



ATTACHMENTS

ORDINARY COUNCIL MEETING

Runnymede Recreation Ground
Woodsdale Road, Runnymede
Wednesday 24th May 2023
10.00 a.m.

Item 5.1	Draft Council Meeting Minutes (Open) – 26 th April 2023
Item 5.2.1	Chauncy Vale Management Committee Minutes – 1 st May 2023 Colebrook Memorial Hall Management Committee Minutes – 9 th May 2023
Item 17.1.1	Draft Audio Records of Council Meeting Policy
Item 17.1.2	Draft Municipal Seal Use Policy – May 2023
Item 17.1.3	Draft Issue Resolution Policy – May 2023 Draft Fitness for Work Policy – May 2023
Item 17.1.4	LGAT Submission of Motions

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

Wednesday, 26th April 2023
10.00 a.m.

Campania Hall
Reeve Street, Campania

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OPEN COUNCIL MINUTES

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL HELD
ON WEDNESDAY 26th APRIL 2023 AT THE CAMPANIA HALL COMMENCING
AT 10.02 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, Cllr A E Bisdee OAM, Cllr D Blackwell, Cllr D Fish and Cllr F Miller.

Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr G Finn (Manager Development and Environmental Services), Mr D Richardson (Manager Infrastructure and Works) and Mrs J Crosswell (Executive Officer).

4. APOLOGIES

Cllr McDougall (leave of absence granted previously).

5. MINUTES

5.1 Ordinary Council Meeting

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 22nd March 2023, as circulated, are submitted for confirmation.

RECOMMENDATION

THAT the Minutes (Open Council Minutes) of the Council Meeting held 22nd March 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 22nd March 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 F Miller	✓	

5.2 Special Council Meeting

The Minutes of the Special Council Meeting held on the 12th April 2023, as circulated, are submitted for confirmation.

RECOMMENDATION

THAT the Minutes of the Special Council Meeting held 12th April 2023 be confirmed.

DECISION

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

THAT the Minutes of the Special Council Meeting held 12th April 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 F Miller	✓	

5.3 Special Committees of Council Minutes**5.3.1 Special Committees of Council - Receipt of Minutes**

Nil.

5.3.2 Special Committees of Council - Endorsement of Recommendations

Nil.

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

5.4.1 Joint Authorities - Receipt of Minutes

Nil

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

Nil.

6. NOTIFICATION OF COUNCIL WORKSHOPS

DECISION

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

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 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 – Oatlands Aquatic Centre – Vos Construction – status of negotiations regarding the final settlement claim.

Deputy General Manager advised that the final claim is yet to be finalised. It is dependent on completion of all works. It was noted that Vos has engaged the services of an alternative electrical contractor to complete installation of solar panels.

Clr A E Bisdee OAM – does Council intend on adopting a position in relation to the possible construction of a youth detention facility at Pontville?

Mayor E Batt made reference to the outcome of the discussion at the Council workshop held 12th April 2023. Council will not adopt any position mainly in recognition that it may have to act as a Planning Authority if the site is identified as the Government's preference.

Mayor E Batt / Cllr D Fish – Has the letter of appreciation to Eric Hutchinson regarding the Oatlands Aquatic Centre been sent?

Deputy General Manager - Letter will now be done following endorsement of March 2023 Council Meeting Minutes where the new Oatlands Aquatic Centre report was endorsed.

Cllr F Miller – NBN Co – any update in relation to a senior NBN Co. representative being prepared to discuss infrastructure upgrade(s) with Council? This also applies to a representative from Tas Irrigation.

General Manager advised that no progress has been made to date, and no further information has been received from NBN Co. in relation to capital construction estimates.

Deputy Mayor K Dudgeon – Villinneuve Street, Campania – commented that the streetlights are yet to be installed.

Manager Infrastructure and Works confirmed that Tas Networks has been requested to action accordingly, This request has been submitted for a considerable period with no further information available in terms of timeframe.

Mayor E Batt – commented in relation to the Belgrove Distillery and questioned the current status of the ‘non-compliance’ issues. Was Council responsible for addressing the outstanding issues?

Manager Development Environmental Services provided background information and an update in relation to the status of the outstanding issues. Basically, the operator is required to engage a Building Surveyor to investigate and report accordingly.

Mayor E Batt – Kempton Recreation Ground – have the new lights been installed and operating?

General Manager confirmed that the lights have been installed.

Mayor E Batt – Jericho ‘Avenue of Honour’ – status the project?

General Manager confirmed that the Manager Heritage Projects is progressing the individual components of the project with Mrs Stephanie Burbury.

Deputy Mayor K Dudgeon – Ely Street Dysart – can the residents of Ely Street, Dysart be surveyed to determine whether they wish to participate in the Household Collection Service?

General Manager confirmed that a survey can be undertaken and will be arranged accordingly.

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

Acknowledged that the Local Government Board has issued the ‘Stage 2 – Interim Report’ for the ‘future of local government review’ and sought any comments from Council.

General Manager advised that Council is yet to consider the Interim Report but in previous submissions Council has indicated its opposition to any structural reform unless it is clearly demonstrated that there are benefits for ratepayers. Council is also opposed to any proposition for development applications to be referred to an independent panel for determination (i.e. removing councillors’ responsibility to act as a Planning Authority).

It was noted that further information regarding ‘catchment boundaries’ will be released by the Local Government Board on 22nd May 2023 which will provide Council with additional information for assessment and comment.

Julia Jabour – Southern Midlands Regional News

Advised that a group of Oatlands residents were progressing with the investigation of issues relating to the establishment of a Dog Park at Oatlands. Is there any information available in terms of regulated standards or operating requirements indicating that a number of other

facilities have been inspected. It was commented that there were significant gaps at the bottom of the fence at the Dog park at Kempton and was the height of the fence sufficient?

