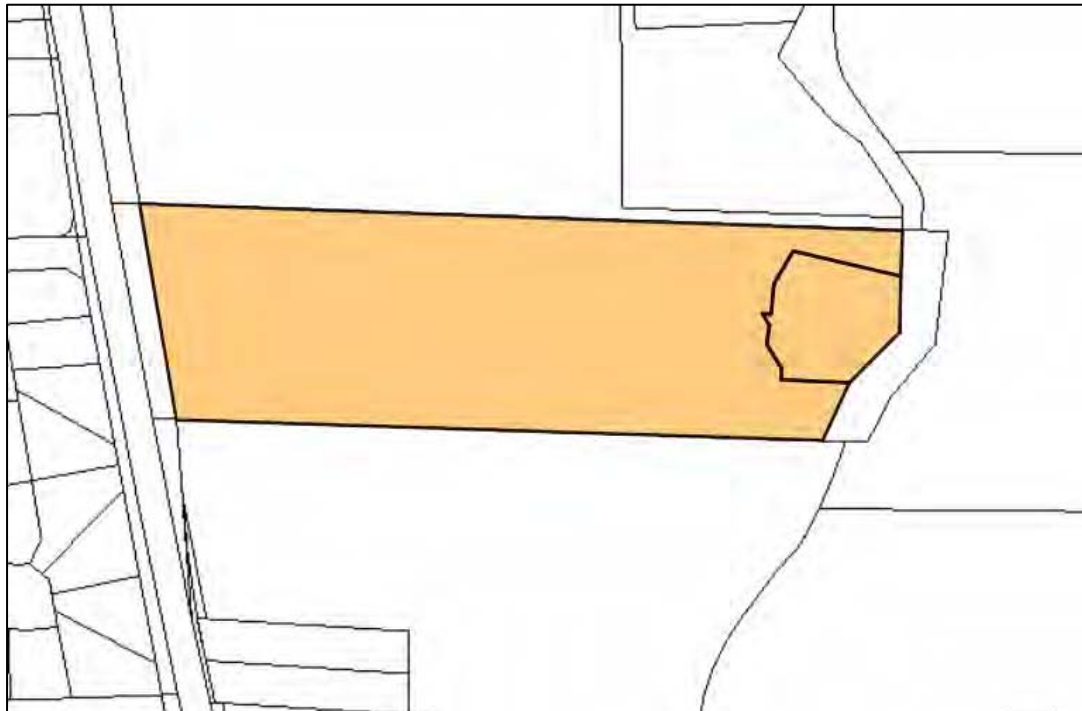


Figure 1: Application of Village Zone to 1844 Midland Highway, Bagdad (CT184820/1 and CT 184820/2)

The seal of the Southern Midlands Council is affixed hereunto per the resolution of the Planning Authority made on the 26th July 2023 in accordance with Section 40F of the *Land Use Planning and Approvals Act 1993* in the presence of:

.....

General Manager

Southern Midlands Council

Date.....

Linda Cartledge

From: Mingming Ma <mma@jmg.net.au>
Sent: Thursday, 16 March 2023 10:18 AM
To: Development and Building
Cc: Matthew Clark; Jacqueline Tyson
Subject: Planning Scheme Amendment application - 1844 Midlands Highway, Bagdad

Dear General Manager,

Please see the shared folder link for the Planning Scheme Amendment application at 1844 Midlands Highway, Bagdad.

 [J220336PL - 1844 Midlands Highway - Planning Scheme Amendment Application](#)

Kind regards,
Ming

Mingming Ma | TOWN PLANNER
JMG ENGINEERS & PLANNERS

117 Harrington Street HOBART TAS 7000
E: mma@jmg.net.au
P: 03 6231 2555



[Email Confidentiality Notice and Disclaimer](#)



Application for Planning Scheme Amendment

Lodgement Date:	Property Id No:
Application No:	Zoning:

Type of Amendment: Change to Maps Change to Ordinance

Description of Amendment: Rezoning Land at 1844 Midland Highway from Future Urban to Village, removing Priority Vegetation Area within the subject site

Location of Proposed Development:
 Address: 1844 Midland Highway
 Suburb/Town: Bagdad Postcode: 7030
 Certificate of Title No: 143469/2 Lot No:

Current Owners: 1844 Midland Pty Ltd


Is a related application for development or subdivision also being submitted in accordance with Section 43A of the Land Use Planning and Approvals Act 1993? YES NO

Applicant:
 Name (Mr/Mrs/Ms) JMG Engineers & Planner OBO 1844 Midland Pty Ltd
 Address: 117 Harrington Street
 Suburb/Town: Hobart Postcode: 7000
 Telephone (Daytime Contact): 6231 2555 Facsimile:

If you have had pre-application discussions with a Council Officer, please give their name. Jacqui Tyson

Declaration:

- I have read the Certificate of Title and Schedule of Easements for the land and I am satisfied that this application is not prevented by any restrictions, easements or covenants.
- I authorise the provision of a copy of any documents relating to this application to any person for the purposes of assessment or public consultation. I agree to arrange for the permission of the copyright owner of any part of this application to be obtained. I have arranged permission for Council's representatives to enter the land to assess this application.
- In accordance with Section 33(2A) of the Land Use Planning and Approvals Act 1993, the written consent of the owners to the making of the request is attached.**
- I declare that the information in this application is true and correct.

Applicant's Signature:  Date: 16/3/2023

PLEASE SEE CHECKLIST OVER PAGE

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Planning Scheme Amendment Checklist

To ensure that we can process your application as quickly as possible, please read the following checklist carefully and ensure that you have provided all the necessary information. If you are unclear on any aspect of your application. Please contact our Planning Department on 6259 3011 to discuss or arrange an appointment concerning your proposal.

All requests for Amendments require the following information to be provided at the time of submitting the application. *However upon assessment, additional information may be requested.*

- ❑ A completed Application for Planning Scheme Amendment form. Please ensure that this form has the correct address and contact details, contains an accurate description of the proposal, is signed by the applicant and is dated.
- ❑ A current copy (less than 3 months old) of the Certificate of Title to the land containing the:
 - Search Page
 - Plan, Sealed Plan or Diagram
 - Any Schedule of Easements, Covenants, Council Notifications or Conditions of Transfer
- ❑ 1 copy of a written submission supporting the amendment including:
 - Detailed description of the requested amendment identifying the extent of its application.
 - Consideration of the Objectives of the Land Use Planning and Approvals Act 1993
 - Consideration of the relevant provisions of the Planning Scheme such as the Intents, Development Principles, Objectives and detailed provisions of this zone
 - Strategic impact of the proposal such as alternative uses, flow on development and cumulative impacts
- ❑ Relevant Application Fees (See Application Fees form)

PLANNING REPORT

FOR 1844 MIDLAND PTY LTD

1844 Midland Highway, Bagdad S.37 Planning Scheme Amendment

March 2023



Johnstone McGee & Gandy Pty Ltd

ABN 76 473 834 852 ACN 009 547 139

www.jmg.net.au

HOBART OFFICE
117 Harrington Street
Hobart TAS 7000
Phone (03) 6231 2555
infohbt@jmg.net.au

LAUNCESTON OFFICE
49-51 Elizabeth Street
Launceston TAS 7250
Phone (03) 6334 5548
infofn@jmg.net.au

Issuing Office: 117 Harrington Street, Hobart 7000								
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Executive Summary

This report has been prepared in support of a Section 37 application under the *Land Use Planning and Approvals Act 1993* for a proposed amendment to the *Tasmanian Planning Scheme - Southern Midlands Local Provisions Schedule*. A recent subdivision approval excised the existing house from the parent lot (SA 2022/09).

Section 37 of the *Land Use Planning and Assessment Act 1993* allows for a request to be made to a planning authority to amend a planning scheme administered by it.

The proposed scheme amendment involves rezoning the site from Future Urban Zone to Village Zone at 1844 Midland Highway. The proposed rezoning will enable the site to be made available for residential and mixed-uses which is consistent with the Village Zone. Given the results of the Natural Assets Assessment (that found that there are no threatened vegetation communities, threatened species, or threatened species habitat present on the land) it is proposed to remove the Priority vegetation area overlay. No other changes to the overlay maps are proposed as part of this application.

It is submitted that the proposed amendment ought to be considered under Section 37 of the *Land Use Planning and Approvals Act 1993* on the basis that it is consistent with the requirements of Section 32 and the objectives of the Act. The proposed amendment also complies with the Ministerial Guidelines No. 1 as the land meets the zone purpose of the Village Zone, as well as the zone application guidelines VZ1, VZ2, VZ3, and VZ4, and is in general conformity with the Bagdad-Mangalore Structure Plan (2010) which identifies the land for long-term urban development within the Bagdad village.

1 Introduction

JMG Engineers & Planners have been engaged by 1844 Midland Pty Ltd to prepare a planning scheme amendment on their behalf. This report has been prepared in support of the proposed amendment to the *Tasmanian Planning Scheme - Southern Midlands Local Provisions Schedule* under Section 37 of the *Land Use Planning and Approvals Act 1993*, lodged with the Southern Midlands Council. The proposed rezoning of the site is proposed **from 'Future Urban' to 'Village Zone'** at 1844 Midland Highway, Bagdad.

The reason for the amendment is to enable the subject site to be developed with residential dwellings, as there is significant demand for new urban land within the vicinity of the site. The subject site comprises land that can be fully serviced with water sewer and stormwater. The proposed amendment also meets the Zone Purpose and Application Guidelines identified in Ministerial Guideline No. 1. It would also provide for a rational zone layout consistent with the zoning of Bagdad settlement as a Village, whilst maintaining a suitable buffer to the Environmental Management, Agricultural, and Rural land uses within the wider vicinity of the subject site.

1.1 Site Location & Context

The subject site is located at 1844 Midland Highway, Bagdad (see Figure 1) with a single title (CT 143469/2) which is owned by 1844 Midland Pty Ltd. Title information is enclosed in Appendix A.



Figure 1 - Subject Site and Surrounding Area (Source from LISTmap, access at 02.09.2022)

The subject site is an undeveloped site which slopes at gentle grade towards both the Midland Highway to the west and Bagdad Rivulet to the east. The area of the subject site is 3.8ha with a 108m long frontage facing Midland Highway. The land adjoins land to the north currently under construction as residential (10 East Bagdad Road), established residential land to the west, rural residential land to the south and rural land east (beyond the rivulet).

1.2 Planning Context

The subject site is zoned Future Urban under the *Tasmanian Planning Scheme - Southern Midlands Local Provisions Schedule* (See Figure 2). The land to the south is zoned Future Urban, with land across Midland Highway and land to the north zoned Village. Land in the wider vicinity is zoned Environmental Management, Agricultural, and Rural.

The subject site is fully covered by the Bushfire-prone Areas Code and is partially within the Natural Assets Code (Priority vegetation area) to the west of the site along Midland Highway, and the Waterway and coastal protection area to the east of the site along Bagdad Rivulet (see Figures 3-5 below).

There are no heritage-listed places on or adjoining the site.

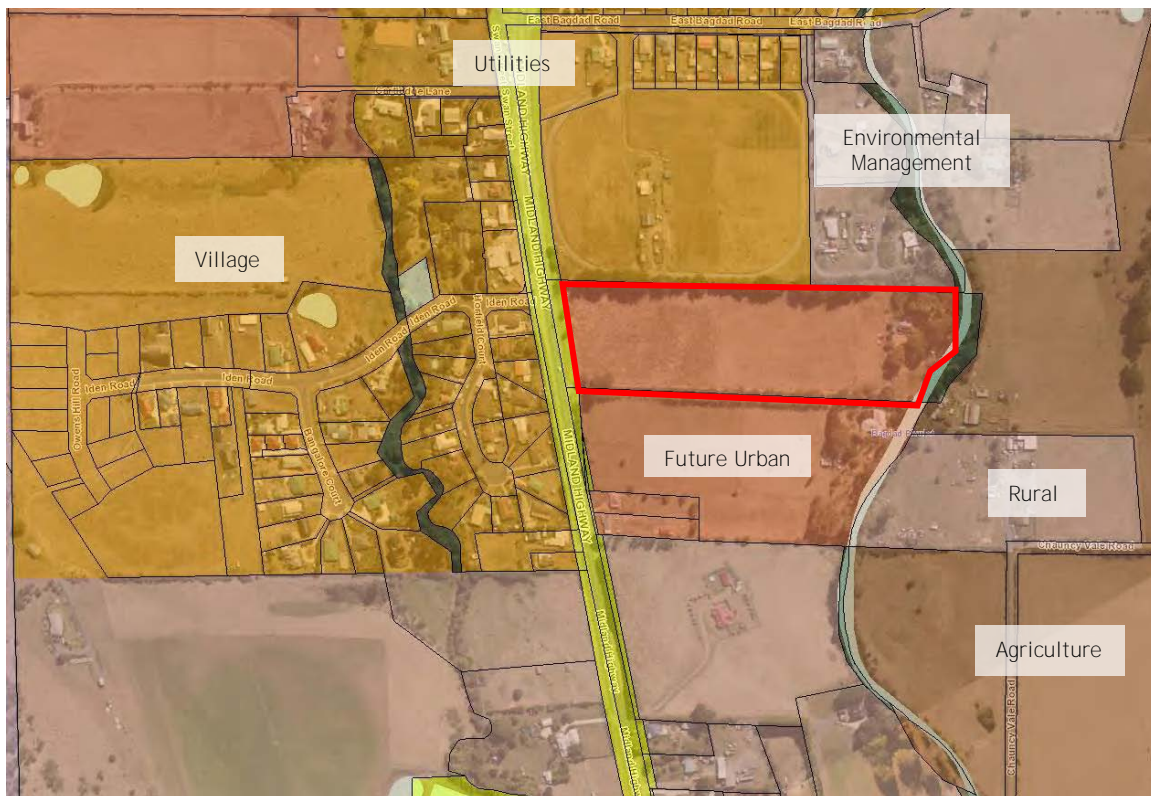


Figure 2 - Existing Zoning of the Subject Site and Surrounding Areas (Source from LISTmap, access at 02.09.2022)



Figure 4 - **Extent of 'Waterway and coastal protection area' Overlay** of the Subject Site and Surrounding Areas (Source from LISTmap, access at 02.09.2022)



Figure 5 - **Extent of 'Priority vegetation' Overlay** of the Subject Site and Surrounding Areas (Source from LISTmap, access at 02.09.2022)

2 The Proposal

2.1 Scheme Amendment for Site Rezoning

The proposed scheme amendment involves rezoning the 3.8ha site from Future Urban to Village Zone. The amendment will affect the *Tasmanian Planning Scheme - Southern Midlands Local Provisions Schedule* zoning map.

The proposed zoning will allow for the development of urban, residential, and mixed-uses on the site, which is in accordance with the current zone purpose which seeks to identify land for future urban use and development.

The proposed zoning as Village would be in keeping with the wider zoning pattern and character of the area, including the existing settlement pattern, use, layout, and development of Bagdad as the area is already urban in nature, and the land has already been identified (through the Future Urban zoning) for the expansion of the settlement.

The proposed rezoning would allow an adequate interface between the urban areas of the settlement and the Rural/Agricultural land to the east of the settlement, across the Bagdad Rivulet by providing urban uses that front the Midland Highway and generally follow the pattern of development existing with the Bagdad settlement. This pattern is characterised by Village development west of the Rivulet and Rural/Agricultural land uses to the east of the Rivulet. This pattern is in accordance with the spatial layout proposed within the Bagdad - Mangalore Structure Plan that identifies suitable sites for future urban uses and identifies the areas with 800m of the settlement as a walking catchment. The location and layout also respond to the land supply needs identified in the plan for the settlement **which seeks to consolidate residential land in “close proximity to Bagdad with good transport access”**.

The proposed zoning of the areas proposed to be rezoned is identified in Figure 6 and enclosed in Appendix E.



Figure 6. Proposed Rezoning Area (Source from LISTmap, access at 02.10.2022)

2.1.1 Consideration of Alternative Forms of Zoning Amendments

An SAP/PPZ was considered as an alternative manner to control development on the site. With regards to the potential use of a SAP/PPZ, this can only be applied for use or development with significant social, economic or environmental benefit to the State, a region or a municipal area in accordance with S32(4)(a) of LUPAA Act, and a PPZ can only be applied for use or development where a particular area of land has unique environmental, economic, social, or spatial qualities in accordance with S32(4)(b) of LUPAA. It was considered that, whilst the site is a large development site in the context of Bagdad, that the benefit would not be considered significant and that the land did not have unique qualities to warrant a SAP or PPZ.

Since the land is currently zoned as Future Urban, which has the purpose to “identify land intended for future urban use and development” and to “support the planned rezoning of land for urban use and development in sequence with the planned expansion of infrastructure”, the most appropriate approach was to rezone the land as proposed.

The proposed zoning is in accordance with Ministerial Guideline No.1, and the land is most suitable to be zoned for Village Zone having regard to the zone purpose (of both the Future Urban zone and the proposed Village Zone) and zone application guidelines (see below for further details).

2.1.2 Consideration of Potential Land Use Implications

Current versus proposed zone uses

The proposed rezoning will have implications for the use of the site. These are shown below in Table 1, which provides a comparison of the uses that can be approved under the existing zoning with the potential uses that could be approved following the rezoning (uses that are underlined and bold are those that can potentially occur in the proposed zone, but which are prohibited in the current zone). As noted above, the site is currently zoned for Future Urban and the proposed amendment to Village Zone would enable a greater level of urban use on the site.

Table 1: Current versus proposed zone uses

Status	Future Urban Zone (current)	Village Zone (proposed)
No Permit Required	<ul style="list-style-type: none"> <i>Natural and Cultural Values Management</i> <i>Passive Recreation</i> 	<ul style="list-style-type: none"> <i>Natural and cultural values management</i> <i>Passive Recreation</i> <u><i>Residential (If for a single dwelling.)</i></u> <u><i>Utilities (if for minor utilities.)</i></u>
Permitted	<ul style="list-style-type: none"> <i>Residential (If for a single dwelling or home-based business.)</i> <i>Resource Development (If for agricultural use, excluding controlled environment agriculture.)</i> <i>Utilities (If for minor utilities.)</i> 	<ul style="list-style-type: none"> <u><i>Business and Professional Services</i></u> <u><i>Community Meeting and Entertainment</i></u> <u><i>Educational and Occasional Care</i></u> <u><i>Emergency Services</i></u> <u><i>Food Services</i></u> <u><i>General Retail and Hire</i></u> <u><i>Residential (If not listed as No Permit Required.)</i></u>

Status	Future Urban Zone (current)	Village Zone (proposed)
		<ul style="list-style-type: none"> • <u>Service Industry (If not for motor repairs or panel beating.)</u> • <u>Sports and Recreation</u> • <u>Storage (If not for liquid fuel depot or solid fuel depot.)</u> • <u>Visitor Accommodation</u>
Discretionary	<ul style="list-style-type: none"> • <u>Utilities (If not listed as Permitted.)</u> 	<ul style="list-style-type: none"> • <u>Bulky Goods Sales</u> • <u>Crematoria and Cemeteries (If for a cemetery.)</u> • <u>Custodial Facility (If for a remand centre.)</u> • <u>Domestic Animal Breeding, Boarding or Training</u> • <u>Equipment and Machinery Sales and Hire</u> • <u>Hotel Industry</u> • <u>Manufacturing and Processing If for: (a) a craft industry or an artist's studio; or (b) alterations or extensions to existing</u> • <u>Manufacturing and Processing.</u> • <u>Pleasure Boat Facility</u> • <u>Research and Development</u> • <u>Resource Processing (If not for an abattoir, animal saleyards or sawmilling.)</u> • <u>Service Industry (If not listed as Permitted.)</u> • <u>Tourist Operation</u> • <u>Transport Depot and Distribution</u> • <u>Utilities (If not listed as No Permit Required.)</u> • <u>Vehicle Fuel Sales and Service</u> • <u>Vehicle Parking</u>
Prohibited	All other uses	All other uses

The above comparative analysis demonstrates that the proposed rezoning from Future Urban to Village Zone will enable significant changes to the No Permit Required, Permitted, and Discretionary uses. This change accords with the intention of the current Future Urban Zone in so far as the uses enabled under the proposed rezoning accord with the intention of the current **zone to identify land for future 'urban use and development', for which the Village Zone enables.** This urban use is confirmed by the Village Zone 'Zone Purpose' which includes 'providing for **small rural centres with a mix of residential, community services and commercial activities**' and 'provide amenities for residents appropriate to the mixed use characteristics of the zone'.

Relevant Use Standards

Uses in the Village zone land will be subject to use standards within Clauses 12.3. Key clauses within each of these controls are summarised below.

12.3.1 All non-residential uses

Objective: That non-residential use: (a) is compatible with the mixed use characteristics of a village; and (b) does not cause unreasonable loss of amenity to adjacent sensitive uses.

12.3.2 Visitor Accommodation

Objective: That Visitor Accommodation: (a) is compatible with the character and use of the area; (b) does not cause an unreasonable loss of residential amenity; and (c) does not impact the safety and efficiency of local roads or rights of way.

Relevant Development Standards

Development on Village Zone land will be subject to development controls within Clause 12.4 of the Planning Scheme. Key clauses within each of these controls are summarised below. The proposed rezoning will not significantly affect the character of the area since the majority of surrounding land is already zoned as Village Zone (to the west and north), with Future Urban Zone land to the south, and Environmental Management Zone land to the east (along the Rivulet). Since the **land is already zoned for Future Urban use, the principle of 'urban' use and development has been accepted on the site, and as such, the extension of the Village Zone will not have a significant impact on adjoining sites, which will be adequately controlled by existing planning scheme provisions.**

12.4.1 Residential density and servicing for multiple dwellings

Objective: The density of multiple dwellings: (a) makes efficient use of land for housing, and (b) optimises the use of infrastructure and community services.

12.4.2 Building height

Objective: That building height is compatible with the streetscape and does not cause an unreasonable loss of amenity for adjoining properties.

12.4.3 Setback

Objective: That building setback is compatible with the streetscape and does not result in an unreasonable impact on the amenity of adjoining properties.

12.4.4 Site coverage

Objective: That site coverage: (a) is compatible with the character of the development existing in the area; and (b) provides sufficient area for private open space and landscaping.

12.4.5 Fencing

Objective: That the height and transparency of frontage fences: (a) allow the potential for mutual passive surveillance between the road and the dwelling; and (b) provide reasonably consistent height and transparency.

12.4.6 Outdoor storage areas

Objective: That outdoor storage areas for non-residential use do not detract from the appearance of the site or surrounding area.

Relevant Development Standards for Subdivision

Subdivision on Village Zone land will be subject to development controls within Clause 12.5 of the planning scheme. Key clauses within each of these controls are summarised below. The proposed rezoning will not significantly affect the character of the area since controls of

subdivision will manage lot sizes and the majority of surrounding land is already zoned as Village Zone (to the west and north), with Future Urban Zone land to the south. Since the Land is already **zoned for Future Urban use, the principle of 'urban' use and development has been accepted on the site**, and since the proposed rezoning is for the Village Zone, the predominant character and layout of the existing settlement will be continued with similar lot sizes as those already prominent within Bagdad village.

12.5.1 Lot design

Objective That each lot: (a) has an area and dimensions appropriate for use and development in the zone; and (b) is provided with appropriate access to a road.

12.5.2 Roads

Objective: The arrangement of new roads within a subdivision provides: (a) safe, convenient and efficient connections to assist accessibility and mobility of the community; (b) adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.

12.5.3 Services

Objective: That the subdivision of land provides services for the future use and development of the land.

2.1.3 Consideration of Potential Code Implications

Use and development on the land will be subject to Priority Vegetation Area overlay and Bushfire-prone Areas overlay. Key clauses within this control are summarised below. The application of these Codes will not significantly change with the proposed amendment as no change is proposed to the extent of code overlay.

C2.0 Parking and Sustainable Transport Code

Future development will need to ensure the parking facilities are provided at an appropriate level to service the proposed development and use. The parking spaces and accesses need to meet the relevant standard and provisions under this code.

C3.0 Road and Railway Assets Code

Future development will need to demonstrate how it protects the operational efficiency and safety of roads and compliance with the relevant provisions of this code.

C7.0 Natural Assets Code

As part of the subject site is within the Priority Vegetation Area overlay and Waterway and coastal protection area, the Natural Assets Code applies. The TASVEG 4.0 layer on TheList identifies that the site is identified as **'Modified land (Urban areas)'**, and the Natural Values Assessment identifies that no threatened vegetation communities, threatened species, or threatened species habitat present on the land (see Appendix C).

C13.0 Bushfire-Prone Areas Code

As the entirety of the subject site is within the Bushfire Prone Areas overlay, the Bushfire-Prone Areas Code applies.

If future use involves vulnerable or hazardous use or subdivision, A Bushfire Hazard Report will need to be undertaken to assess the provisions under the code.

3 Consideration of Potential Land Use Implications

3.1 Land Use Planning and Approvals Act 1993

The *Land Use Planning and Approvals Act 1993* (**‘the Act’**) is the principal planning Act and forms a component of the Resource Management and Planning System (RMPS). The following section considers the applicable criteria under LUPAA.

3.1.1 Assessment Against Relevant LUPAA S34 Criteria

Section LPS Criteria
The LPS criteria to be met by a relevant planning instrument are that the instrument
(a) contains all the provisions that the SPPs specify must be contained in an LPS; and
(b) is in accordance with section 32; and
(c) furthers the objectives set out in Schedule 1; and
(d) is consistent with each State policy; and
(da) satisfies the relevant criteria in relation to the TPPs; and
(e) as far as practicable, 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
(f) has regard to 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
(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
(h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.

Section 34 (2) (a) requires that a draft amendment of an LPS must contain all the provisions that the SPPs specify must be contained in an LPS. The proposed amendment accords with the structure and contents of the LPS.

Section 34 (2) (b) requires that a draft amendment of an LPS must be in accordance with section 32. The proposed amendments meet with the S32(3) requirements for the LPS provisions as the proposed zone and associated provisions will apply.

Section 34 (2) (c) requires that a draft amendment of an LPS must further the objectives of Schedule 1. This is addressed in Section 3.2 which demonstrates that the proposed amendment will further the identified objectives.

Section 34 (2)(d) requires that a draft amendment of an LPS must be consistent with state policy. This is addressed in Section 3.3 which demonstrates that the proposed rezoning is in accordance with the state policy.

Section 34 (2) (da) requires that a draft amendment of an LPS must satisfy the relevant TPPs. At present, there are no adopted TPPs.

Section 34 (2)(e) requires that a draft amendment of an LPS must be consistent with the regional land use strategy. This is addressed in Section 3.4 which demonstrates that the proposal is consistent with Southern Regional Land Use Strategy 2010 - 2035.

Section 34 (2)(f) requires that a draft amendment of an LPS must be consistent with the strategic plan. This is addressed in Section 3.5 which demonstrates that the proposal is consistent with the Bagdad-Mangalore Structure Plan (2010).

Section 34 (2)(e) requires that a draft amendment of an LPS must be consistent with the LPSs of adjacent municipal areas. This is addressed in Section 3.6 which demonstrates that the proposal is consistent with adjoining LPSs.

Part 3A S34(2)(h) (LUPAA) requires that a draft amendment of an LPS must have regard to the safety requirements of the Gas Safety Act. The proposed amendment relates to land outside of the declared pipeline corridor, and as such will not impact the safety requirements of the Act.

3.2 Assessment Against Relevant LUPAA Objectives

Table 1: Schedule 1, Part 1 Objectives of the Resource Management and Planning System of Tasmania & Part 2 Objectives of the Planning Process Established by the Act

Part 1	Amendment Response
<p><i>(a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i></p>	<p>The proposed amendment promotes appropriate land use and development having regard to the attributes of the subject site and surrounding land that is cleared and will enable the land to be developed for urban use and development. The site is also capable of being fully connected to reticulated services.</p> <p>Stormwater and wastewater will be managed appropriately and will be controlled by provisions in the relevant zones and codes.</p> <p>The amendment will have minimal impact with regards to ecological processes and genetic diversity and accordingly, the amendment is considered to further Objective (a) of Part 1.</p>
<p><i>(b) To provide for the fair, orderly and sustainable use and development of air, land and water; and</i></p>	<p>The proposed amendment will provide for urban use of land and development in a location that:</p> <ul style="list-style-type: none"> • Adjoins existing urban land and is part of an existing village settlement • Is capable of being fully serviced with the reticulated water and sewerage supply • Capable of capturing stormwater and dealing with wastewater onsite <p>Any future development will be required to comply with the existing provisions of the Planning Scheme applicable to the site and will be controlled by provisions in the relevant zones and codes.</p> <p>Accordingly, the amendment is considered to further Objective (b) of Part 1.</p>

<p><i>(c) to encourage public involvement in resource management and planning; and</i></p>	<p>A public notification period will be conducted in accordance with the requirements of the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>Accordingly, the amendment is considered to further Objective (c) of Part 1.</p>
<p><i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i></p>	<p>The proposed amendment will allow urban use and development that utilises the land efficiently, that is capable of being fully connected to reticulated services and roads and promotes growth in the economy and the delivery of urban uses and housing on suitable sites. Accordingly, the amendment is considered to further Objective (d) of Part 1.</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 proposed amendment process is demonstrative of the sharing of responsibility for planning.</p> <p>Accordingly, the amendment is considered to further Objective (e) of Part 1.</p>
<p>Part 2</p>	<p>Amendment Response</p>
<p><i>(a) to require sound strategic planning and coordinated action by State and local government; and</i></p>	<p>The proposed amendment is consistent with the Southern Tasmania Regional Land Use Strategy (refer to Sections below).</p> <p>Accordingly, the amendment is considered to further Objective (a) of Part 2.</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>The proposed amendment contributes to an established planning scheme that sets controls for use and development.</p> <p>Accordingly, the amendment is considered to further Objective (b) of Part 2.</p>
<p><i>(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; and</i></p>	<p>The existing site is cleared land and will have an acceptable environmental effect as outputs will be controlled through the Planning Scheme. It also ensures the efficient use of land that is capable of being fully connected to reticulated services, and has existing road infrastructure, promoting compact urban development.</p> <p>Accordingly, the amendment is considered to further Objective (c) of Part 2.</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>The proposed amendment is consistent with state, regional and municipal policy as outlined in this report. The proposed amendment does not affect the attainment of this objective.</p> <p>Accordingly, the amendment is considered to further Objective (d) of Part 2.</p>

<p>(e) <i>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>The proposed amendment does not affect the attainment of this objective. Accordingly, the amendment is considered to further Objective (e) of Part 2.</p>
<p>(f) <i>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 proposed amendment will directly provide a pleasant, efficient, and safe environment for living providing land for urban mixed-use land adjacent to an existing settlement. Accordingly, the amendment is considered to further Objective (f) of Part 2.</p>
<p>(g) <i>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 proposed amendment will have no impact upon listed or identified places of value, and no sites are identified on the Tasmanian Heritage Register. Accordingly, the amendment is considered to further Objective (g) of Part 2.</p>
<p>(h) <i>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; and</i></p>	<p>The proposed amendment will allow for the increased density of development and the provision of Village uses without adversely impacting on public infrastructure, assets, or utilities as the site makes the best use of land that is capable of being fully serviced and with existing road access. Accordingly, the amendment is considered to further Objective (h) of Part 2.</p>
<p>(i) <i>to provide a planning framework which fully considers land capability.</i></p>	<p>The proposed amendment does not affect the attainment of this objective, and the site was excluded from the State Agricultural Mapping (PUP). Accordingly, the amendment is considered to further Objective (i) of Part 2.</p>

3.3 State Policies

3.3.1 Tasmanian State Coastal Policy 1996

As the subject is not located within 1 kilometre of the high-water mark, it is not subject to the Tasmanian State Coastal Policy 1996.

3.3.2 Water Quality Management 1997

This site is capable of being fully connected to reticulated services from TasWater (Water and Sewer Main), which will ensure water issues are adequately dealt with on-site with minimal off-site impacts. This includes the decommissioning of the existing septic tank associated with the existing house once the site is connected to the reticulated sewer.

Furthermore, the existing provisions within the *Tasmanian Planning Scheme - Southern Midlands* are applicable to the land that will ensure that any future use and development on the land is consistent with this policy.

In terms of stormwater the proposed approach is to detain and treat stormwater in a detention basin and proprietary stormwater device before discharging into a dispersion apron installed on the Bagdad Rivulet embankment (see Appendix).

3.2.3 State Policy on the Protection of Agricultural Land 2009

The subject site is not considered agricultural land for the purposes of the *State Policy on the Protection of Agricultural Land 2009 ('PAL')*, nor is Resource Development a permitted or discretionary use. As such, this policy is not considered applicable to the proposed amendment.

3.2.4 National Environment Protection Measures (NEPMs)

The matters under NEPMs that the National Environment Protection Council identifies as covered **by the NEPC Acts are:** “ambient air quality, ambient marine, estuarine and freshwater quality, the protection of amenity in relation to noise (but only if differences in markets for goods and services), general guidelines for the assessment of site contamination, environmental impacts associated with hazardous wastes, the re-use and recycling of used materials”.

The proposed amendment will not significantly impact any of these identified matters.

3.4 Regional Policies

3.4.1 Southern Tasmania Regional Land Use Strategy 2010-2035

The *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS) is a regional-level policy document providing policies and strategies to guide future land use and development of Southern Tasmania. The key strategic considerations under the Strategy with respect to the current proposal are discussed in the sections below.

Strategic Directions	Amendment Response
(1). <i>Adopting a More Integrated Approach to Planning and Infrastructure</i>	<p>The proposed amendment relates to cleared and altered land adjacent to an existing settlement that capable of being fully serviced by existing social and physical infrastructure systems including reticulated services and road access. The use of the subject site for use and development as proposed in the amendment would ensure that land use and infrastructure planning are coordinated.</p> <p>The amendment is considered to align with Strategic Direction 1.</p>
(2). <i>Holistically Managing Residential Growth</i>	<p>The proposed amendment enables a more contained settlement pattern to be developed in Bagdad as it will facilitate residential development on existing cleared and serviceable land with road connections (on land identified for Future Urban use), to reduce the current pressure on the housing market and deliver a higher density of development on centrally located land within an existing settlement. Any future development will be required to comply with the existing provisions of the Planning Scheme that will help create a more compact settlement pattern, with existing zone controls enabling the delivery of a diversity of housing and urban land use types and densities.</p>

	The amendment is considered to align with Strategic Direction 2.
<i>(6). Increasing Responsiveness to our Natural Environment</i>	The proposed amendment is on land with identified risk, however, existing codes and zone provisions within the current planning scheme will adequately manage these risks. The development of already cleared land will also consolidate residential uses in existing settlements and reduce the conversion and loss of natural assets, whilst maintaining an adequate buffer to land within the immediate area that is of identified agricultural and rural value.
<i>(8). Supporting Strong and Healthy Communities</i>	The proposed amendment would enable denser urban development to be delivered within an existing settlement, which will provide good access to community services and education and health facilities within the existing urban area, on land that is accessible and well designed and located.
<i>(10). Creating Liveable Communities</i>	The proposed amendment will enables the delivery of urban land adjacent to the existing Bagdad settlement, within the identified walking distance of the existing centre of the community (as identified in the Bagdad-Mangalore Structure Plan). It may provide significant support to liveability and provide a high standard of amenity through various services and ability to accommodate mixed-use development.

Relevant strategic plan considerations under the regional strategy with respect to the proposed scheme amendment are discussed below.