Deputy General Manager confirmed that the height of the fence at Kempton is fairly standard for dog enclosures and it was advised that the other site infrastructure such as bins; disposal bags; water fountains etc. were still to be installed. The Manager Infrastructure & Works confirmed that the site rehabilitation and landscaping works will address the low points at the base of the fence.

10.1 Permission to Address Council

Nil.

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

Nil.

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

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

12.1 Development Applications

Nil.

12.2 Subdivisions

Nil.

12.3 Municipal Seal (Planning Authority)

Nil.

12.4 Planning (Other)

Nil.

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

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

13.1 Roads

Strategic Plan Reference 1.1

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

Nil.

13.2 Bridges

Strategic Plan Reference 1.2

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

Nil.

13.3 Walkways, Cycle Ways and Trails

Strategic Plan Reference 1.3

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

Nil.

13.4 Lighting

Strategic Plan Reference 1.4

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

Nil.

13.5 Buildings

Strategic Plan Reference 1.5

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

Nil.

13.6 Sewers / Water

Strategic Plan Reference(s) 1.6

Increase the capacity of access to reticulated sewerage services / Increase the capacity and ability to access water to satisfy development and Community to have access to reticulated water.

Nil.

13.7 Drainage

Strategic Plan Reference 1.7

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

Nil.

13.8 Waste

Strategic Plan Reference 1.8

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

Nil.

13.9 Information, Communication Technology

Strategic Plan Reference 1.9

Improve access to modern communications infrastructure.

Nil.

13.10 Officer Reports – Infrastructure & Works

13.10.1 Manager – Infrastructure & Works Report

AUTHOR: MANAGER INFRASTRUCTURE & WORKS (DAVID RICHARDSON)

DATE: 20 APRIL 2023

General Business

At the previous council meeting the following question was raised

Clr F Miller – Colebrook Main Road / Mudwalls Road – made comment in relation to recent repair works which appear to ‘fail’ within a short period of time as the extent of repair work is inadequate. Can Council raise this matter with the Department of State Growth as the responsible agency for the Road? Traffic is becoming increasingly heavy through this area and the road is particularly poor near the turn off to Brown Mountain Road, Campania.

Manager Infrastructure & Works to convey concerns and issues to the Department of State Growth.

Response received from State Roads

Hi David,

Our maintenance contractor has been short term repairing this section road the past couple months, however last week we completed proper 450mm dig out and 100mm asphalt repairs, particularly near the Brown Mountain Road section. We also have roughly 5km of table drainage works ordered up to be completed prior to winter also, in different parts along Mud walls road.

Also worth noting, there will be a rehabilitation, and a reseal site to be completed next summer, in the areas surrounding the Colebrook Township.

QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

Deputy Mayor K Dudgeon – reported on behalf of Clr McDougall – appreciated clearing of Buckland Road / Woodsdale Road intersection.

Clr D Blackwell – Footpath replacement – Main Street, Kempton – Can an update be provided?

Manager Infrastructure and Works – Contractor has confirmed that the concreting of the footpath has been scheduled for week commencing 1st May 2023.

Clr D Blackwell – Kempton Recreation Ground – Playground Area – are any improvements planned for this Park?

General Manager – advised that improvements and upgrade were identified by the Kempton Streetscape Committee however these will now be progressed through Council’s Facilities

& Recreation Committee. Consultation will be required with the various user groups as other site issues have been identified (e.g. lack of storage).

Mayor E Batt – Blackbrush Road, Mangalore (Midland Highway end) – there are a considerable number of defects on this section of road.

Manager Infrastructure and Works – the reconstruction of this section of Road is included in the draft Capital Works Program Budget that was considered by Council at its recent workshop.

Mayor E Batt – Oatlands Swimming Pool (old Pool) – are the demolition works to be managed by Council?

General Manager confirmed that the Manager Heritage Projects will manage this project in conjunction with the Manager of Infrastructure & Works. An engineering company (RARE) has recently been engaged to undertake a ‘Dilapidation Survey’ which is the first stage of the project. Works will be done by Council.

Clr A E Bisdee OAM – are there any immediate plans for the Oatlands Gaol site where the old pool was located?

General Manager confirmed that there are no immediate plans and the site will be backfilled pending archaeological assessment and consideration of redevelopment options.

RECOMMENDATION

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

DECISION

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

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 F Miller	✓	

DECISION

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

THAT the meeting be adjourned for morning tea at 11.01 a.m.

CARRIED

DECISION

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

THAT the meeting reconvene at 11.25 a.m.

CARRIED

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 A E Bisdee OAM, seconded by Deputy Mayor K Dudgeon

THAT the Heritage Projects 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 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 Cllr D Fish, seconded by Cllr D Blackwell

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	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr D F Fish	✓	
Cllr 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 Deputy Mayor K Dudgeon, seconded by Clr 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	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	
Clr F Miller	✓	

15.6.2 2023/24 Animal Management Fees (including Dog Registrations)

DECISION

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

THAT Council adopt the following Animal Management Fees for the 2023-24 period:

CLASS	EVIDENCE REQUIRED	AMOUNT
Dog Desexed	<i>Vet Certificate or Stat Dec required</i>	\$34.00
Dog Non-desexed		\$44.00
Greyhound/Working Dog/Purebred (for showing/breeding)	<i>Certificate required, TCA or GRT membership or ABN</i>	\$34.00
Dangerous Dog/Restricted Breed/Guard Dog	<i>Declared by General Manager</i>	\$100.00
Guide Dogs/Hearing Dogs		No Charge
Pensioner	<i>Pension Concession Card Health Care Card</i>	50% discount off scheduled fee (one dog only)
Replacement Tag (metal lifetime tag)		\$12.00
Formal Notice of Complaint (Refundable if validated)		\$66.00
Kennel Licence Application		\$132.00
Kennel Licence Renewal		\$56.00
Impound fee (per animal)		\$34.00
Feed/care fee (daily charge per animal)		\$12.00
Dogs Home of Tasmania Impound Fee	<i>Paid directly to Dogs Home</i>	Refer Dogs Home

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 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.