3.5 Bagdad-Mangalore Structure Plan

The Bagdad-Mangalore Structure Plan (2010) **seeks to “recognise the values and aspirations of the existing community” and “to outline a structure for land use and recommended actions that will:**

- Enhance the key identified settlement nodes and provide connectivity to a diversity of housing and services based on 20-minute walkable neighbourhoods
- Protect and maintain the important vistas, vegetation and cultural landscapes throughout the corridor
- Limit further development along the spine of the corridor outside walkable catchments, particularly in areas of productive land
- Promote a built form response that recognises existing character and aspirations of the **local community”**

As identified the proposed amendment would further the attainment of these objectives by **consolidating the Bagdad settlement node within the identified 800m “walkable catchment”** which for the area is set at a 10min walk in the Structure Plan. It also consolidates urban uses by following the existing settlement pattern and limiting development east of the Rivulet to protect both this natural feature and the Agricultural/Rural land to the east of the settlement. Following the existing settlement pattern facing the Midland Highway and consolidating urban uses west of the Rivulet also meets the identified findings from community engagement related to **local aspirations around ‘character’ identified in the Structure Plan as “protect forested hilltops/ridgelines, cultivated land (grazing/cropping paddocks), protect and enhance heritage assets, retain rural character”.** This is achieved by through the continuation of the existing settlement pattern and the consolidation of urban uses, the protection of cultivated land and

the continuation of the rural character through the application of the Village Zone which will enable use and development in keeping with the existing character of the area.

The Structure Plan identifies a vision of:

- **“The biodiversity and agricultural land in Bagdad and Mangalore is healthy and enhanced through good land use management**
- The townships provide housing diversity through varied lot sizes and housing styles that cater for growing families and an ageing population
- Future housing development is consolidated within the existing town centre providing walkable neighbourhoods and providing protection of the open rural landscape, public open space and high quality agricultural land
- The townships are vibrant communities that provide social, recreation, education and health services
- Both Bagdad and Mangalore have enhanced movement opportunities through walkable neighbourhoods, bicycle tracks and horse riding opportunities to create an active **community.”**

The proposed rezoning will meet the identified vision by providing urban land that follows the existing settlement pattern in a consolidated form (adjoining the existing settlement and fronting Midland Highway) that provides for walkable neighbourhoods (within 800m of the existing center). This is achieved by limiting urban development, in accordance with the Structure Plan, to land west of the Rivulet to protect this natural asset and to limit encroachment on Rural/Agricultural land outside of the settlement boundary.

It will allow for the delivery of urban land alongside infrastructure, whilst ensuring agricultural heritage, and the environment is protected by developing previously cleared land. The site is **identified in the Structure Plan as an “opportunity for long-term residential development within Bagdad village” as well as being within the ‘800m/10-min walkable catchments’** of the existing Bagdad settlement. As such the proposed scheme amendment to Village Zone is in conformity with the Structure Plan.

In terms of land supply, the Bagdad-Mangalore Structure Plan identifies that in 2010 there were approximately 12-15 years of supply of residential land. This was based on historic growth trends that identified approximately 1.7% yearly population growth. Data from 2011, 2016, and 2021 censuses suggests that this has increased significantly since the Structure Plan was produced, with associated increases in demand for residential land. Given that the original land supply was forecast to be used by 2022-2025, and given higher than anticipated local and regional population growth, there is a need for additional land supply in Bagdad.

It is also worth noting that many of the vacant sites identified as part of the initial land supply in the Structure Plan (such as 10 East Bagdad Road) have now been subject to planning applications and subdivision, with 10 East Bagdad Road (directly adjoining the subject site to the north within the existing Village Zone) with recent approval for and development of a 56 lot subdivision.

It is envisaged that the development of 1842 Midland Highway will require a new junction onto the Midland Highway which will ultimately accommodate some of the traffic generated by the subdivision of the subject site. A centrally located public open space away from the highway is envisaged to service the developing area. Commercial premises onto the highway are permitted under the Village zone use class, although it is unlikely access will be granted onto the highway. This is consistent with the Structure Plan in that these activities are focussed in the Bagdad Village centre.

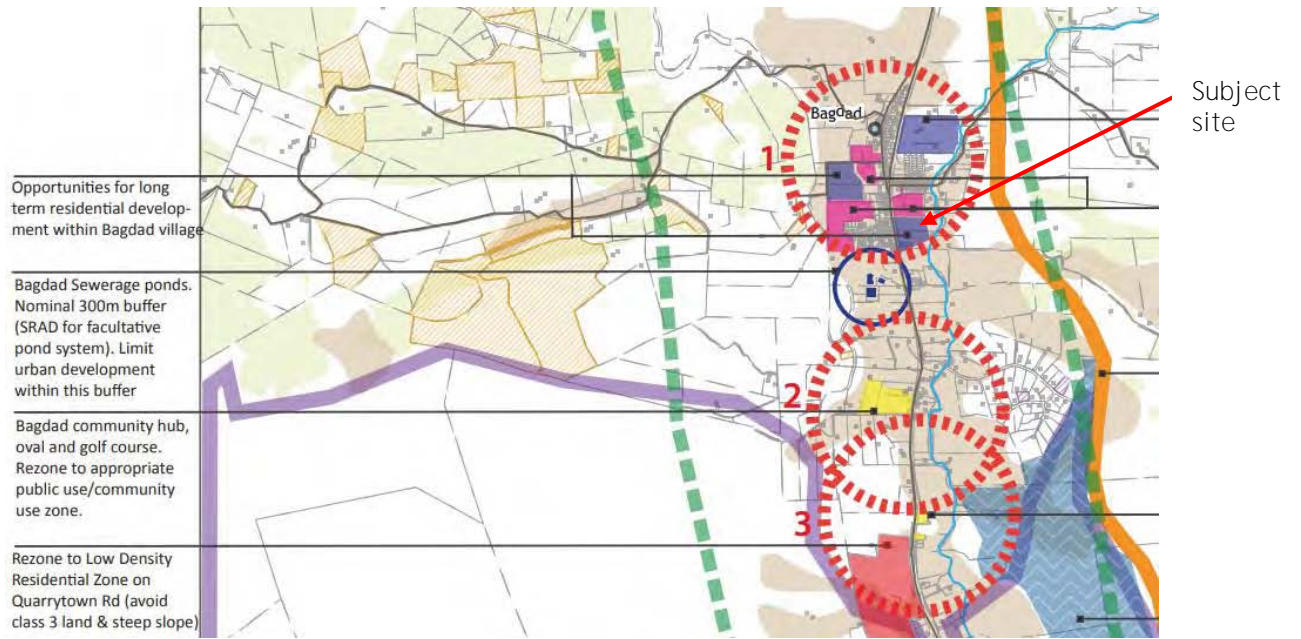


Figure 7 - Bagdad to Mangalore Structure Plan



Figure 8 - Possible Future Plan for 1842 & 1844 Midland Highway

Currently, Department of Treasury and Finance population projections are available which is a significant upward revision to the previous population estimates as a result of much stronger

growth recorded than under any of the population projection scenarios (see Figure 9). In general, it is likely that the projected population increase for Tasmania which has recently been almost entirely reliant on the interstate or overseas migration will continue, with demand for residential dwellings driven by population growth. As such strong population growth projections will have a direct impact on the demand for residential land and dwellings, and there is a clear need for additional residential land supply in the area. Thus, while the latest 2019 projections projected a net loss of population within the Southern Midlands (-561 loss of population or -0.39% annual growth), it is likely that the Southern Midlands will experience positive growth in line with the State-wide trend.

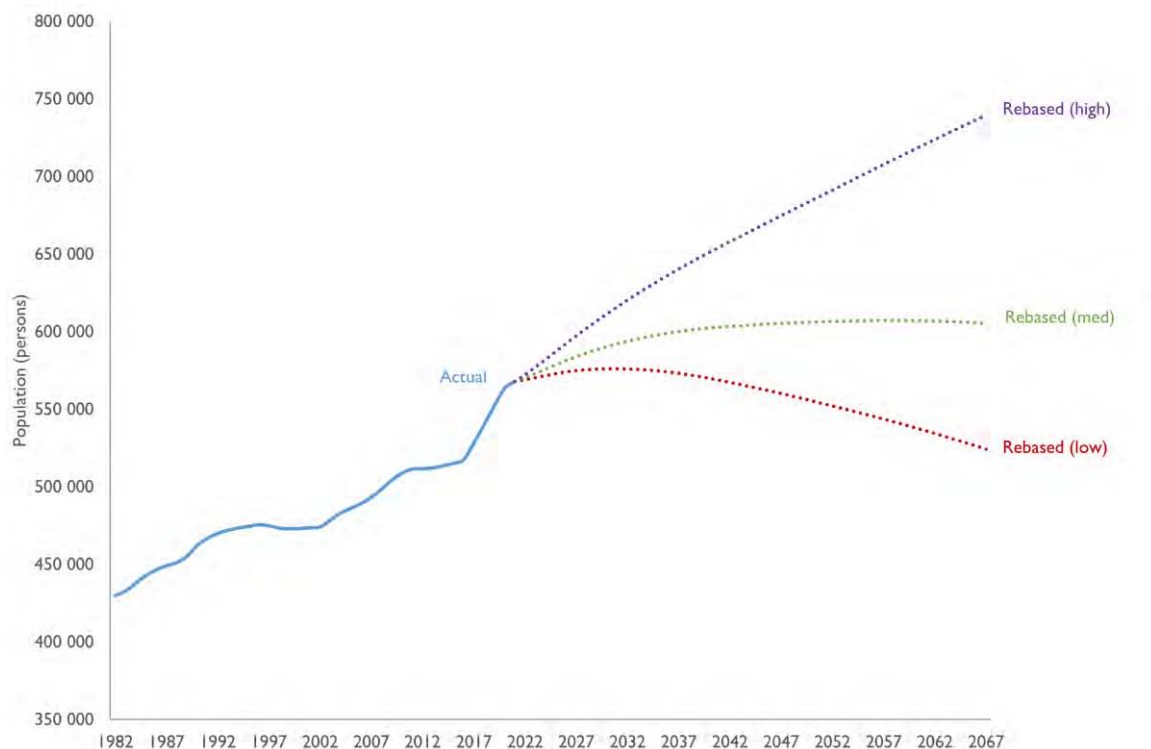


Figure 9 - Total Tasmanian population, and rebased projections as at 30 June (Source from ABS Cat No 3101.0, and updated Treasury calculations.)

3.6 Assessment

Tasmanian Planning Scheme - Southern Midlands Local Schedules Provision

The *Tasmanian Planning Scheme - Southern Midlands Local Provisions Schedule* (**‘the Planning Scheme’**) is the relevant planning instrument.

The subject site is located within the Future Urban Zone. It is subject to the Bushfire-Prone Areas overlay and Priority Vegetation Area overlay.

The **‘Planning Scheme Purpose and Objectives’** under Part A of the Scheme are addressed in the next subsection of this report.

3.6.1 Planning Scheme Purpose and Objectives

The Planning Scheme’s **‘Purpose and Objectives’** are set out in Part A of the Scheme.

3.5.1.1 Planning Scheme Purpose [2.1]

The proposed amendment is consistent with the ‘Planning Scheme Purpose’ **as it furthers the objectives of the Planning System and Planning Processes as set out in Parts 1 and 2 of Schedule 1 of the Act (as outlined previously), as well as being consistent with the objectives of the Planning Scheme as set out in part 3.0 of the Planning Scheme (see below) and is consistent with the LPS Criteria (S34).**

3.5.1.2 Zoning

The relevant zoning aspects associated with the proposed rezoning of the subject site from ‘Future Urban’ to ‘Village Zone’ are addressed in the sections below.

The purpose of the Future Urban Zone as per clause 30.1 of the Planning Scheme, is stated as follows:

30.1 Zone Purpose

The purpose of the Future Urban Zone is:

30.1.1 To identify land intended for future urban use and development.

30.1.2 To ensure that development does not compromise the potential for future urban use and development of the land.

30.1.3 To support the planned rezoning of land for urban use and development in sequence with the planned expansion of infrastructure.

The purpose of the Village Zone as per clause 12.1 of the Planning Scheme, is stated as follows:

12.1 Zone Purpose

The purpose of the Village Zone is:

12.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.

12.1.2 To provide amenity for residents appropriate to the mixed use characteristics of the zone.

In comparing the two Zone Purpose Statements above, the key change in policy direction for the overarching purpose of the land in question can be summarised as follows:

- Currently, the **zone’s** purpose is to provide for future urban use and development, to ensure development does not compromise future urban use and development, and that rezoning is in sequence with the planned expansion of infrastructure.
- Under the proposed rezoning, the purpose of the zone will be primarily to provide for a mixed-use character through land that is suitable for a variety of urban uses.
- As can be seen, under the proposed amendment the land will meet the zone purpose of the existing Future Urban Zone **as the proposed zone comprises broadly ‘urban’ uses** (in the form of the Village Zone). The proposed amendment to the Village Zone will be in keeping with the character of the area and adjoining sites (which are within the Bagdad settlement if zoned Village). Since the site has existing road access, and reticulated services are within the adjoining village land, it demonstrates phasing in sequence with infrastructure expansion.

3.6.2 Ministerial Guideline No.1 Local Provisions Schedule (LPS): zone and code application

Ministerial Guideline No.1 identifies the 'Zone Application Guidelines' for the Village Zone as follows:

VZ 1

The Village Zone should be applied to land within rural settlements where the Urban Mixed Use Zone is not suitable and there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain this mix.

VZ 2

The Village Zone may be applied to land where the full range of reticulated infrastructure services are or are not available.

VZ 3

The Village Zone may cover either:

(a) an entire settlement where the settlement is relatively small and no clear town centre exists or is intended to exist; or

(b) part of a settlement where a high degree of use mix exists or is intended in the centre (otherwise refer to Local Business Zone) the remainder of the settlement may be zoned either General Residential or Low Density Residential depending on the characteristics of the settlement.

VZ 4

The Village Zone should not be applied to existing rural settlements where a mix of uses does not exist or where there is no strategic intention to provide a mix of uses.

The proposed amendment meets these application guidelines as outlined below.

VZ 1

The land subject to the proposed amendment is within a larger area of Agricultural and Rural Living zoned land in the Southern Midlands, and directly adjoins the existing settlement of Bagdad which is zoned Village. As such the proposed zoning would continue the unstructured mix of residential, commercial activities, and community services existing in the current village area. The Bagdad-Mangalore Structure Plan (2010) also identifies the subject site as an opportunity for long-term residential development within Bagdad Village and proposes to continue the village character and zoning of the settlement.

VZ 2

The subject site is able to be connected to a reticulated water supply service and sewerage system as these are present within adjoining land, with a water lateral line already reaching the land.

VZ 3

The Village Zone currently covers the entire settlement of Bagdad, which is relatively small and which has no clear town centre. The Bagdad-Mangalore Structure Plan (2010) seeks to continue the mix of land uses with a focus on small opportunities for local shopping, employment, and local services within the township, with no plans for the development of a clear town centre. The proposed zoning of the land as Village would be in accordance with this strategic direction.

VZ 4

The Village Zone currently covers the entire settlement of Bagdad and a mix of uses currently exists (as recognised by the Bagdad-Mangalore Structure Plan) within the settlement which

adjoins the subject site. As such the proposed continuation of the Village zone is in accordance with this guideline.

4 Relevant Issues

4.1 Context, Setting and Visual Impact

The subject site slopes at a gentle grade towards both the Midland Highway to the west and Bagdad Rivulet to the east, and has a frontage to Midland Highway. The development controls of the proposed Village Zone are such that any future development on site will be of an appropriate nature, consistent with the existing urban scale, mixed-use, and nature of the surrounding village area, and the character of the adjoining Bagdad settlement, and associated residential and urban uses would not significantly obstruct views of the surrounding site.

Furthermore, land immediately adjoining the site to the north and west, (and in the future, to the south), is already zoned for urban uses (being within the Village Zone). The proposed Village Zone is considered to be consistent having regard to the character of the surrounding area. The proposed zoning also meets the Zone Purpose and Application Guidelines identified in Ministerial Guideline No. 1 and would provide for a more rational zone layout that meets the Future Urban use of the land and that is phased alongside infrastructure delivery, to ensure a consistent approach to zoning occurs on land within the settlement area, whilst maintaining a buffer across the Bagdad Rivulet to agricultural and rural uses in the wider vicinity.

4.2 Traffic and Transport Networks

The proposed rezoning of the site from Future Urban to Village Zone is anticipated to likely increase vehicle movements from any development proposed for the site in the future. This is because the proposed change of zoning will likely bring about an intensification of use on-site for residential and mixed-use development.

The development controls of the proposed Village Zone and the Planning Scheme codes are such that any future use and development on site will be appropriately managed in terms of impact on traffic and transport. In addition, any future use or development would be required to meet the Parking and Sustainable Transport Code [C2.0] and Road and Railway Assets Code [C3.0] under the Planning Scheme. The proposal is capable of accommodating a design of vehicle access points during further detailed design that will allow for access points that are consistent with the relevant section of AS/NZS 2890.1:2004. Traffic advice from traffic experts confirms the existing junction will provide an adequate level of service for the development of the site, but notes that the development of 1842 Midland Highway is likely to require a new junction (refer to Appendix G).

4.3 Service Connections

The subject site comprises land that is capable of being serviced by water and sewer. There is no stormwater infrastructure on the site, but stormwater is proposed to be detained on-site via a detention pond, treated through a proprietary water device and then dispersed on the bank of the Bagdad Rivulet (refer to the Concept Services Overall Site Plan in Appendix F). It is proposed to size the detention to accommodate that currently stored in the detention basin on 10 East Bagdad Road, thus maintaining the number of detention basins to one for the area. NBN and electrical services are both available at the site also.

4.4 Noise

Due to the location of some of the land within 50m of the Utilities Zone (along Midland Highway), the relevant Australian Standard is *AS3671:1989 Road Traffic Noise Intrusion - Building Siting and Construction*. This Standard provides a method to determine suitable building construction measures to protect the indoor amenity of dwellings within this area. The recommended indoor background level (as per *AS/NZS 2107:2016 Acoustics - Recommended design sound levels and reverberation times for building interiors*) is identified with AS2107 as 35dBA (both day and night) and specific sound isolation performance measures related to the building facade facing Midland Highway should be incorporated into the detailed design to meet these Australian Standards. This will ensure that an appropriate noise environment is delivered on the site.