16.1.1 Midlands Memorial Community Centre – 68 High Street Oatlands Proposed Minor Works on the Forecourt

DECISION

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

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.

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 F Miller	✓	

16.1.2 Levendale Community Centre (former Levendale Primary School) – Disposal of Property (Deed of Surrender) – 1315 Woodsdale Road, Levendale (PID 1481598 – C/T 169535/1)

DECISION

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

THAT the information 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 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 Cllr A E Bisdee OAM, seconded by Cllr D Blackwell

THAT the information be received and 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 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.

Nil.

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

17.1.1 Review of Existing Policy Audio Recordings of Council Meeting Policy

DECISION

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

THAT Council:

- a) consider the ‘Audio Recordings of Council Meeting Policy’, and subject to any amendment(s), submit for endorsement at the May 2023 Council Meeting; and
- b) confirm the need to develop a Policy relating to the conduct of Council Workshops and this matter be listed for discussion at a future workshop in order to identify the relevant policy provisions.

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 F Miller	✓	

**17.1.2 Review and Amendment of Existing Policies
Recruitment Policy & Procedure
Selection Policy & Procedures**

DECISION

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

THAT Council:

- 1. Receive and note the report;**
- 2. Adopt the revised version of the Recruitment Policy & Procedures; and**
- 3. Adopt the Selection Policy & Procedures.**

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 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 D Fish – Represented Council at the Oatlands Anzac Day Dawn Service and Service held at 11 a.m. a.m. Both services were well attended and commended the RSL Club.

Traffic management signage may be required for the Oatlands Dawn Service in future years.

Deputy Mayor K Dudgeon – Attended the Woodsdale ANZAC Day service. This was a very moving service with around 30 attendees.

Deputy Mayor K Dudgeon – Attendance at a meeting with Senator the Hon Anthony Chisolm (Assistant Minister for Regional Development) with the General Manager and Deputy General Manager. A presentation was made which highlighted projects partly funded by the Australian Government. The presentation also emphasised the importance of commonwealth funded grant programs. The meeting included a tour of the Oatlands Aquatic Centre.

17.2.3 Local Government Shared Services – Quarterly Update – Information Only

DECISION

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

THAT the information 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 F Miller	✓	

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 March 2023)

DECISION

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

THAT the Financial 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 F Miller	✓	

17.3.2 Request for Rate Remission – Oatlands District Historical Society – 107 High Street, Oatlands (PID 5842354)

DECISION

Moved by Cllr D Blackwell, seconded by Cllr D Fish

THAT, in accordance with section 129 of the *Local Government Act 1993*:

- a) Council, by absolute majority, grant a remission of rates and charges to the Oatlands District Historical Society for its property at 107 High Street, Oatlands (PID 5842354); and
- b) The remission relates to the 2020/21; 2021/22; and 2022/23 financial years, inclusive.

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 F Miller	✓	

17.3.3 Saint Regina Limited – 2495 Colebrook Road, Colebrook – ‘Hardwick House’ (PID 3606737) – Application for Rates Exemption (Charitable Purposes)

DECISION

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

THAT based on advice received from Abetz Curtis (and the need to clarify some of this advice) and the need for further information from Saint Regina Limited, a decision be deferred in respect to this matter.

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 F Miller	✓	

17.3.4 SMC External Grant Projects – Quarterly Update

DECISION

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

THAT Council receive and note the report.

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 F Miller	✓	

18. MUNICIPAL SEAL

Nil.

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Nil.

DECISION*Moved by Clr A E Bisdee OAM, seconded by Clr D Blackwell***THAT the meeting be suspended at 12.41 p.m. to provide an opportunity for a discussions with Luke Edmunds MLC (Shadow Minister for Local Government) who was in attendance at the meeting.****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 F Miller	✓	

*Clr F Miller left the meeting at 12.52 p.m.***DECISION***Moved by Deputy Mayor K Dudgeon, seconded by Clr D Blackwell***THAT the Council Meeting reconvene at 1.09 p.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	✓	

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

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>Property Matter – Oatlands</i>	15(2)(e)(ii)
<i>73 High Street, Oatlands (Roche Hall Property)</i>	15(2)(e)(ii)

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	✓	

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 Blackwell, seconded by Deputy Mayor K Dudgeon

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

CARRIED

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	✓	

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 Property Matter – Oatlands

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.

20.4 73 High Street, Oatlands (Roche Hall Property)

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	✓	

OPEN COUNCIL MINUTES

21. CLOSURE

The meeting closed at 1.25 p.m.

CHAUNCY VALE WILDLIFE SANCTUARY MANAGEMENT COMMITTEE
SOUTHERN MIDLANDS COUNCIL
MINUTES
OF GENERAL MEETING HELD ON MON 1ST MAY 2023
AT CHAUNCY VALE RESERVE

Present:

	Chair
Tony Bantick	Community
Vicky Bird	Bagdad Field & Game (BF&G)
Graham Green	SMC
Elise Jeffery	Tas Land Conservancy
Jamie Ward	Community
Victoria Needham	Community
Heather Chauncy	Chauncy Family
Ben Masterman	Chauncy Family

Apologies: Brian Campbell (P&WS), Laura Young (Caretaker), Rowena McDougall & Donna Blackwell (Councillors)

1. Minutes

The minutes of the previous meeting held on February 6th 2023 were accepted as a correct record: Moved – Tony, seconded – Heather, carried

2. Matters arising from the minutes

There were no matters arising from the minutes.

3. Correspondence

- *Chris Harman* – letter regarding Chauncy Vale management and broader issues.
- *Holley Lees* (P&WS) – advice on toilet planning, technology and costing from P&WS experience
- *Vicky Buchanan* – opinion on infrastructure and visitor experience at Chauncy Vale. Positive on the tracks and bridges but suggests we can do better with the

presentation of the buildings, e.g. cobwebs, and that the toilets are not up to scratch. Also commented that many of our chairs are no good.

4. Financial report

The account balance as at 24/04/23 was \$44,705. Recent costs include council plant and labour of around \$2500 for the rope bridge footings installation. The Day Dawn painting job was completed a few months ago but has not been costed against our account. Graham to check with the Finance Officer in regard to this. Our actual account balance should be around \$36,000.

Financial report Moved – Jamie, seconded – Ben carried

5. Wombat Woodland Walk Project update

The footings for the rope bridge were poured by the council works crew in early April. Ian Whelan should be available soon to do the steel work. A large tree on the northern bank near the bridge is dying and has some hazardous branches. This will be felled in due course.

6. Regeneration burns

The regeneration burn plan was tabled for discussion.

- Elise suggested talking to the 'Hot Tips' coordinator for their input into our plan. Contact details to be sent.
- Jamie mentioned that clearing around trees needs to be done prior to a burn. This detail, and the importance of site preparation will be added to the plan.
- Ben to send around details of upcoming 'cool burn' workshops as those that have attended in the past have gained useful information from them.
- Tony and Graham attempted to start the burning program after Easter but it was too damp to get anything of substance going.

7. New toilets planning

Graham has received detailed information from P&WS on system type and costings for toilets in their bush and coastal reserves. The costs are much higher than expected. A current grant opportunity with the Tas Community Fund has just opened and applications close on June 21st. Grants up to \$50 000 are available with a minimum 10% contribution from the proponent. This amount of money would not fund the P&WS toilet option but would however fund an Envirocycle or similar option.

It was decided to take the first step and engage a land capability assessment to see what kind of system is appropriate. This will likely cost between \$1000-\$2000...

Moved: Heather Seconded: Jamie Carried.

A few sites close to the information shelter were chosen as potential locations. If the project is not funded through the current grant opportunity then the information gathered as part of the assessment will be useful for future opportunities.

8. Tasmanian Land Conservancy Flat Rock Reserve update

Regarding the NRM South sugar glider project on Flat Rock, 15 sugar gliders have recently been removed. It is regarded as a bit of a sugar glider hotspot. The sugar gliders are removed because they directly impact the critically endangered swift parrot, for which Flat Rock is known habitat.

Graham to discuss monitoring with appropriate TLC staff so that some sites can be set up on Chauncy Vale adopting the same methodology as used by TLC.

9. Other business

Small grant opportunity

There is a current opportunity to acquire up to \$1500 through MP Jane Howlett. Graham to send a budget and justification through to Tim Kirkwood. It was decided to go for a battery powered Stihl brush-cutter to use for: preparing for burns, clearing along the sides of tracks, and trimming close to buildings.

Goats and deer

Bagdad Field and Game have made an assessment of both goats and deer in and around Chauncy Vale. There is evidence of the presence of both and there have been recent sightings up East Bagdad Road. Acknowledged that they will be very difficult to shoot on Chauncy Vale and that night time with a spotlight would be the best way.

Roy Bird can set up a trail camera. BF&G can mobilise shooters based upon up to the minute sightings. Goats are known from around the area and anecdotally there is a bit of interest in capturing/shooting them for meat. Hopefully it is a matter of time before they are dealt with one way or the other.

Caretaker position

In light of the recent complaint about the state of facilities within the visitor precinct and that fact that Laura is now much busier than when she started in the Caretaker role, it was suggested that a new 'hybrid' caretaker model be explored. This would mean that in

light of Laura's reduced capacity to fulfil the caretaker obligations, including tours of Day Dawn, some rent should be paid. This money could go to the 'Works Crew' to undertake some regular cleaning and maintenance around the visitor precinct. The Works Manager Kempton has indicated capacity of the crew to take this on.

It was suggested that Graham talk to Tim for a decision on what amount to pitch the rent. Graham to then talk to Laura to gauge how receptive she is to a new way of doing things.

There was some discussion about future caretaker models in preparation for when Laura may no longer be with us, but it was parked for discussion at a later date. It was however mentioned that future contracts should provide us with an easy 'out' in case the caretaker arrangement doesn't work out. Heather also stressed the importance of interviewing for the position and mentioned that retired couples would be ideal for the role.

New Brochure

The new Flat Rock Chauncy Vale Brochure has been printed. Some will be left for visitors in the walker registration booth.

Interps Panel review

Heather suggested that a new interpretation panel highlighting the Wombat Woodland Walk would be of value in or near the interpretations shelter. It was suggested replacing the 'weather info panel' with a wombat walk one. Graham disagreed mentioning that the historic weather information for the area is likely of interest to plenty of people.

Graham to draft up a potential panel for graphic design follow up by Julie Hawkins.

10. Next meeting Monday September 4th at 10 am (requested change from late August by Heather)

COLEBROOK MEMORIAL HALL MANAGEMENT COMMITTEE

ANNUAL GENERAL MEETING

MINUTES

Held on Tuesday 9th May 2023 at the Colebrook Memorial Hall, Colebrook

The meeting commenced at 1300hrs

Attendance: Fay Moore, Leanne Doherty, Glenn Doherty, Mandy Nicolle, Wendy Young & Rachel Collis

Apologies: Nil

1. Previous Minutes

Moved Leanne Doherty seconded Mandy Nicolle that the previous minutes of the AGM held in March 2022 be confirmed as true and accurate record of the meeting.