4.5 Natural Hazards

There are no known natural hazards affecting the site other than the Bushfire-Prone overlay, and future use and development will be controlled by the applicable zone and code provisions under the planning scheme. In addition, the recommendations of the Bushfire Hazard Assessment undertaken for the previous subdivision (SA2022/09) outline the required protection measures for the proposed lots that include a requirement for Hazard Management Areas for each lot with a restrictive covenant, that requires landowners to not allow for fuel to accumulate and create a fire hazard, to be placed on each title.

4.6 Heritage

A preliminary desktop search has not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics. This has been **identified through an 'Aboriginal Heritage Search Record'**, conducted on 27 September 2022. The site is not listed on the Tasmanian Heritage Register or under the Planning Scheme for historic heritage values.

4.7 Flora and Fauna

The site contains no formally registered natural values, and the site is identified on TheList TASVEG4.0 as 'Modified land' (**Urban area**). However, the site is partially covered by the Priority vegetation area overlay, **and the area is comprised of "a line of pine trees and paddocks containing exotic pasture grasses"**. **The Natural Values Assessment of the site (see Appendix C) identifies that "there are no threatened vegetation communities, threatened species or threatened species habitat present. A thorough survey was carried out for *Lepidium hyssopifolium* which had been recorded in the area. No plants were found."**

4.8 Social Impacts & Economic Impacts

The proposed amendment seeks to provide residential housing on the site as an extension to the existing Village zone. This use will provide additional housing options and urban uses that make efficient use of land that has can be connected to reticulated services and road connections and will support growth and development in the Southern Midlands. The proposed amendment and future use and development of the land will be controlled by the applicable zone and code provisions under the planning scheme that will ensure amenity impacts are appropriately managed.

5 Conclusion

The proposed rezoning for 1844 Midland Highway, Bagdad from Future Urban to Village Zone will enable the delivery of planned urban use and development, in line with planned infrastructure delivery, on the site within the Bagdad settlement on land that has been identified for future urban uses.

The site is subject to the Natural Assets, Priority Vegetation, Waterways and Coastal Protection area and Bushfire-Prone Areas Codes. The amendment proposes to remove the Priority vegetation area as the Natural Values Assessment has identified that no threatened vegetation communities, threatened species, or threatened species habitat present on the land). No other changes to the overlay maps are proposed as part of this application. In addition to considerations related to the Planning Scheme, the proposed rezoning of the subject site has also been analysed against relevant objectives of the *Land Use Planning and Approvals Act 1993*, *Southern Tasmania Regional Land Use Strategy 2010-2035*, the Bagdad-Mangalore Structure Plan (2010), as well as general planning matters.

The proposed scheme amendment has been prepared in accordance with Section 37 of the *Land Use Planning and Approvals Act 1993* which contains the requirements to be considered in assessing a scheme amendment. The proposed scheme amendment is considered to be in accordance with all statutory requirements, including Ministerial Guideline No.1 in terms of Zone Purpose and Zone Application Guidelines. The proposed amendment is therefore recommended for approval by relevant delegates of the Southern Midlands Council.

APPENDIX A

Title Information

SEARCH OF TORRENS TITLE

VOLUME 143469	FOLIO 2
EDITION 5	DATE OF ISSUE 19-Feb-2021

SEARCH DATE : 25-May-2022

SEARCH TIME : 02.34 PM

DESCRIPTION OF LAND

Parish of JERVIS Land District of MONMOUTH
 Lot 2 on Sealed Plan 143469
 Derivation : Part of Lot 31065 (214A-1R-32P) Granted to Lyell
 William Newcomen Cooper.
 Prior CT 124094/1

SCHEDULE 1

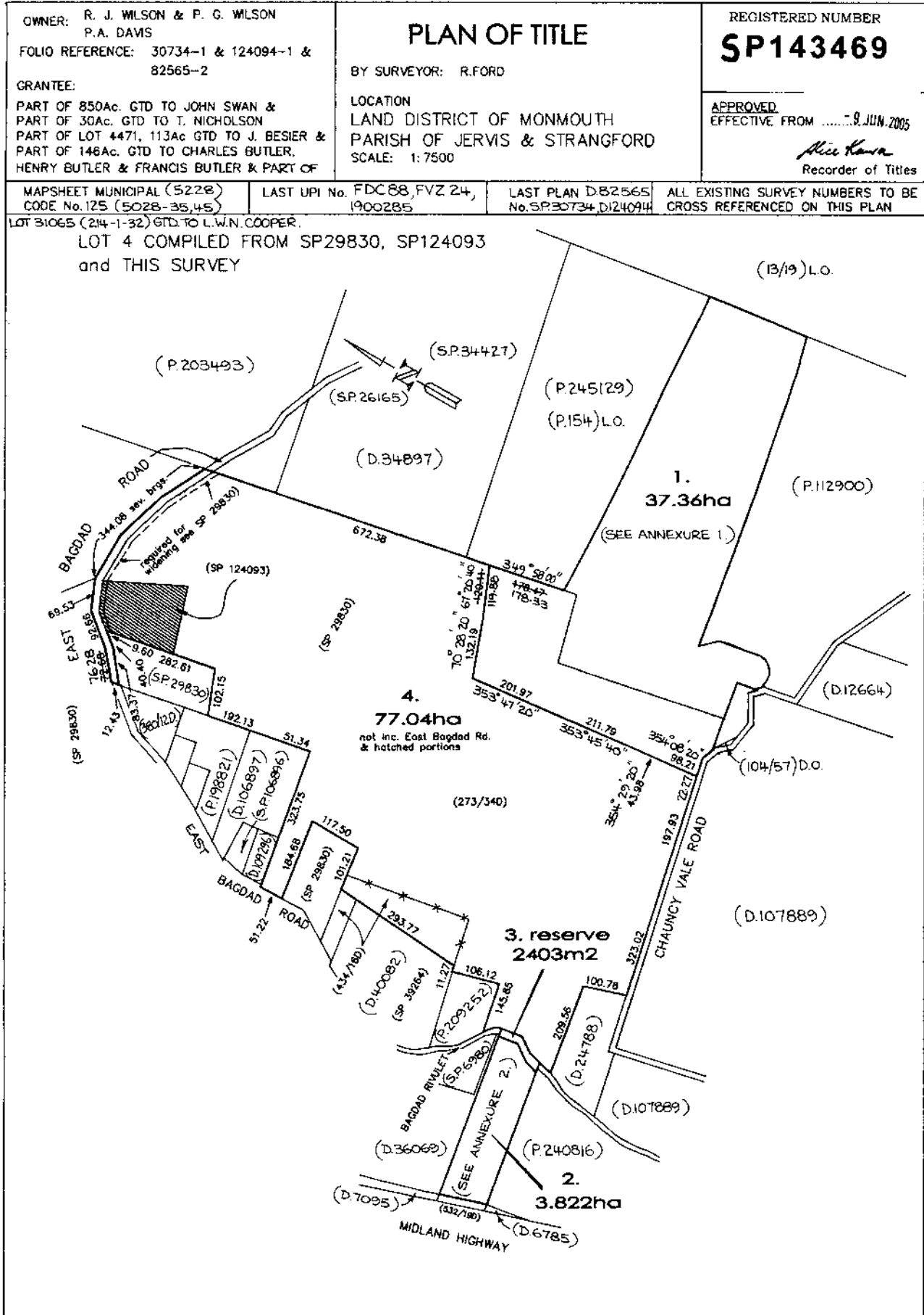
M734809 TRANSFER to ZACHARY WEBSTER and TAYLA IVY
 PATTERSON-DOYLE as tenants in common in equal shares
 Registered 17-Jan-2019 at 12.01 PM

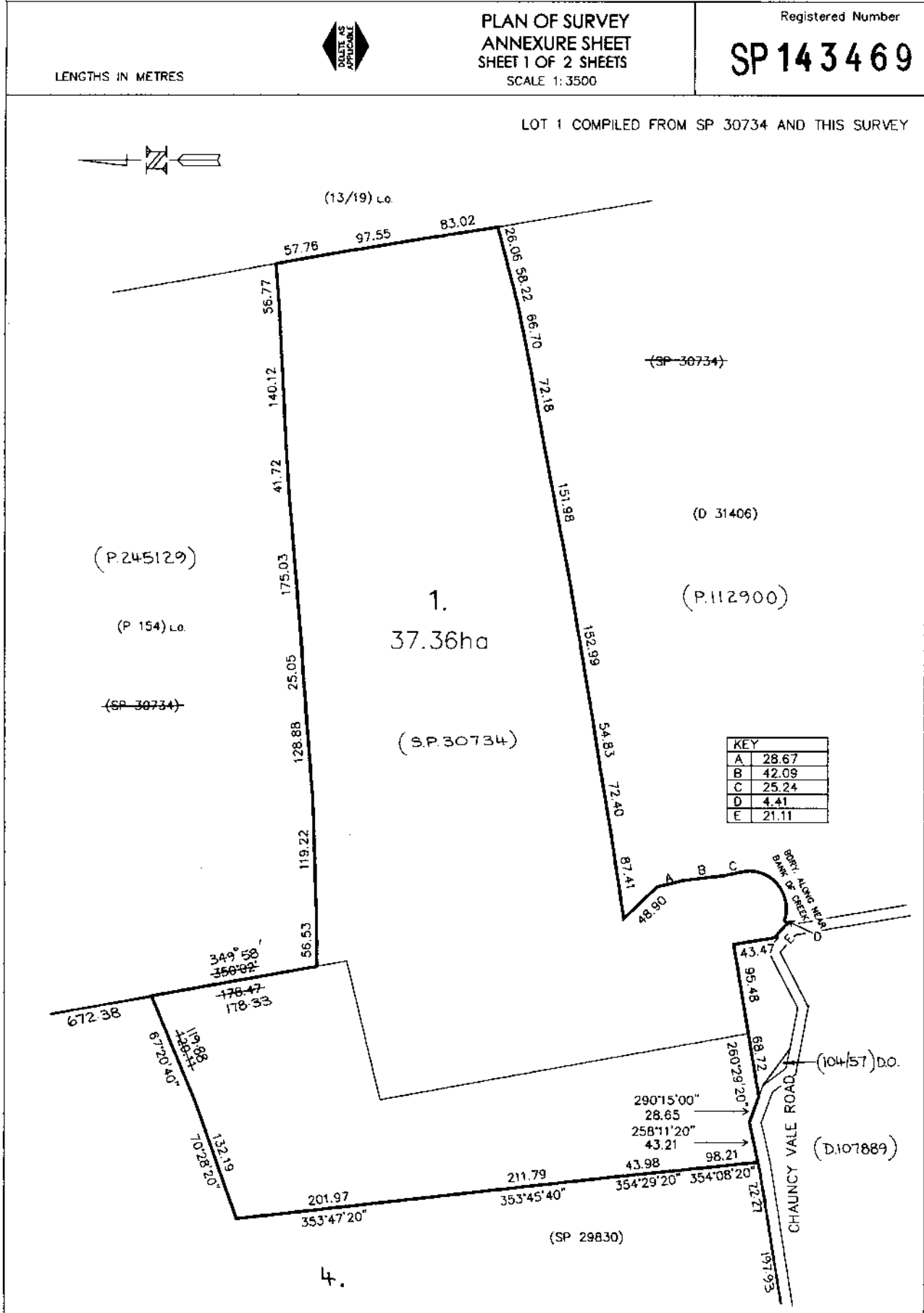
SCHEDULE 2

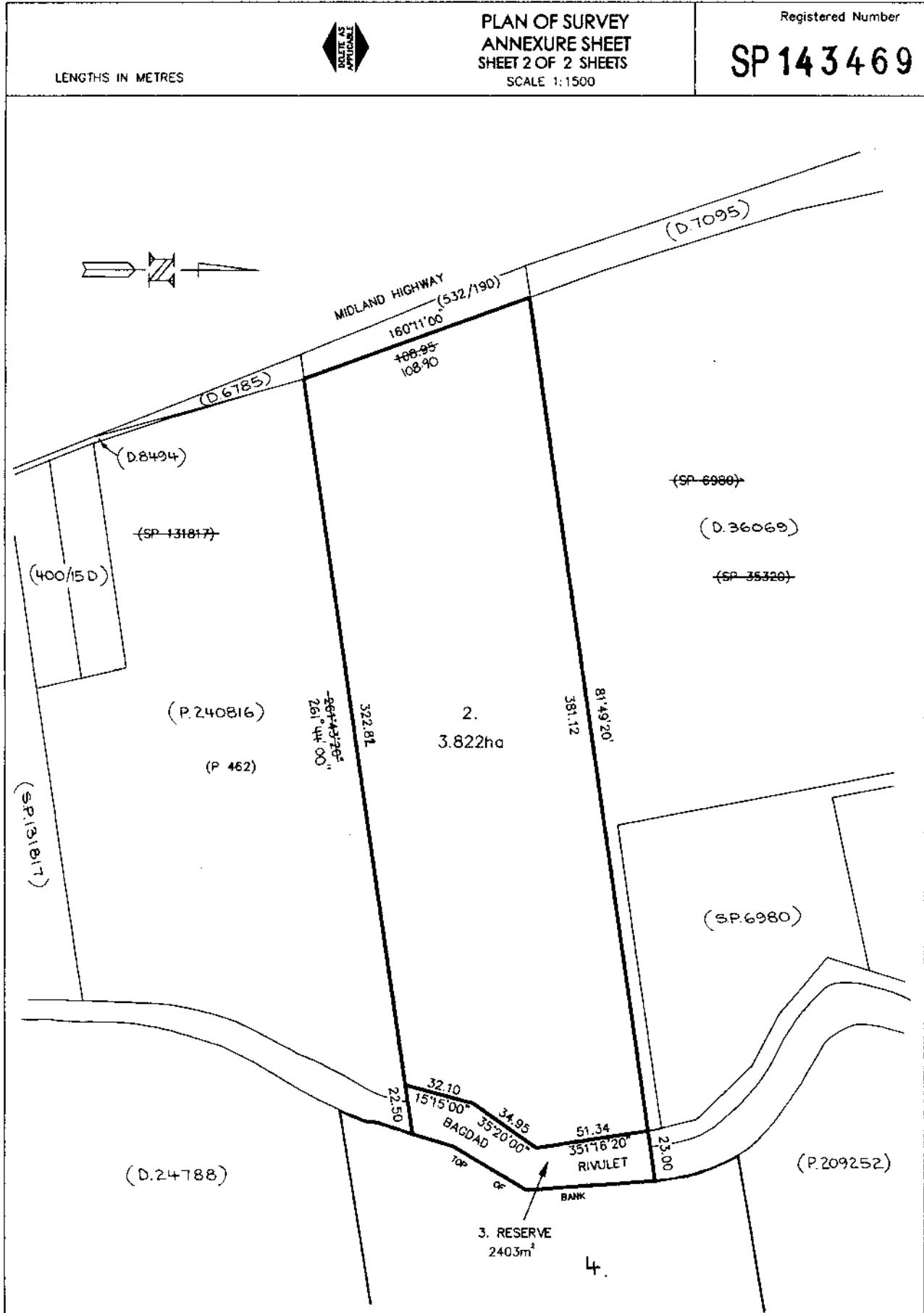
Reservations and conditions in the Crown Grant if any
 SP 29830 SP 143469 FENCING PROVISION in Schedule of Easements
 SP 143469 COUNCIL NOTIFICATION under Section 83(5) of the
 Local Government (Building and Miscellaneous
 Provisions) Act 1993.
 E248906 MORTGAGE to Commonwealth Bank of Australia
 Registered 19-Feb-2021 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

M959432 PRIORITY NOTICE reserving priority for 90 days
 D/MORTGAGE COMMONWEALTH BANK OF AUSTRALIA to ZACHARY
 WEBSTER and TAYLA IVY PATTERSON-DOYLE
 TRANSFER ZACHARY WEBSTER and TAYLA IVY
 PATTERSON-DOYLE to 1844 MIDLAND PTY LTD
 MORTGAGE 1844 MIDLAND PTY LTD to BENNETTO FINANCE PTY
 LTD Lodged by TIERNEY LAW - HUON on 31-Mar-2022 BP:
 M959432
 M952988 DISCHARGE OF MORTGAGE E248906 Lodged by MURDOCH
 CLARKE on 28-Apr-2022 BP: M952988
 M959431 TRANSFER to 1844 MIDLAND PTY LTD Lodged by MURDOCH
 CLARKE on 28-Apr-2022 BP: M952988
 M960564 MORTGAGE to Bennetto Finance Pty Ltd Lodged by
 MURDOCH CLARKE on 28-Apr-2022 BP: M952988







APPENDIX B

Owner Consent

Form No. 1

Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

1. Request made by:

Name(s):

JMG Engineers & Planners OBO 1844 Midland Pty Ltd

Email address

planning@jmg.net.au

Contact number:

6231 2555

2. Site address:

Address:

1844 Midland Highway, Bagdad

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

PID 2620027
CT 143469/2

3. Consent of registered land owner(s):

Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner :

1844 Midland Pty Ltd

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

PID 2620027 CT 143469/2

Position
(if applicable):

Director

Signature:



Date:

27/9/2022

PETER WAYNE LOVICK

Registered owner
(please print):

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position
(if applicable):

Signature:

Date:

Registered owner
(please print):

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position
(if applicable):

Signature:

Date:

NOTES:

a. When is owners' consent required?

Owners' consent is required for:

- amendments to an interim planning scheme or to a Local Provisions Schedule¹; or
- combined permits and amendments².

Owners' consent must be provided before the planning authority determines to initiate, certify or prepare the amendment.

b. Who can sign as owner?

Where an owner is a natural person they must generally sign the owner's consent form personally.

Where an owner is not a natural person then the signatory must be a person with legal authority to sign, for example company director or company secretary.