CARRIED

2. Chairman's Report

Wendy Young provided a verbal report to the Committee in the absence of the Chairman. Wendy thanked Margaret Ball for years of dedication she has made to the hall on behalf of Council and the community. She also thanked Faye Moore for the considerable contribution in opening and cleaning of the hall.

3. Treasurer's Report

Wendy provided the Treasurer's Report along with a copy of the Statement of Receipts and Payments for the period 1st July 2021 to 30th June 2022

Moved Leanne Doherty Seconded Mandy Nicolle that the Treasurer's Report be received. CARRIED

4. Election of Office Bearers

Chairman

Wendy Young declared all positions vacant and then he called for nominations for the position of Chairman.

Historically this position has been fulfilled by Council's representative, Clr Fraser Miller will assume the role of chair, with Clr Don Fish proxy.

Moved Leanne Doherty Seconded by Fay Moore, that Fraser Miller be confirmed in the role of Chairman. CARRIED

Treasurer

Nominations for the position of Treasurer were called.

COLEBROOK MEMORIAL HALL MANAGEMENT COMMITTEE

ANNUAL GENERAL MEETING

MINUTES

One nomination was received for Leanne Doherty. Leanne Doherty confirmed that she wished to accept the nomination. There were no other nominations; Leanne Doherty was duly appointed as Treasurer.

Moved Mandy Nicolle and Seconded by Fay Moore, that Leanne Doherty be confirmed in the role of Treasurer. CARRIED

Secretary

Nominations for the position of Secretary were called.

One nomination was received for Leanne Doherty. The candidate was asked if she wished to accept the nomination. There were no other nominations, Leanne Doherty was duly appointed as Secretary.

Moved Mandy Nicolle and seconded by Fay Moore, that Leanne Doherty be confirmed in the role of Secretary. CARRIED

Committee Member

Nominations for the position of Committee Member were called.

Three nominations were received, Glenn Doherty, Mandy Nicolle & Fay Moore. The candidates were asked if they wished to accept the nominations, they answered in the affirmative. There being no further nominations, Glenn Doherty, Fay Moore & Mandy Nicolle were duly appointed as Committee Member.

Moved Mandy Nicolle and Seconded by Faye Moore, that Glen Doherty, Fay Moore & Mandy Nicolle be appointed as a Committee Member. CARRIED

Bank Signatories on Cheque Account

Due to the change in office bearers, Margaret Ball and Alex Green are to be removed as signatories on the Cheque account and Mandy Nicolle and Leanne Doherty be the new signatories. Wendy will arrange the required paperwork for this to be done.

Moved Mandy Nicolle and seconded by Fay Moore that Mandy Nicolle and Leanne Doherty be the new signatories on the cheque account. CARRIED

COLEBROOK MEMORIAL HALL MANAGEMENT COMMITTEE

ANNUAL GENERAL MEETING

MINUTES

5. Other Business

5.1 The fees and charges are to remain the same.

Hall & Supper Room	\$20 per hour
Kitchen Hire	\$25 per hour
Meetings	\$20 per hour
Fixed price market day	\$150

It Was Resolved that the information be noted and received

5.2 Bookings for the Hall will continue to be done through the Community & Corporate Development team of Southern Midlands Council. Bookings can be made by phoning the Kempton Office on 62545050 or by emailing wyoung@southernmidlands.tas.gov.au.

5.3 A letter be sent to Margaret Ball and Fay Moore for the considerable contributions made to the Colebrook Hall over many years

5.4 A question was asked in relation to removing the old staircase that are currently being stored in the supper room. Wendy to ask if they are required elsewhere.

5.5 Glen is organising the plaque from the church to be hung in the hall.

5.6 The Committee has asked for permission to refurbish the tables in the supper room, it was agreed for this to be done.

5.7 There is a leak in the roof, Wendy to arrange for this to be fixed and to get an electrician to get the lighting in the hall.

6. Close

There being no further business Wendy thanked people for their attendance and closed the meeting at 1325hrs

1. PURPOSE

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

2. SCOPE

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

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

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

Provisions

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

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

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

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

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

3. POLICY

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

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

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

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

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

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

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

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

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

Approved by: Council
Approved date:
Review date:

4. LEGISLATION

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

5. DOCUMENT ADMINISTRATION

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

This document is Draft Version 2.0 effective 24th May 2023. The document is maintained by the General Manager's Unit for the Southern Midlands Council.



Council Policy
MUNICIPAL SEAL USE POLICY

Approved by: Council
Approved date: January 1994
Review date:

1. PURPOSE

Under Section 19 (5) of the *Local Government Act 1993* the execution of a document sealed by Council is to be attested by such persons as the Council determines.

THAT the execution of a document sealed by Council is to be attested by the Mayor, the General Manager (or their deputies in their absence), and one Councillor in the following form;

“The common seal of the Southern Midlands Council has been hereunto affixed, pursuant to a resolution of the Southern Midlands Council passed the day of

SEAL

Signature Position

Signature Position

Signature Position



Council Policy
ISSUE RESOLUTION POLICY

Approved by: Council
Approved date: September 2015
Review date: May 2023

1. AUTHORITY & APPLICATION

Related Council Documents

This Policy should be considered in conjunction with the following policies and procedures:

- *Code of Conduct*
- *Communications*
- *Disciplinary*
- *Fitness for Work*
- *Performance Management*
- *Work Health & Safety*
- *Workplace Behaviour*

Previous policies replaced by this Policy

Complaints and Grievances Policy

Applicable Laws

All laws in connection with the carrying out of work or the Workplace including:

- *Age Discrimination Act 2004 (Cth)*
- *Anti-Discrimination Act 1998 (TAS)*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Fair Work Act 2009 (Cth)*
- *Local Government Act 1993 (TAS)*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Work Health & Safety Act 2012 (TAS)*
- *Workers Rehabilitation & Compensation Act 1988 (TAS)*

Definitions

Contact Officer

An Employee of Council who is appointed in writing after receiving and completing appropriate training to perform the role of Contact Officer.

Council

Southern Midlands

Councillor

An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the *Local Government Act 1993 (TAS)*

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Council Policy
ISSUE RESOLUTION POLICY

Approved by: Council
Approved date: September 2015
Review date: May 2023

Employee

A person who carries out work for Council as an employee of Council.

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General Manager

The general manager of Council as appointed under section 61 of the *Local Government Act 1993* (TAS).

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Infringing Workplace Behaviour

Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

Industrial Instrument

An instrument recognised under the Fair Work Act 2009 that has legal application with respect to minimum entitlements to those Employees covered within its scope (eg Award or Enterprise Agreement).

Issues

Any grievances, disputes, issues, complaints or concerns that a Worker or other Persons at the Workplace may have against Council, Councillor, Workers or Other Persons at the Workplace.

Manager/Supervisor

A person at Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

Other Persons at the Workplace

Any person, other than a Councillor, at the Workplace who is not a Worker including visitors and ratepayers.

Policy

This Issue Resolution Policy including the 'Authority and Application'.

Procedure

This Issue Resolution Procedure including the 'Authority and Application'.

Worker

A person, other than a Councillor, who carries out work in any capacity for Council, including work as:

- (a) an Employee;
- (b) a contractor or subcontractor;
- (c) an employee of a contractor or subcontractor;
- (d) an employee of a labour hire company who has been assigned to work at Council;
- (e) an outworker;
- (f) an apprentice or trainee;

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Council Policy
ISSUE RESOLUTION POLICY

Approved by: Council
Approved date: September 2015
Review date: May 2023

- (g) a student gaining work experience; or
- (h) a volunteer.

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Workplace

A place where work is carried out for Council.

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Training

Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.

Amendment

~~Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.~~

Interpretation of Policy

- (a) The singular includes the plural and vice versa.
- (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them.
- (c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated.
- (d) 'Including' and similar expressions are not words of limitation.
- (e) A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.
- (f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- (g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.
- (h) Unless expressly provided for this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.
- (i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective
- (j) third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.

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Council Policy
ISSUE RESOLUTION POLICY

Approved by: Council
Approved date: September 2015
Review date: May 2023

Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.

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Reporting of Breaches

Persons covered under [the definition of 'Worker' paragraph 0 \(Coverage\)](#) must reasonably report breaches of Infringing Workplace Behaviour as follows:

For breaches by

- (a) an Employee (other than the General Manager), or other Workers, the report must go to the reporting person's applicable Manager/Supervisor;
- (b) an Other Person at the Workplace, to the General Manager; and/or
- (c) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and
- (d) as otherwise required or permitted by Applicable Laws.

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Breach of Policy

Persons covered under [the definition of 'Worker' paragraph 0 \(Coverage\)](#) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees), or removal from the Workplace or termination of services (Workers [other than Employees] and Other Persons at the Workplace). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:

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- (a) exposing individuals to legal proceedings; and
- (b) making Council vicariously liable for the conduct of others.

2. PURPOSE

The aims of this Policy are to:

- (a) recognise Council's commitment to the providing a fair and supportive working environment for all Workers and a safe workplace for all Workers and Other Persons at the Workplace;
- (b) provide a flexible approach for Issue resolution which takes into consideration the individual, operational and environmental circumstances;
- (c) recognise that Issues are best dealt with at the individual level, as soon as is practicable and without unnecessary formality to prevent unnecessary escalation and to promote fairness all round for all parties;
- (d) provide a reference and framework for the Issue Resolution Procedure; and



Council Policy
ISSUE RESOLUTION POLICY

Approved by: Council
Approved date: September 2015
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- (e) operate in conjunction with Applicable Laws and Related Council Documents.

3. COVERAGE

- (a) This Policy covers and applies to Workers and Other Persons at the Workplace regarding Issues in relation to:
- (i) behaviour at the Workplace;
 - (ii) the performance of work for or in connection with Council; and
 - (iii) conduct outside the Workplace or working hours if the acts or omissions:
 - (A) are likely to cause serious damage to the relationship between Council, Councillors, Workers or Other Persons at the Workplace; or
 - (B) are incompatible with a Worker's or Other Person at the Workplace's duty to Council; or
 - (C) damage or are likely to damage Council's interests or reputation.
- (b) This Policy does not cover or apply to Issues that are covered by a specific policy, procedure or process including a dispute settlement procedure under an applicable Industrial Instrument.
- (c) For the avoidance of doubt this Policy does not cover or apply to a Councillor.

4. REQUIREMENTS

- (a) Workers and Other Persons at the Workplace must comply with this Policy.
- (b) Managers/Supervisors must communicate and implement this Policy within their area of responsibility.

5. ROLE RESPONSIBILITIES

5.1 What are the Manager/Supervisor's Responsibilities?

Managers/Supervisors are responsible for:

- (a) ensuring appropriate management of Issues under the Issue Resolution Procedure;
- (b) making appropriate records relating to Issues;
- (c) taking reasonable steps to ensure Workers and Other Persons at the Workplace



Council Policy
ISSUE RESOLUTION POLICY

Approved by: Council
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are not victimised or subjected to other Infringing Workplace Behaviour because they have made, are respondent to or otherwise involved in an Issue legitimately raised;

- (d) making reasonable resources available to assist Workers and Other Persons at the Workplace in relation to raising or responding to and resolving Issues; and
- (e) advising Employees of reasonable internal and external support to raise or respond to and resolve Issues.