If the person is acting on behalf of the owner under a legal authority, then they must identify their position, for example trustee or under a power of attorney. Documentary evidence of that authority must also be given, such as a full copy of the relevant Trust Deed, Power of Attorney, Grant of Probate; Grant of Letters of Administration; Delegation etc.

Please attach additional pages or separate written authority as required.

c. Strata title lots

Permission must be provided for any affected lot owner and for common property for land under a strata title under the *Strata Titles Act 1998*. For common property, permission can be provided in one of the following ways:

- a letter affixed with the body corporate's common seal, witnessed by at least two members of the body corporate (unless there is only one member, in which case the seal must be witnessed by that member) and which cites the date on which the body corporate or its committee of management met and resolved to give its consent to the application; or,
- the consent of each owner of each lot on the strata plan.

d. Companies

If the land is owned by a company the form is to be signed by a person with authority in accordance with the *Corporations Act 2001 (Cwth)*.

e. Associations

If the land is owned by an incorporated association the form is to be signed by a person with authority in accordance with the rules of the association.

f. Council or the Crown

If the land is owned by a council or the Crown then form is to be signed by a person authorised by the relevant council or, for Crown land, by the Minister responsible for the Crown land, or a duly authorised delegate.

The name and positions of those signing must be provided.

Effective Date: September 2021

¹ under section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* or section 37 of the current provisions.

² under section 43A of the former provisions or section 40T of the current provisions of the Act

APPENDIX C

Natural Value Assessment

Natural Values Assessment of 1844 Midland Highway, Bagdad

Property: **1844 Midland Highway, Bagdad**

Date: 8 September 2022

Attention: Matt Clark, JMG

Enviro-dynamics has been engaged by the proponent to provide a Natural Values Assessment of 1844 Midland Highway, Bagdad which falls under a Priority Vegetation Area overlay.

Priority Vegetation Overlay

As can be seen in Figure 1, LISTmap shows part of the property as having a Priority Vegetation Area Overlay. Generally, these overlays correspond with a listed threatened vegetation community under the *Nature Conservation Act 2002*, or an area with a significant amount of recorded threatened species. In this case, it is due to the close proximity of historical *Lepidium hyssopifolium* records.

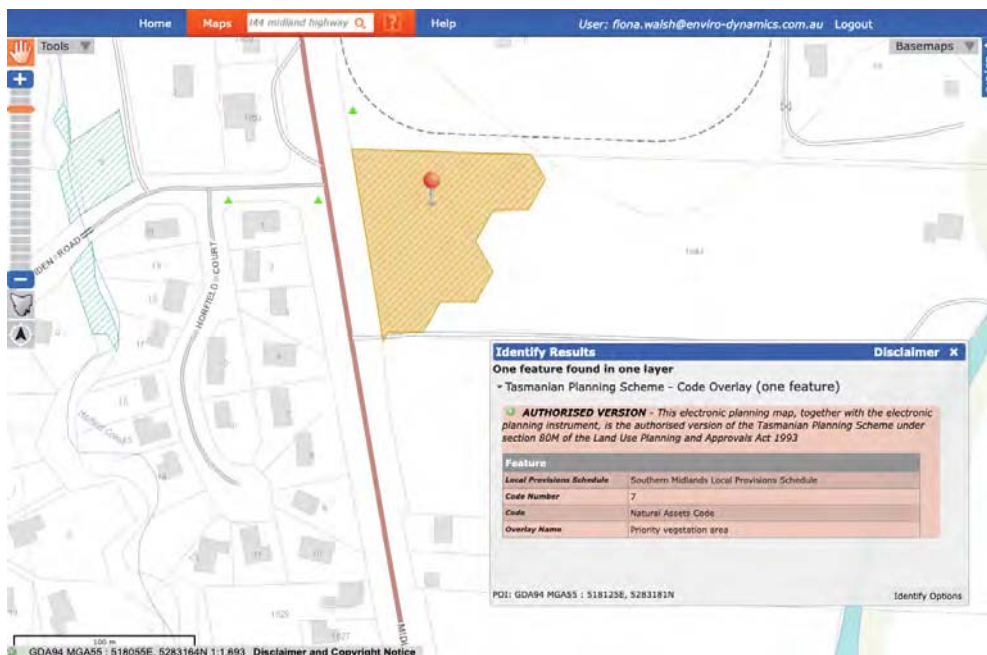


Figure 1: Priority Vegetation Overlay covering part of the site. Green triangles represent historical *Lepidium hyssopifolium* records.

A site visit was carried out on the 31st of August 2022 to undertake a field survey targeting *L. hyssopifolium* which is listed as endangered under both the *Threatened Species Protection Act* 1995 and the *Environment Protection and Biodiversity Conservation Act* 1999.. The areas around the line of pine trees in the north of the property were searched extensively, as well as within the paddock and the area near the driveway entrance. The pasture grass and other exotic species throughout the area were quite dense and do not appear to have been mown or grazed for some time.

Weeds

A significant amount of the declared weed, California thistle (*Cirsium arvense*) was recorded during the site visit. It was restricted to the area surrounding the pine trees (Figure 2).

Californian thistle is a Zone B species within the Southern Midlands Municipality. Zone B classifications are those which have infestations that are not deemed eradicable, and the objective for these species is to contain them and prevent the spread neighbouring properties.

These will need to be managed in accordance with the act following the best practise prescriptions as laid out in the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (DPIPWE, Stewart and Askey-Doran, 2015)



Figure 2: Declared weeds

Conclusion

The area which is covered by the Priority Vegetation Area Overlay is comprised of a line of pine trees and paddocks containing exotic pasture grasses.

There are no threatened vegetation communities, threatened species or threatened species habitat present.

A thorough survey was carried out for *Lepidium hyssopifolium* which had been recorded in the area. No plants were found.

Should you require any further information please don't hesitate to contact me.

Fiona Walsh

Botanist / Environmental Consultant

Enviro-dynamics

fiona.walsh@enviro-dynamics.com.au

Unanticipated Discovery Plan

Procedure for the management of unanticipated discoveries of Aboriginal relics in Tasmania

For the management of unanticipated discoveries of Aboriginal relics in accordance with the *Aboriginal Heritage Act 1975* and the *Coroners Act 1995*. The Unanticipated Discovery Plan is in two sections.

Discovery of Aboriginal Relics other than Skeletal Material

Step 1:

Any person who believes they have uncovered Aboriginal relics should notify all employees or contractors working in the immediate area that all earth disturbance works must cease immediately.

Step 2:

A temporary 'no-go' or buffer zone of at least 10m x 10m should be implemented to protect the suspected Aboriginal relics, where practicable. No unauthorised entry or works will be allowed within this 'no-go' zone until the suspected Aboriginal relics have been assessed by a consulting archaeologist, Aboriginal Heritage Officer or Aboriginal Heritage Tasmania staff member.

Step 3:

Contact Aboriginal Heritage Tasmania on **1300 487 045** as soon as possible and inform them of the discovery. Documentation of the find should be emailed to

aboriginal@dpac.tas.gov.au as soon as possible. Aboriginal Heritage Tasmania will then provide further advice in accordance with the *Aboriginal Heritage Act 1975*.

Discovery of Skeletal Material

Step 1:

Call the Police immediately. Under no circumstances should the suspected skeletal material be touched or disturbed. The area should be managed as a crime scene. It is a criminal offence to interfere with a crime scene.

Step 2:

Any person who believes they have uncovered skeletal material should notify all employees or contractors working in the immediate area that all earth disturbance works cease immediately.

Step 3:

A temporary 'no-go' or buffer zone of at least 50m x 50m should be implemented to protect the suspected skeletal material, where practicable. No unauthorised entry or works will be allowed within this 'no-go' zone until the suspected skeletal remains have been assessed by the Police and/or Coroner.

Step 4:

If it is suspected that the skeletal material is Aboriginal, Aboriginal Heritage Tasmania should be notified.

Step 5:

Should the skeletal material be determined to be Aboriginal, the Coroner will contact the Aboriginal organisation approved by the Attorney-General, as per the *Coroners Act 1995*.

Guide to Aboriginal site types

Stone Artefact Scatters

A stone artefact is any stone or rock fractured or modified by Aboriginal people to produce cutting, scraping or grinding implements. Stone artefacts are indicative of past Aboriginal living spaces, trade and movement throughout Tasmania. Aboriginal people used hornfels, chalcedony, spongelite, quartzite, chert and silcrete depending on stone quality and availability. Stone artefacts are typically recorded as being 'isolated' (single stone artefact) or as an 'artefact scatter' (multiple stone artefacts).

Shell Middens

Middens are distinct concentrations of discarded shell that have accumulated as a result of past Aboriginal camping and food processing activities. These sites are usually found near waterways and coastal areas, and range in size from large mounds to small scatters. Tasmanian Aboriginal middens commonly contain fragments of mature edible shellfish such as abalone, oyster, mussel, warrener and limpet, however they can also contain stone tools, animal bone and charcoal.

Rockshelters

An occupied rockshelter is a cave or overhang that contains evidence of past Aboriginal use and occupation, such as stone tools, middens and hearths, and in some cases, rock markings. Rockshelters are usually found in geological formations that are naturally prone to weathering, such as limestone, dolerite and sandstone

Quarries

An Aboriginal quarry is a place where stone or ochre has been extracted from a natural source by Aboriginal people. Quarries can be recognised by evidence of human manipulation such as battering of an outcrop, stone fracturing debris or ochre pits left behind from processing the raw material. Stone and ochre quarries can vary in terms of size, quality and the frequency of use.

Rock Marking

Rock marking is the term used in Tasmania to define markings on rocks which are the result of Aboriginal practices. Rock markings come in two forms; engraving and painting. Engravings are made by removing the surface of a rock through pecking, abrading or grinding, whilst paintings are made by adding pigment or ochre to the surface of a rock.

Burials

Aboriginal burial sites are highly sensitive and may be found in a variety of places, including sand dunes, shell middens and rock shelters. Despite few records of pre-contact practices, cremation appears to have been more common than burial. Family members carried bones or ashes of recently deceased relatives. The Aboriginal community has fought long campaigns for the return of the remains of ancestral Aboriginal people.

Further information on Aboriginal Heritage is available from:

Aboriginal Heritage Tasmania
Community Partnerships and Priorities
Department of Premier and Cabinet
GPO Box 123 Hobart TAS 7001
Telephone: **1300 487 045**
Email: **aboriginal@dpac.tas.gov.au**
Web: **www.aboriginalheritage.tas.gov.au**

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APPENDIX D

Aboriginal Heritage Search Record

Aboriginal Heritage SEARCH RECORD

This search for

RED COTES 1844 MIDLAND HWY BAGDAD TAS 7030 (PID 2620027)

has not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics.

This Search Record has been requested for Mingming Ma at 10:28AM on 27 September 2022 and delivered to mma@jmg.net.au.

This Search Record expires on 27 March 2023.

Your personal Search Identification Number is PS0235792.

Please be aware that the absence of records on the [Aboriginal Heritage Register](#) for the nominated area of land does not necessarily mean that the area is devoid of Aboriginal relics. If at any time during works you suspect the existence of Aboriginal relics, cease works immediately and contact Aboriginal Heritage Tasmania for advice.

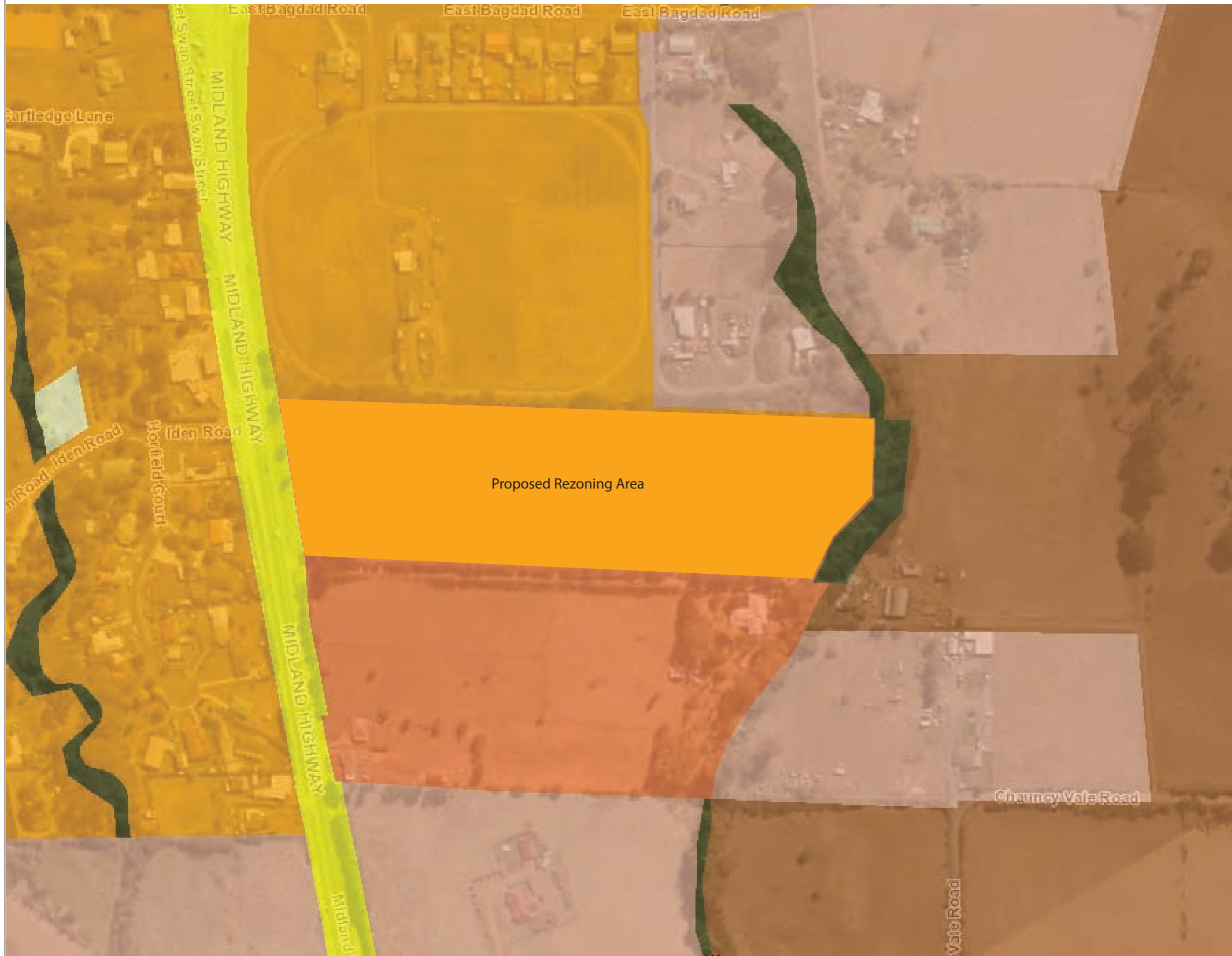
It is also recommended that you have on hand during any ground disturbance or excavation activities the Unanticipated Discovery Plan, to aid you in meeting requirements under the *Aboriginal Heritage Act 1975* should Aboriginal relics be uncovered. There are requirements that apply under the [Aboriginal Heritage Act 1975](#). It is an offence to destroy, damage, deface, conceal or otherwise interfere with relics without a permit granted by the Minister. There is an obligation to report findings of relics as soon as practicable.

This Search Record is confirmation that you have checked the Aboriginal Heritage Property Search website for this property. This Search Record will expire in six months from the search date.

If you have any queries please do not hesitate to contact [Aboriginal Heritage Tasmania](#) on **1300 487 045** or at aboriginal@dpac.tas.gov.au.