5.2 What are the Worker's and Other Person's at the Workplace Responsibilities?

Workers and Other Persons at the Workplace are responsible for:

- (a) their own behaviours, including reasonably raising or responding to and resolving Issues;
- (b) not raising or responding to Issues to be dealt with or participating in any process under the Issue Resolution Procedure not in good faith, vexatiously, falsely, frivolously, or without reasonable grounds;
- (c) participating appropriately in issue resolution processes under the Procedure; and
- (d) identifying the appropriate support, training or experience and opportunities to raise or respond to and resolve Issues.

6. ENGAGING IN AN ISSUE RESOLUTION PROCEDURE

6.1 What is an issue resolution procedure?

An issue resolution procedure consists of an appropriate process to make and respond to and resolve Issues.

6.2 When may Council utilise the Issue Resolution Procedure?

Council may utilise the Issue Resolution Procedure where an Issue has been raised by a Worker or Other Person at the Workplace or when a Manager/Supervisor becomes aware of an Issue or reasonably considers an Issue exists where it is appropriate to utilise the Issue Resolution Procedure.

6.3 What is the process?

The Issue Resolution Procedure provides for Guidelines containing a number of different processes that may be utilised to make or respond to or resolve Issues.

6.4 Is there a requirement to use a particular process?

Council may use a particular issue resolution process that a Manager/Supervisor considers reasonable in the circumstances. This may involve utilising a process that is



Council Policy
ISSUE RESOLUTION POLICY

Approved by: Council
Approved date: September 2015
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requested by the Worker or Other Person at the Workplace raising an Issue (if applicable) or using a different process without their agreement.

6.5 Who conducts an issue resolution process?

- (a) An issue resolution process is conducted by a Manager/Supervisor at the lowest possible level.
- (b) Despite this, Council may decide, taking into consideration the relevant circumstances, to utilise instead or in addition to a Manager/Supervisor at the lowest possible level:
 - (i) a more senior Manager/Supervisor; or
 - (ii) an external person.



Council Policy
FITNESS FOR WORK POLICY

Approved by: Council
Approved date: September 2015
Review date: May 2023

1. AUTHORITY AND APPLICATION

Related Council Documents

This Policy should be considered in the context of the following policies and procedures:

- *Code of Conduct*
- *Communications*
- *Disciplinary*
- *Issue Resolution*
- *Performance Management*
- *Work Health & Safety*
- *Workplace Behaviour*

Applicable Laws

All laws in connection with the carrying out of work or the Workplace including:

- *Age Discrimination Act 2004 (Cth)*
- *Anti-Discrimination Act 1998 (TAS)*
- *Australian Human Rights Commission Act 1986 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Fair Work Act 2009 (Cth)*
- *Local Government Act 1993 (TAS)*
- *Racial Discrimination Act 1975 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Work Health & Safety Act 2012 (TAS)*
- *Workers Rehabilitation & Compensation Act 1988 (TAS)*

Definitions

Assessor

The medical practitioner or allied health professional appointed by Council to examine and assess the Employee's fitness for work.

Council

Southern Midlands

Councillor

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Council Policy
FITNESS FOR WORK POLICY

Approved by: Council
Approved date: September 2015
Review date: May 2023

An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the *Local Government Act 1993* (TAS)

Employee

A person who carries out work for Council as an employee of Council.

General Manager

The general manager of Council as appointed under section 61 of the *Local Government Act 1993* (TAS).

Infringing Workplace Behaviour

Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

Manager/Supervisor

A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

Other Persons at the Workplace

Any person at the Workplace who is not a Worker including visitors and ratepayers.

Policy

This Fitness for Work Policy including the 'Authority and Application'.

Procedure

The Fitness for Work Procedure including the 'Authority and Application'.

Worker

A person who carries out work in any capacity for Council, including work as:

- (a) an Employee;
- (b) a contractor or subcontractor;
- (c) an employee of a contractor or subcontractor;
- (d) an employee of a labour hire company who has been assigned to work at Council;
- (e) an outworker;
- (f) an apprentice or trainee;
- (g) a student gaining work experience;

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Council Policy
FITNESS FOR WORK POLICY

Approved by: Council
Approved date: September 2015
Review date: May 2023

- (h) a volunteer; or
- (i) Councillor.

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Workplace

A place where work is carried out for Council.

Training

Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.

Amendment

~~Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.~~

Interpretation of Policy

- (a) The singular includes the plural and vice versa.
- (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements or re-enactments of any of them.
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- (g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.
- (h) Unless expressly provided for this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.
- (i) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.

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Council Policy
FITNESS FOR WORK POLICY

Approved by: Council
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Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.

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Council Policy
FITNESS FOR WORK POLICY

Approved by: Council
Approved date: September 2015
Review date: May 2023

Reporting of Breaches

Persons covered under [the definition of 'Worker' paragraph Error! Reference source not found. \(Coverage\)](#) must reasonably report breaches of Infringing Workplace Behaviour as follows:

For breaches by

- a) an Employee (other than the General Manager), the report must go to the reporting person's applicable Manager/Supervisor; and/or
- b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and

as otherwise required or permitted by Applicable Laws.

Breach of Policy

Persons covered under [the definition of 'Worker' paragraph Error! Reference source not found. \(Coverage\)](#) who engage in Infringing Workplace Behaviour may (as is appropriate) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure. Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:

- (a) exposing individuals to legal proceedings; and
- (b) making Council vicariously liable for the conduct of others.