APPENDIX E

Proposed Rezoning Plan



- Rural
- Agriculture
- Environmental Management
- Future Urban
- Village
- Utilities
- Community Purpose

REV	DATE	REMARK
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www.jmg.net.au infohbt@jmg.net.au infofn@jmg.net.au

PROJECT
**1844 MIDLAND HIGHWAY
BAGDAD**

TITLE
PROPOSAL REZONING PLAN

Accepted MSC (Discipline Head)	Date
Accepted MSC (Team Leader)	Date
Approved MSC (Principal)	Date

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PLOT DETAILS FRAME.DWG

PROJECT NO. **J220336PL**

DWG NO.	REVISION
P01	1

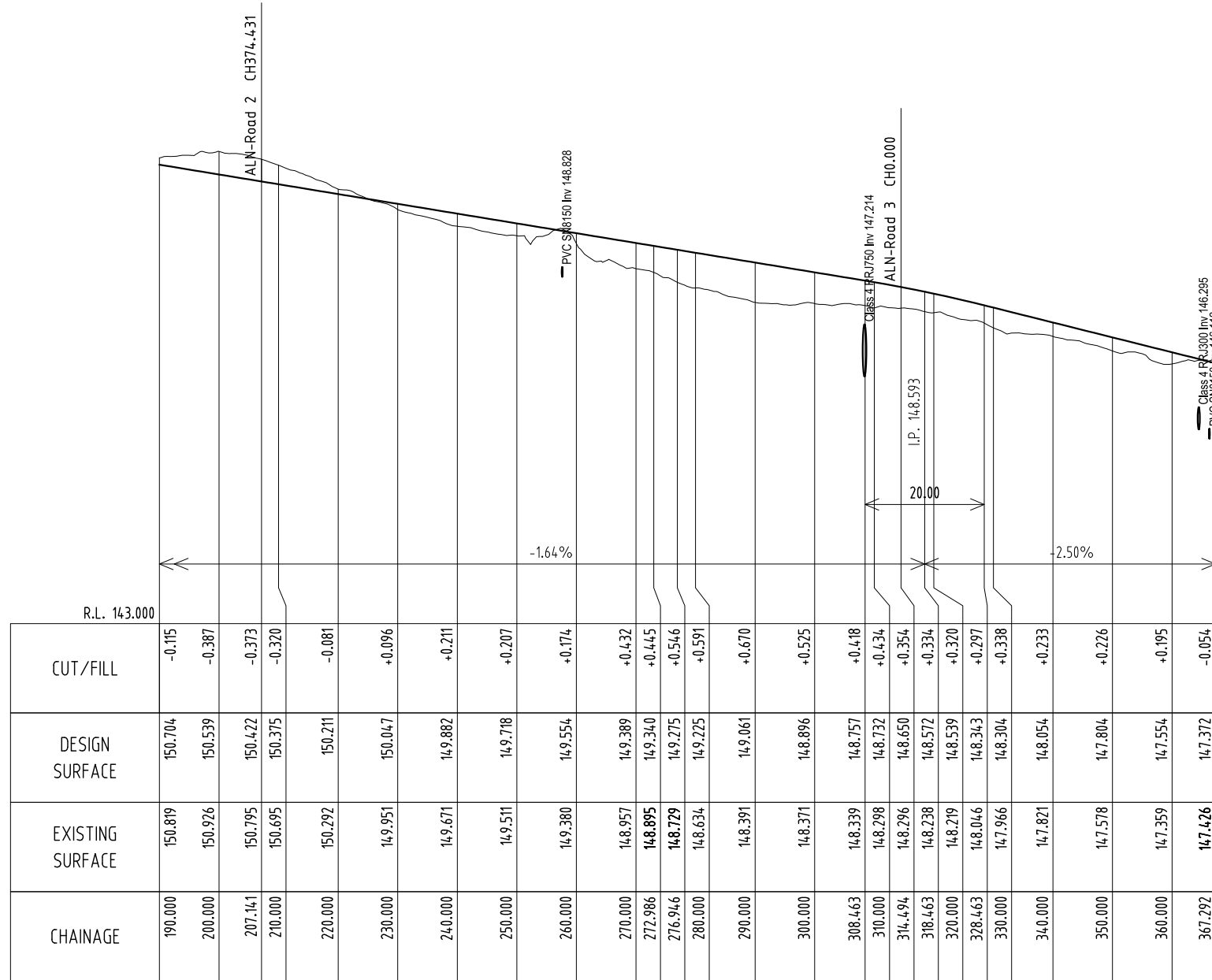
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APPENDIX F

Concept Services Plan

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Accepted M.CLARK (Team Leader)	Date
Approved C.MALES (Principal)	Date

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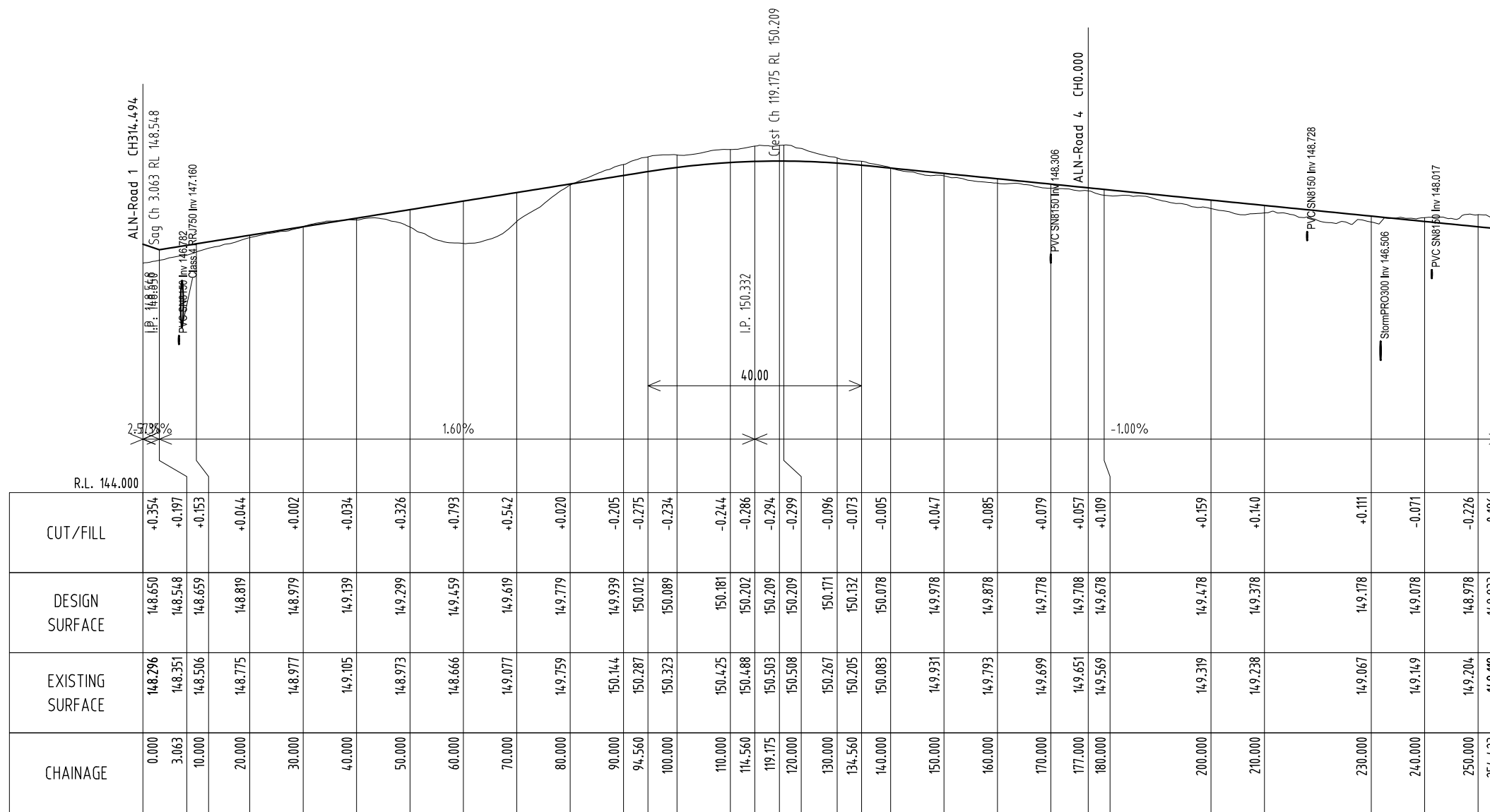
PROJECT
**PROPOSED SUBDIVISION
1844 MIDLAND HIGHWAY
BAGDAD**

TITLE
**CONCEPT SERVICES
ROADWAY LONGITUDINAL
SECTION - SHEET 1 of 3**

PROJECT NO.	220336PL	
DWG NO.	P02	REVISION P1
PLOT DETAILS 220336PL - SUBDIVISION CONCEPT SERVICES.DWG		

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PROJECT
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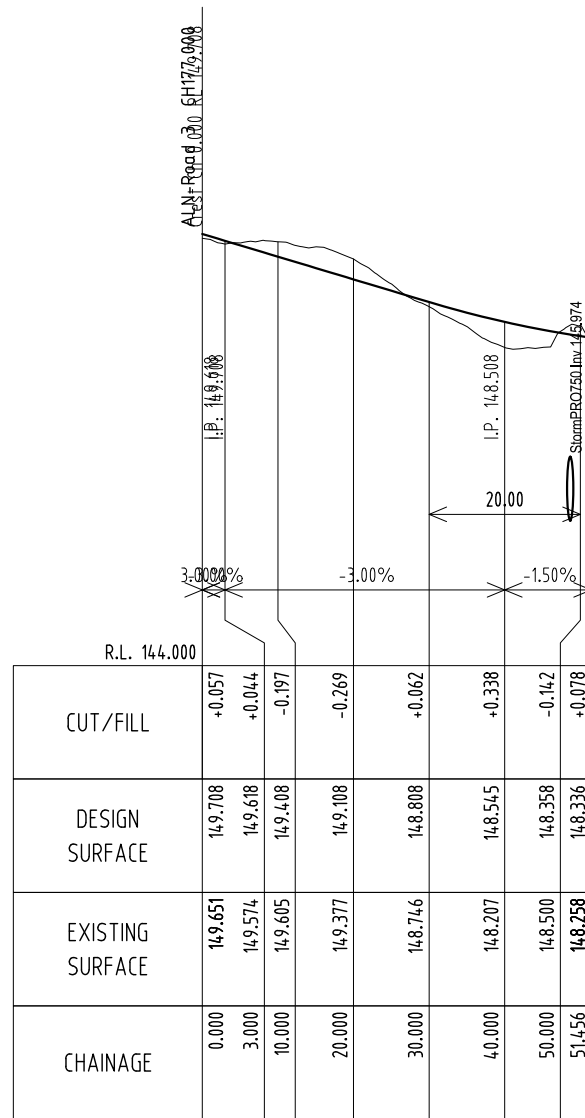
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**CONCEPT SERVICES
ROADWAY LONGITUDINAL
SECTION - SHEET 2 of 3**

PROJECT NO.	220336PL	
DWG NO.	P03	REVISION P1
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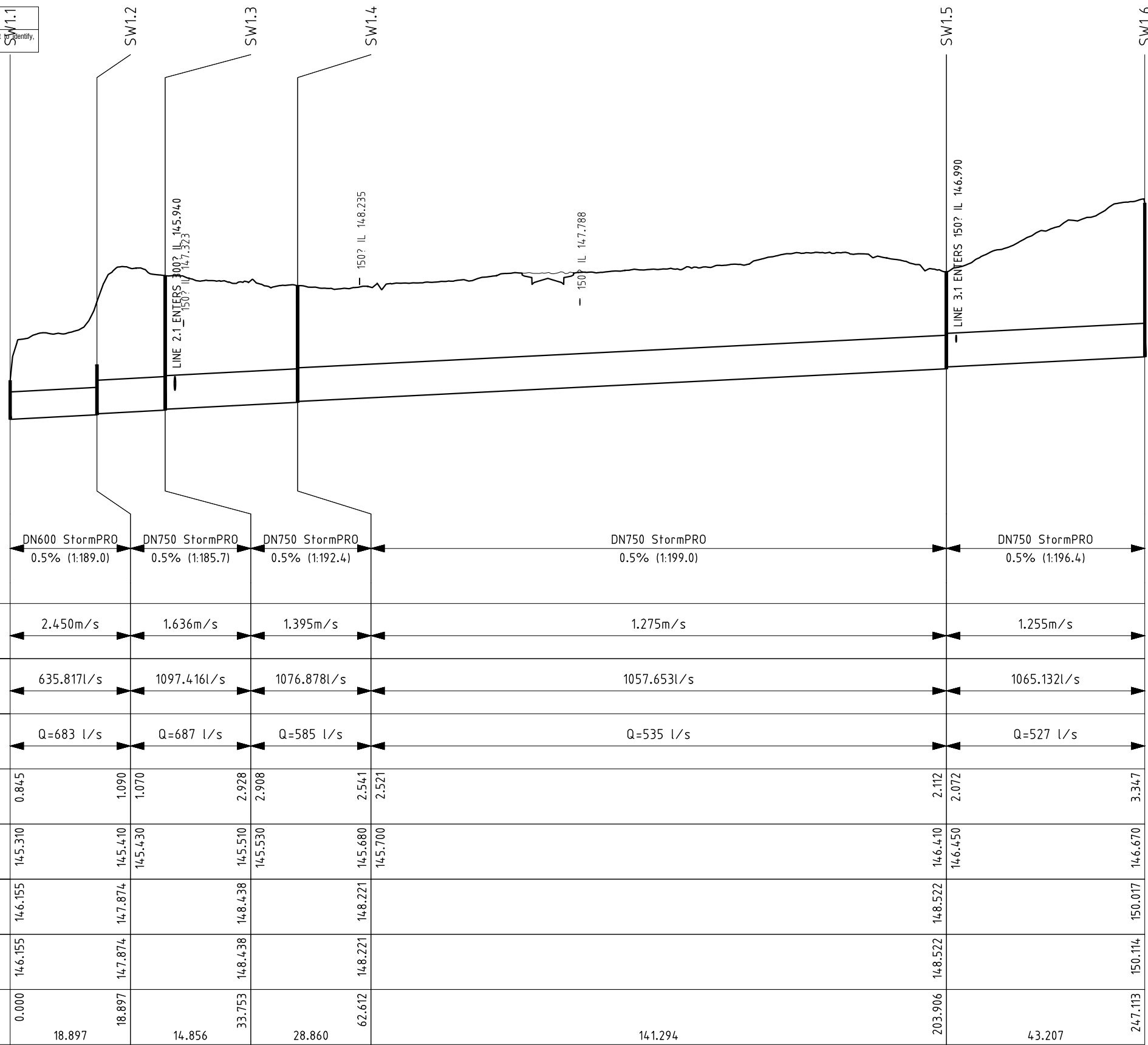
PROJECT
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 1844 MIDLAND HIGHWAY
 BAGDAD**

TITLE
**CONCEPT SERVICES
 ROADWAY LONGITUDINAL
 SECTION - SHEET 3 of 3**

PROJECT NO.	220336PL	
DWG NO.	P04	REVISION P1
PLOT DETAILS 220336PL - SUBDIVISION CONCEPT SERVICES.DWG		

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1844 MIDLAND HIGHWAY
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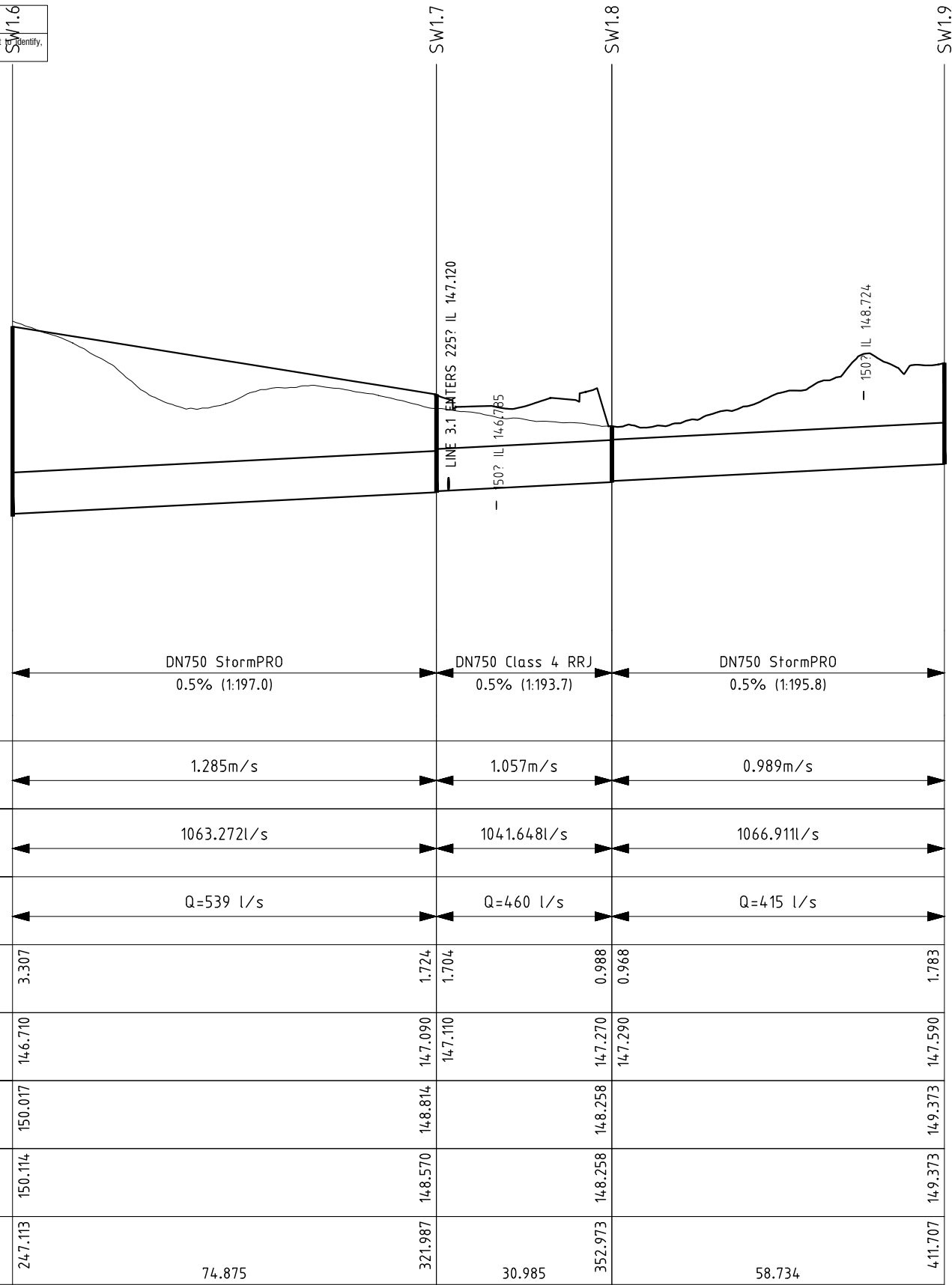
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**CONCEPT SERVICES
STORMWATER PROFILE
SECTION - SHEET 1 of 2**

PROJECT NO.	220336PL
DWG NO.	P05
REVISION	P1
PLOT DETAILS	220336PL - SUBDIVISION CONCEPT SERVICES.DWG

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SW 1.6



STORMWATER PROFILE LINE 1
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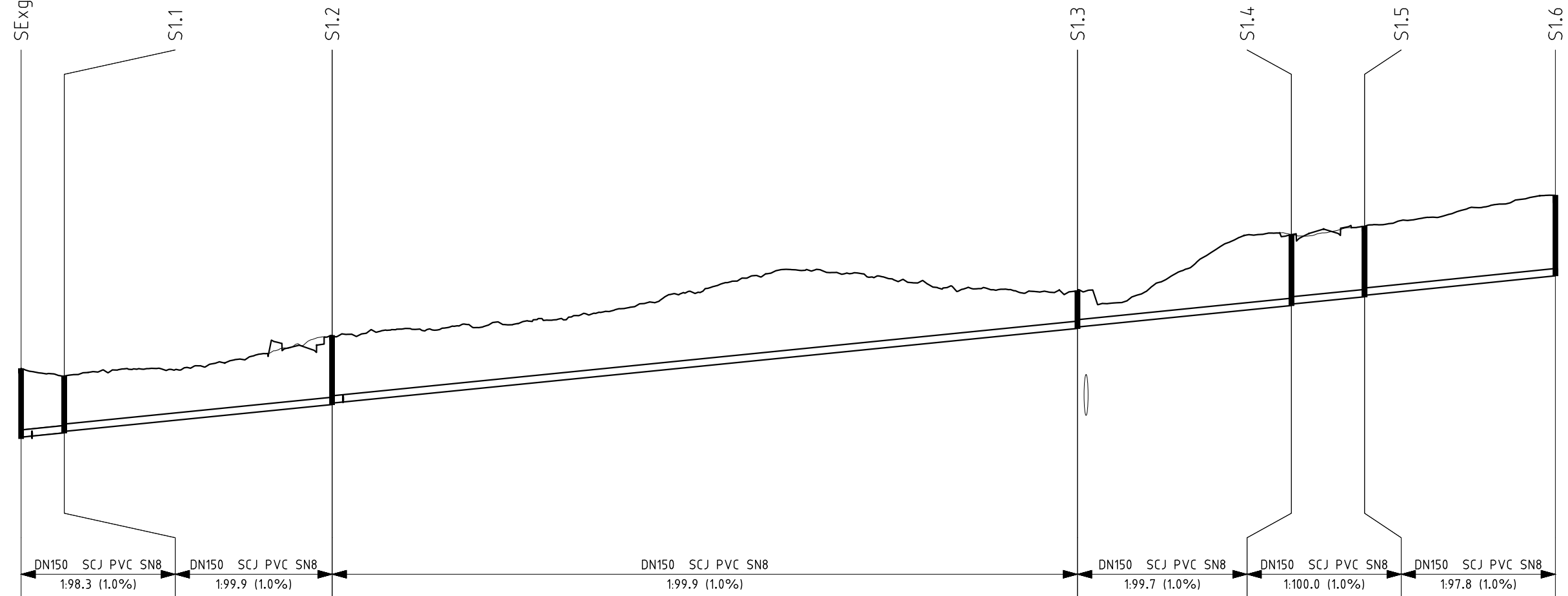
PROJECT
**PROPOSED SUBDIVISION
1844 MIDLAND HIGHWAY
BAGDAD**

TITLE
**CONCEPT SERVICES
STORMWATER PROFILE
SECTION - SHEET 2 of 2**

PROJECT NO.	220336PL
DWG NO.	P06
REVISION	P1
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PIPE DETAILS SLOPE/GRADE	DN150 SCJ PVC SN8 1.98.3 (1.0%)		DN150 SCJ PVC SN8 1.99.9 (1.0%)		DN150 SCJ PVC SN8 1.99.9 (1.0%)		DN150 SCJ PVC SN8 1.99.7 (1.0%)		DN150 SCJ PVC SN8 1.100.0 (1.0%)		DN150 SCJ PVC SN8 1.97.8 (1.0%)	
DATUM RL 141.5												
DEPTH TO INVERT	1.407	1.165 1.135	1.414 1.384			0.770 0.740	1.453 1.423	1.444 1.414			1.649	
INVERT LEVEL	145.510	145.600 145.630	146.180 146.210			147.740 147.770	148.210 148.240	148.390 148.420			148.820	
FINISHED SURFACE	146.917	146.765	147.594			148.510	149.663	149.834			150.469	
EXISTING SURFACE	146.917	146.765	147.594			148.510	149.666	149.834			150.469	
CHAINAGE	134.860	143.705 8.845	198.625 54.921			351.443 152.817	395.297 43.855	410.297 15.000			449.419 39.122	

SEWER LONGITUDINAL SECTION FOR LINE 1
SCALES: HORIZONTAL 1:1000 VERTICAL 1:100

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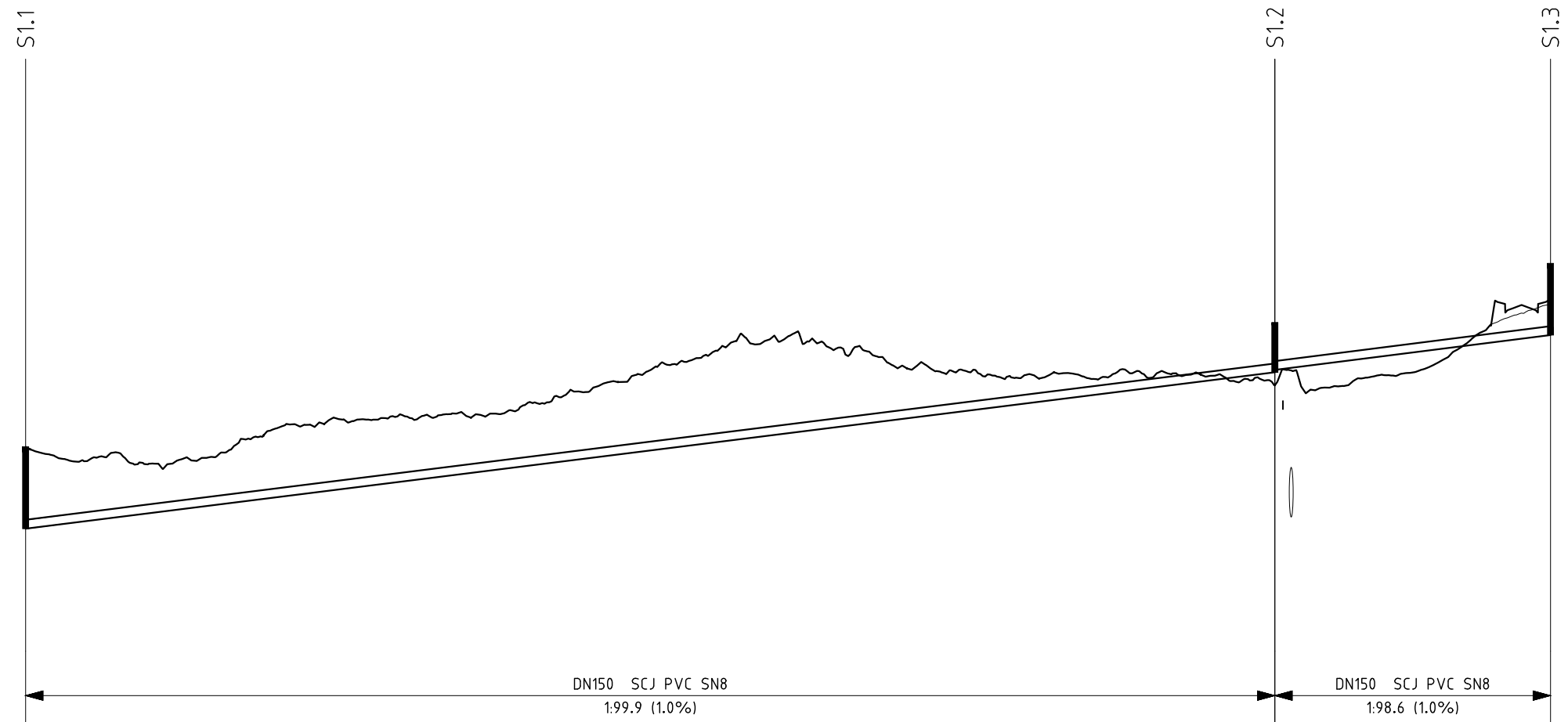
PROJECT
**PROPOSED SUBDIVISION
1844 MIDLAND HIGHWAY
BAGDAD**

TITLE
**CONCEPT SERVICES
SEWERAGE LONGITUDINAL
SECTION - SHEET 1 of 2**

PROJECT NO.	220336PL	
DWG NO.	P07	REVISION
		P1
PLOT DETAILS	220336PL - SUBDIVISION CONCEPT SERVICES.DWG	

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PIPE DETAILS
SLOPE/GRADE

DATUM RL 141.5

DEPTH TO INVERT	1.382		0.840 0.800	1.210
INVERT LEVEL	145.520		148.160 148.200	148.790
FINISHED SURFACE	146.902		147.938	149.300
EXISTING SURFACE	146.902		147.938	149.300
CHAINAGE	0.000	263.768		321.953

ATTEMPTED FULL GRAVITY SEWER LONGITUDINAL SECTION FOR TEST LINE
SEWER LONGITUNDINAL SECTION FOR LINE 1
SCALES: HORIZONTAL 1:1250 VERTICAL 1:100

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Johnstone McGee & Gandy Pty. Ltd.
ACN 009 547 139 ABN 76 473 834 852
117 Harrington Street, Hobart, Tas (03) 6231 2555
49-51 Elizabeth Street, Launceston, Tas (03) 6334 5548
www.jmg.au infohbt@jmg.net.au infofn@jmg.net.au

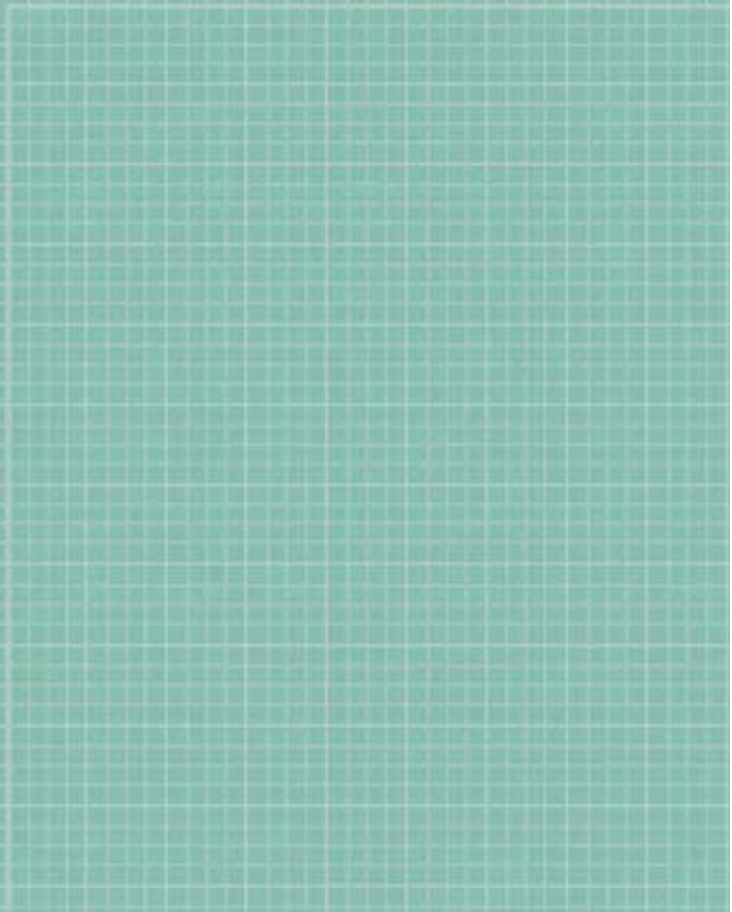
PROJECT
**PROPOSED SUBDIVISION
1844 MIDLAND HIGHWAY
BAGDAD**

TITLE
**CONCEPT SERVICES
SEWERAGE LONGITUNDINAL
SECTION - SHEET 2 of 2**

PROJECT NO.	220336PL	
DWG NO.	P08	REVISION P1
PLOT DETAILS 220336PL - SUBDIVISION CONCEPT SERVICES.DWG		

APPENDIX G

Traffic Impact Statement



Johnstone McGee & Gandy Pty Ltd

ABN 76 473 834 852 ACN 009 547 139

www.jmg.net.au

HOBART OFFICE
117 Harrington Street
Hobart TAS 7000
Phone (03) 6231 2555
infohbt@jmg.net.au

LAUNCESTON OFFICE
49-51 Elizabeth Street
Launceston TAS 7250
Phone (03) 6334 5548
infofn@jmg.net.au



Addendum to Application to Rezone land at 1844 Midland Highway Bagdad

From: Matthew Clark <mclark@jmg.net.au>
Sent: Friday, 19 May 2023 5:47 PM
To: Grant Finn <gfinn@southernmidlands.tas.gov.au>
Cc: Louisa Brown <lbrown@southernmidlands.tas.gov.au>; Mingming Ma <mma@jmg.net.au>
Subject: RE: DA Planning Scheme Amendment application - 1884 Midlands Highway, Bagdad

Hi Grant,

Further to your email below, our client has advised that efforts to engage with Mr Boustani have not proceeded. Whilst I understand Council would want to rezone the whole Future Urban area, our client has gone to the expense and time of properly documenting and lodging and application with Council for 1844 Midland Highway. The owners of 1844 Midland Highway are not reliant on 1842 Midland Highway, so whilst the application needs to allow for the future development of 1842 Midland Highway the owners should not be disadvantaged by efforts to include the 1842 Midland Highway site in the amendment. Council is required to assess the application on its merits and there is no disadvantage to 1842 being rezoned separately.

With respect to land supply analysis both the STRLUS and Bagdad-Mangalore Structure Plan analysis is out of date and thus of limited relevance. Council should properly consider the latest ABS data (as noted in our report) which indicates much higher growth rates. Since we lodged the application the Department of Treasury and Finance has released updated population projections and there may be analysis from the outer regions land supply analysis (undertaken by Brighton Council – David Allingham) that Council may be able to share. Both these can be included into our planning report.

With respect to the interface with the Rural zone, the area to the east has two lots that buffer the residential lots from the rural land on the other side of Bagdad Rivulet: one is an existing house and the other is a stormwater detention basin. The distance from the western side of these lots to the eastern side of Bagdad Rivulet is approximately 90m. Bagdad Rivulet also has a significant belt of trees within the Crown reserve to screen any agricultural impacts. Further measures of protection from agricultural impacts is not warranted in my view.

Stormwater from 1844 Midland Highway already discharges into Bagdad Rivulet. Stormwater from 10 East Bagdad Road also discharges into Bagdad Rivulet. Taswater does not deal with stormwater and there is no Council reticulation that would capture stormwater on the eastern side of the site. The proposal captures storm water off the site and directs what it can into a stormwater detention basin sized to ensure flows from the site in a 1% AEP do not increase above present levels. The outfall is dispersed before the rivulet avoiding a point source discharge. This was discussed and agreed with Council engineers prior to lodgement. It is worthwhile noting the detention is designed to cater for the detention currently in 10 East Bagdad Road and thus will not result in a net increase of detention basins in the area.

If you could confirm whether you wish us to include the outer areas analysis (not publicly available) and we will update our planning report with the DTF figures.

Please give me a call if you wish to discuss this.

Mat

Matthew Clark | Principal
JMG ENGINEERS & PLANNERS

117 Harrington St Hobart TAS 7000
E: mclark@jmg.net.au
P: 03 6231 2555
M: 0404 803 772



[Email Confidentiality Notice and Disclaimer](#)

From: Grant Finn <gfinn@southernmidlands.tas.gov.au>

Sent: Friday, May 12, 2023 4:12 PM

To: 'mna@jmg.net.au' <mna@jmg.net.au>

Cc: Matthew Clark <mclark@jmg.net.au>; Louisa Brown <lbrown@southernmidlands.tas.gov.au>

Subject: DA Planning Scheme Amendment application - 1884 Midlands Highway, Bagdad

Good afternoon to you both.

Further to the receipt of the abovementioned application on the 17th March 2023, we can confirm that upon payment of relevant fees (\$2750) the application was formally received on the **14 April 2023**.

As you will be aware when a request for an amendment is received under s37(1) of the Act, the Planning Authority has a 42 day period in which to make a determination to support or decline the proposed draft amendment.

The Planning Authority also has the ability under s40(1) to request additional information within 28 days from the day on which it receives the request. On our calculations the 28 day period is the **12 May 2023**.

In my meeting yesterday with Matthew Clark (Principal) I outlined that planning officers were supportive of the amendment application however that additional information is required.

I also want to add that Council has been in discussion with the adjoining landowner to the south – Mr. Boustani (1842 Midlands Highway) and supports the inclusion of this adjoining land to achieve a more strategic outcome. This too will benefit the transport and service infrastructure. Similarly Mr. Boustani has provided Council with correspondence in his support to this effect. Mr Clark mentioned yesterday that your client 1844 Midland P /L has been in negotiation with Mr. Boustani. Council is encouraged by these discussions and consultation.

To assist Council with its assessment the following information pursuant to s40(1) of the Act is requested:

1. Land Supply & Demand Analysis

The application is reliant on aged data notably the Bagdad-Mangalore Structure Plan (2010) and the Southern Tasmania Regional Land Use strategy (2010-2035).

The application at Part 2.1 *Scheme Amendment for Site Rezoning* simply advises that ‘*The location and layout also respond to the land supply needs identified in the plan for the settlement which seeks to consolidate residential land in “close proximity to Bagdad with good transport access”.*

In terms of land supply, the Bagdad-Mangalore Structure Plan identifies that in 2010 there were approximately 12-15 years of supply of residential land. Your application states that this ‘*was based on historic growth trends that identified approximately 1.7% yearly population growth. Data from 2011, 2016, and 2021 censuses suggests that this has increased significantly since the Structure Plan was produced, with associated increases in demand for residential land. Given that the original land supply was forecast to be used by 2022-2025, and given higher than anticipated local and regional population growth, there is a need for additional land supply in Bagdad.*

There are however a number of conflicting and potentially unqualified statement(s) within your application as per the below:

- Pages 21-22

Currently, Department of Treasury and Finance population projections are available which is a significant upward revision to the previous population estimates as a result of much stronger growth recorded than under any of the population projection scenarios (see Figure 9). In general, it is likely that the projected population increase for Tasmania which has recently been almost entirely reliant on the interstate or overseas migration will continue, with demand for residential dwellings driven by population growth. As such strong population growth projections will have a direct impact on the demand for residential land and dwellings, and there is a clear need for additional residential land supply in the area. Thus, while the latest 2019 projections projected a net loss of population within the Southern Midlands (-561 loss of population or -0.39% annual growth), it is likely that the Southern Midlands will experience positive growth in line with the State-wide trend.

I note that the net population figures you refer are from the *2019 Population Projections – Tasmania and Local Government Areas*.

The Southern Tasmanian Regional Land Use Strategy 201-1035, table 3 – *Growth Management Strategies for Settlements* (pg. 89) has similarly assigned Bagdad the following: *Growth Strategy – low; Growth Scenario – mixed*.

From the same document, *Appendix 2: Projected LGA population levels and rate of change by population series from 2017 to 2042 (25 years)* also forecasts negative population levels and rates of change.

With the above a more comprehensive and recent land supply analysis is required to further justify this proposal.

2. Village vs Rural/Agriculture Zone interface

The application advises at Part 2.1.2 that *‘the extension of the Village Zone will not have a significant impact on adjoining sites, which will be adequately controlled by existing scheme provisions.’*

It is acknowledged that the proposed amendment will extend the Village Zone interface and potentially increase the potential for reverse sensitivity from existing legitimate and future rural activities in the Rural and Agriculture Zones.

What relief does the proposed amendment provide in terms of avoiding, remedying or mitigating effects on existing and future occupiers of the Rural and Agriculture Zones?

3. State Policies – Water Quality Management

Possibly the issues in relation to the stormwater design are more appropriately addressed at the subdivision stage, however it is evident that the subject site has the ability to be fully connected to TAS Water reticulated services. The application at Part 3.2 acknowledges that *‘the site is also capable of being fully connected to reticulated services.’*

However it is evident these reticulations do not extend to stormwater as your response at Part 3.3.2 indicates that stormwater will be discharged to the Bagdad Rivulet and that the proposed arrangements *‘will ensure water issues are adequately dealt with on-site with minimal off-site impacts.’*

With the potential and suggested inclusion of the adjoining land to the south, will the proposed stormwater management further the purpose and objectives of the Policy, particularly given that Objective 6.1(d) requires the application of the Precautionary Principle?

If the subject land has the ability to be fully serviced and those extensions are both economical and logical then stormwater reticulation should form part of this proposal.

Council staff look forward to working with you in terms of advancing this amendment application.

Should you have any further queries please do not hesitate to contact me.

Kind regards

Grant Finn | Manager | Development & Environmental Services



85 Main Street, Kempton, TAS, 7120
(All correspondence to P O Box 21, Oatlands, TAS, 7120)
P: 03 6254 5050 F: 03 6254 5014 M: 045 55 846 24
E: gfinn@southernmidlands.tas.gov.au
W: www.southernmidlands.tas.gov.au



Web: www.southernmidlands.tas.gov.au

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Council Policy
**FRAUD CONTROL & CORRUPT CONDUCT PREVENTION
POLICY**

Approved by: Council
Approved date: 25th November 2020
Review date: June 2024

1. PURPOSE

Southern Midlands Council is committed to the prevention, deterrence and investigation of all forms of fraud and/or corrupt conduct. Fraud and corrupt conduct can be damaging to the Council through financial loss, bad publicity and loss in public confidence

This policy covers guidelines and responsibilities regarding appropriate actions that must be followed to increase the awareness of, and, for the investigation of fraud and/or corrupt conduct. Management of the risk of exposure is an important area to monitor and the Council needs to be assured that appropriate and transparent procedures are in place.

The objective of the policy is to:

- Protect Council's assets and reputation;
- Ensure a sound ethical culture of the Council;
- Ensure Senior Management commitment to identifying risk exposures to fraud and corrupt conduct as well as establishing procedures for prevention and detection;
- Ensure Councillors and staff are aware of the responsibilities in relation to ethical conduct.

2. DEFINITIONS

Fraud is defined as 'Inducing a course of action by deceit or other dishonest conduct, involving acts or omissions or the making of false statements, orally or in writing, with the object of obtaining money or other benefit from, or evading a liability to, the Council'.

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Corrupt is defined as 'having or showing a willingness to act dishonestly in return for money or personal gain'.

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Some examples of fraud and corrupt conduct include:

- Unauthorised use of Council's plant, furniture and equipment;
- Unauthorised use of information or services for private use
- Any misappropriation of funds;
- Accepting gifts from contractors, consultants and customers;
- Falsification of records, including timesheets;
- Inappropriate use of position to obtain goods and services.
- Theft of assets.

A number of these issues are specifically covered in the 'Southern Midlands Council – Code of Conduct Policy' (covering Employees, Contractors, Sub Contractors, Employees of Contractors and Sub Contractors, Employees of Labour Hire Companies that have assigned to work at Council, Outworkers, Apprentices and Trainees, Work Experience Students and Volunteers) and the Southern Midlands Council – Code of Conduct (Elected Members).



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3. ELEMENTS OF THE POLICY

- 1 Applicability
- 2 Education and Awareness
- 3 Roles and Responsibilities
- 4 Procedures
- 5 Consequences of Engaging in Fraudulent or Corrupt Conduct
- 6 Risk Management
- 7 Fraud and Corrupt Conduct Control Program
- 8 Linked Documentation

1. Applicability

This policy applies to all Councillors, Employees, Contractors, Sub Contractors, Employees of Contractors and Sub Contractors, Employees of Labour Hire Companies that have been assigned to work at Council, Outworkers, Apprentices and Trainees, Work Experience Students and Volunteers.

2. Education and Awareness

The likelihood and impact of fraudulent or corrupt conduct will be minimised by promoting a sound ethical environment.

It is the responsibility of all applicable persons to set an example through ethical and prudent use of Council assets and resources. All have a duty to advise management of any concerns they have about the conduct of Council affairs or the use of Council assets and resources.

The Fraud Control and Corrupt Conduct Prevention Policy will be brought to the attention of all relevant persons and will be included in the induction program, as well as being included in the Request for Tender documentation. Staff with particular responsibilities such as cash handling, purchasing authority and account payment, will be given specific training in approved cash handling, purchasing and accounts payment procedures.

3. Roles and Responsibilities

3.01 Councillors

Councillors have a responsibility to abide by its Code of Conduct.

Councillors need to keep in mind the Code of Conduct when considering reports, making decisions and scrutinising Council's activities.

Council will support all policies and measures taken to prevent, deter, detect and resolve suspected instances of fraud or corrupt conduct.



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Approved by: Council
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3.02 Senior Management

Senior Management is responsible for ensuring there are adequate internal controls to provide reasonable assurance for the prevention and detection of fraud and corruption.

Achievement of this is assisted by:

- Compliance with Council policies, rules and regulations;
- Ensuring Councillors are aware of their obligations as included in the “Southern Midlands Council – Code of Conduct (Elected Members)”;
- Ensuring all other personnel are aware of their responsibilities through adequate induction, training, supervision and written procedures;
- Responding to issues raised by and external auditors.

All suspected cases or incidents of fraud or corrupt conduct are to be reported to the General Manager. The General Manager will promptly appoint a Manager/Supervisor to investigate such cases or incidents in accordance with the Fraud Control and Corrupt Conduct Investigation Procedure (attached).

If the reporting party is not satisfied with the Manager/Supervisor investigation or response, the matter should be referred to the General Manager. The General Manager can choose to investigate the matter or appoint an independent third party (from outside the organisation) to review the reported breach.

If the reporting party is not satisfied with the General Manager’s investigation or response, the matter should be referred to the Mayor. The Mayor can choose to investigate the matter appoint an independent third party (from outside the organisation) to review the reported breach.

Appoint an independent third party (from outside the organisation) in the event of actual or perceived conflict of Interest (eg related parties).

3.03 Employees / Contractors / Sub Contractors, Employees of Contractors and Sub Contractors, Employees of Labour Hire Companies that have been assigned to work at Council, Outworkers, Apprentices and Trainees, Work Experience Students and Volunteers

All of the above persons have a duty to make management aware of any concerns they have about the conduct of Council affairs or the use of Council assets and resources. Any issues raised by them should be promptly investigated. Confidentiality of issues raised must also be maintained.



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FRAUD CONTROL & CORRUPT CONDUCT PREVENTION POLICY

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Review date: June 2021

4. Procedures

The Fraud Control & Corrupt Conduct Investigation Procedure (attached) must be followed for all investigations of fraud and corrupt conduct

5. Consequences of Engaging in Fraudulent or Corrupt Conduct

Council's disciplinary procedures will apply to any staff member (employee) involved in fraudulent or corrupt conduct in accordance with HR disciplinary procedures.

Any issue involving conduct of this kind and pertaining to a Councillor will be subject to the procedures set out in the Code of Conduct for Elected Members or referred to an appropriate external authority for investigation and further action.

Where fraudulent or corrupt conduct is believed to have been undertaken by a contractor, sub-contractor, an employee of a contractor or sub-contractor, an employee of a labour hire company that has been assigned to work with Council, apprentice or trainee, work experience student or volunteer, the matter will be referred to the appropriate internal process or external authority for investigation and further action.

6. Risk Management

The measures required to satisfactorily address the risk of fraud or corrupt conduct depend on the nature and extent of risks faced. It is therefore necessary to undertake a risk assessment on an annual basis of the organisation's activities. The outcome of these assessments will then be used to formulate appropriate controls to mitigate any identified risks.

The following fraud or corrupt conduct minimisation procedures are to be followed:

- 1 Accountability of Managers for the results and deviations from budget in the monthly management reporting for departments. Further independent detailed reviews of significant variances that may arise will be arranged by the General Manager or the relevant Manager.
- 2 Periodic review of Council operations and an assessment of the Council's exposure to the risk of fraud.
- 3 An ongoing review process. Internal controls supported by internal reviews on a regular basis will minimise the exposure to fraud risk and minimise the occurrence of new frauds or corrupt conduct arising.
- 4 External audit review with the focus on accountability of financial systems and reporting processes.
- 5 Maintain strict recruitment practices, including the confirmation of all relevant employees details and thorough checking of references, in addition including police checks on applicants successfully applying for [senior-all](#) positions, and the promotion of this policy to all new Council employees.



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- 6 All assets are properly recorded and regular checks are performed to ensure that significant items are present.
- 7 Set a standard of conduct for suppliers and contractors.
- 8 Review work practices open to collusion or manipulation.
- 9 There are penalties in place should a staff member be found guilty of fraud or corrupt conduct.
- 10 Ensure that Council management have been trained in identifying indicators of fraud or corrupt conduct.

7. Early Warning Signs

The following are some behavioural warning signs all staff and managers need to be aware of relating to potential fraudulent behaviour:

- Refusing to take leave.
- Resigning suddenly or failing to attend work for no apparent reason.
- Gambling, drugs or alcohol abuse.
- A Manager/staff member who over rides internal controls.
- Persistent anomalies in work practices.
- Obvious lifestyle changes that are in conflict with employees normal financial position.

4. RELATED DOCUMENTS

- Fraud Control and Corrupt Conduct Investigation Procedure (Appendix A).
- Fraud Prevention Strategy (Appendix B).
- Fraud Detection and Risk Management Strategy (Appendix C).

5. DOCUMENT ADMINISTRATION

This Instruction is a managed document and is to be reviewed bi-annually or as directed by the General Manager.

~~This document is Version 1.1 effective 26 February 2019. The document is maintained by the General Managers Unit, for the Southern Midlands Council.~~

Approval Process

<i>First Council Meeting Date:</i>	<i>24th October 2012</i>	<i>Decision No.</i>	<i>C/12/10/070/19195</i>
<i>Final Council Meeting Date:</i>	<i>28th November 2012</i>	<i>Decision No.</i>	<i>C/12/11/072/19219</i>
<i>Updated Council Meeting Date:</i>	<i>26th February 2019</i>	<i>Decision No.</i>	<i>Item 17.2.5</i>
<i>Updated Council Meeting Date:</i>	<i>25th November 2020</i>	<i>Decision No.</i>	<i>Item 16.1.3</i>



Council Policy
FRAUD CONTROL & CORRUPT CONDUCT PREVENTION POLICY

Approved by: Council
Approved date: 25th November 2020
Review date: June 2024

APPENDIX A

FRAUD CONTROL AND CORRUPT CONDUCT INVESTIGATION PROCEDURE

This procedure covers appropriate actions and responsibilities that must be followed for the investigation of fraud and corrupt conduct.

Process

1. Any employee; contractor; sub-contractor; employee of a contractor or sub-contractor; an employee of a labour hire company that has been assigned to work at Council; Outworker; Apprentice; Trainee; Work Experience Student or Volunteer who has reason to suspect that a fraud or corrupt conduct has occurred shall immediately notify his / her Manager. If the person has reason to believe that the person's Manager may be involved, the person is to immediately notify the General Manager. The person who provides notification to his/her Manager shall keep this information confidential.)
2. If the person has reason to believe that the General Manager may be involved, the matter should be reported immediately to the Mayor or in his/her absence, to the Deputy Mayor.
3. Any Councillor who has reason to suspect that a fraud or corrupt conduct has occurred shall immediately notify the General Manager. The Councillor shall keep this information confidential.
4. The Manager, when receiving notification of suspected fraud or corrupt conduct, will immediately contact the General Manager..
5. The General Manager will promptly appoint a Manager to investigate the fraud or corrupt conduct upon notification of the details. If the reporting party is not satisfied with the Manager's investigation or response the matter should be referred to the General Manager. The General Manager can choose to investigate the matter or appoint an independent third party (from outside the organisation) to review the reported breach,
6. If the reporting party is not satisfied with the General Manager's investigation or response, the matter should be referred to the Mayor. The Mayor can choose to investigate the matter or appoint an independent third party (from outside the organisation) to review the reported breach
7. Appoint an independent third party (from outside the organisation) in the event of actual or perceived conflict of interest (eg related parties).
8. At the conclusion of the initial investigation of a Councillor, the General Manager will determine what further action may be required which may include the need to refer to an external authority.
9. At the conclusion of an investigation of an employee; contractor; sub-contractor; employee of a contractor or sub-contractor; an employee of a labour hire company that has been assigned to work at Council; Outworker; Apprentice; Trainee; Work Experience Student or Volunteer the General Manager will prepare a record.



Council Policy
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POLICY**

Approved by: Council
Approved date: [25th November 2020](#)
Review date: [June 2021](#)

The record will contain:

- The allegation/s
- An account of all relevant information received, and, if the General Manager has rejected the evidence as being unreliable, the reasons for this opinion being formed.
- The conclusions reached and the basis for them, and
- Any recommendation arising from the conclusions.

Following the completion of the record the General Manager will determine what further action might be required.

Related Documents

- Fraud Control and Corrupt Conduct Prevention Policy
- Code of Conduct Policy
- Code of Conduct (Elected Members)

Review of Procedure

The Fraud Control and Corrupt Conduct Investigation procedure will be reviewed bi-annually.



Council Policy
FRAUD CONTROL & CORRUPT CONDUCT PREVENTION POLICY

Approved by: Council
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APPENDIX B

FRAUD CONTROL & CORRUPT CONDUCT PREVENTION STRATEGY

Council's fraud and corrupt conduct prevention strategy involves:

Organisational Integrity and Leadership

The most effective form of fraud and corrupt conduct prevention is the establishment of an organisational culture that rejects fraudulent and corrupt practices. Commitment from Senior Management and Councillors is essential in establishing a behaviour model for all staff, committee members and volunteers.

Council will establish and maintain a fraud-resistant culture by:

- (a) employing managers and supervisors who will be positive role models for ethical behaviour;
- (b) adopting and enforcing policies that emphasise the importance of ethical behaviour;
- (c) issuing clear standards and procedures to minimise opportunities for fraudulent and corrupt behaviour, and enhance detection mechanisms; and
- (d) ensuring all staff are accountable for their own actions.

Employee Education and Awareness

Employees will be made aware of Council's ethical conduct expectations by:

- (a) the inclusion of ethical conduct requirements in inductions for new employees;
- (b) an ongoing program of inclusion of ethical behaviour expectations within all position descriptions for new and existing positions; and
- (c) ~~develop and implement a staff~~ [being provided a copy of the](#) Code of Conduct.

Staff with particular responsibilities, such as cash handling and purchasing authority, will be given specific training in approved cash handling and purchasing procedures.

Customer and Community Awareness

Fraudulent activity may be detected as a result of complaints from Council customers or other members of the public. It is essential that the community understands the impact of fraudulent and corrupt conduct and the importance of exposing such behaviour. In order to increase community awareness and encourage the reporting of fraudulent and corrupt conduct, Council will:

- (a) publish the Code of Conduct on Council's website; and
- (b) provide feedback to all persons who report suspected corrupt or fraudulent conduct.

Regular Review of Policies and Procedures

In addition to ongoing policy development directed at emphasising ethical behaviour and fraud prevention and detection, Council is committed to the ongoing review of existing policies and procedures.



Council Policy
**FRAUD CONTROL & CORRUPT CONDUCT PREVENTION
POLICY**

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Approved date: 25th November 2020
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APPENDIX C

FRAUD DETECTION & RISK MANAGEMENT STRATEGY

Council's fraud and corrupt conduct detection strategy involves:

Encouraging Disclosure

It is recognised that most fraudulent activity and corrupt conduct is detected by employees of Council, and to a lesser extent, by members of the public. Council will encourage the reporting of fraudulent conduct by:

- (a) The inclusion of training on fraud awareness and reporting procedures in induction of new employees;
- (b) Awareness training for all staff on Council's Code of Conduct and reporting of fraudulent and corrupt activity on a bi-annual basis;
- (c) Advertising on Council's website of the various methods by which members of the public can report instances of fraudulent and corrupt conduct that they may become aware of; and
- (d) Providing feedback to people who report suspected fraud or corrupt conduct.

Internal Review

Council will minimise opportunities for undetected fraudulent activity via a robust internal review program. The General Manager shall establish and implement a detailed strategy and procedures, incorporating internal review guidelines in order to give this policy effect. Such a program shall include:

- (a) monthly reviews of purchasing and disposal transactions;
- (b) annual reviews of financial system security;
- (c) annual reviews of cash float and petty cash balances;
- (d) bi-annual stock takes of Council inventory;
- (e) annual reviews of physical asset security;
- (f) appropriate separation of duties identified;
- (g) annual reviews of compliance with adopted cash handling procedures; ~~and~~
- (h) implementation and monitoring of recommendations by Council's external auditors; and

Reports and investigations may be requested from time to time by the Audit Panel.