2. PURPOSE

The aims of this Policy are to:

- (a) ensure that Council provides a safe and healthy Workplace and all Employees are fit for work;
- (b) direct and guide Employees at the Workplace to achieve and maintain fitness for work and not to expose Workers or Other Persons at the Workplace to unreasonable risks to their health and safety;
- (c) provide a fair and flexible approach to work, health and safety which takes into consideration individual, operational and environmental circumstances;
- (d) provide a reference and framework for the Fitness for Work procedure;
- (e) where reasonable, encourage return to work at the earliest opportunity after or despite illness or injury; and
- (f) comply with Applicable Laws through implementing:
 - (i) appropriate plans, policies and programs to support and implement this

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Council Policy
FITNESS FOR WORK POLICY

Approved by: Council
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Policy;

- (ii) assessment, rehabilitation and return to work resources; and
- (iii) monitoring, reviewing and verification of systems.

3. SCOPE

- (a) This Policy covers and applies to Employees in relation to capacity for work where the illness or injury is not compensable under the *Workers Rehabilitation & Compensation Act 1988* (TAS).
- (b) This Policy does not cover or apply to behaviours that amount to or are dealt with by Council as:
 - (i) performance, which is dealt with under Council's Performance Management Policy; or
 - (ii) disciplinary matters, which are dealt with under Council's Disciplinary Policy.
- (c) For the avoidance of doubt this Policy does not cover or apply to a Councillor.

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4. REQUIREMENTS

- (a) Employees must comply with this Policy.
- (b) Managers/Supervisors must communicate and implement this Policy within their area of responsibility.

5. ROLE RESPONSIBILITIES

What are the Manager/Supervisor's Responsibilities?

Managers/Supervisors are responsible for:

- (a) taking steps to ensure the health, safety and welfare at work of Workers and Other Persons at the Workplace;
- (b) identifying and responding to concerns regarding an Employee's ability to safely perform the requirements of their role;
- (c) treating all Employee matters that relate to an employee's health and fitness for work, seriously, respectfully, impartially and confidentially;
- (d) ensuring consultation with Employees in injury, incapacity and illness management, rehabilitation and return to work planning;
- (e) providing Employees with access to information about their entitlements, rights and responsibilities regarding their capacity for work;



Council Policy
FITNESS FOR WORK POLICY

Approved by: Council
Approved date: September 2015
Review date: May 2023

- (f) considering practicable adjustments to the Workplace to enable Employees to perform the inherent requirements of their role;
- (g) considering alternative duties where practicable on either a temporary or permanent basis; and
- (h) follow the Fitness for Work Procedure to manage Employee's fitness for work.

What are the Employee's Responsibilities?

Employees are responsible for:

- (a) performing the requirements of their position;
- (b) not attending for work if they are not fit to perform the requirements of their position;
- (c) not performing any work-related tasks that creates an unreasonable risk to the health and safety of themselves, Workers or Other Persons at the Workplace;
- (d) notifying their Manager/Supervisor of any matter (which may include the medication they are taking) that may affect their ability to meet the requirements of their role or places the health and safety of themselves, Workers or Other Persons at the Workplace at risk;
- (e) managing individual factors which may adversely affect their fitness for work, such as ensuring adequate rest between periods of work;
- (f) complying with any reasonable and lawful directions that are reasonably necessary to assess or manage risks to safety which arise from or relate to fitness for work. This may include for example attending assessments to determine fitness for work and providing information in reasonable time frames to Council; and
- (g) notifying their Manager/Supervisor if they have any concerns regarding the fitness for work of another Worker or Other Persons at the Workplace.

6. SEEKING ADVICE

Council and/or the Employee may seek advice from a medical or allied health practitioner to ensure compliance with this Policy.

7. EMPLOYEE ASSISTANCE PROGRAM (EAP)

- (a) Council will provide wellbeing support through the provision of counselling and other relevant assistance where reasonable and appropriate.
- (b) Access to the EAP is either by self-referral or referral by Council's nominated appropriate person.

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Council Policy
FITNESS FOR WORK POLICY

Approved by: Council
Approved date: September 2015
Review date: May 2023

8. CONFIDENTIALITY

- (a) All information related to fitness for work is considered sensitive and should be treated as strictly confidential.
- (b) Access to this information is provided only to those persons who need to know in order to manage the Employee or the Fitness for Work Procedure.
- (c) Disclosure of this information to others without the Employee's permission, or which is otherwise not permitted by the Applicable Laws is not permitted.

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9. MANAGING FITNESS FOR WORK

9.1 What is the procedure?

The Fitness for Work Procedure provides for appropriately managing fitness for work.

9.2 Is there a requirement to use a particular process?

Council may implement the Fitness for Work Procedure in a manner that a Manager/Supervisor considers reasonable in the circumstances to ensure compliance with this Policy.

9.3 Who manages a fitness for work procedure?

- (a) Fitness for work is managed by an Employee's immediate Manager/Supervisor.
- (b) Despite this, Council may decide, taking into consideration the relevant circumstances, to utilise instead or in addition to the Employee's immediate Manager/Supervisor:
 - (i) a more senior Manager/Supervisor; or
 - (ii) an external person.

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Call for Submission of Motions
Councils are invited to submit motions for debate
to be Included at General Meetings

Name of Council : Clarence City Council

Contact person (name, title) Ian Nelson, Chief Executive Officer

Phone: (03) 6217 9501 **Email:** ..inelson@ccc.tas.gov.au

Date of General Meeting for Motion to be Included 30 June 2023

Motion Requirements:

In order for a Motion to be considered please indicate if the proposed Motion:

- Addresses the objectives of the Association¹.
- Concerns a local government matter.
- Is a matter of common concern to councils and not a specific local issue.
- Is linked to LGAT's current Annual Plan, available [here](#)
- Is not an existing resolution of the sector (please refer to the Follow up of Resolutions Report in the preceding General Meeting for a list of current resolutions).
- Has not been considered at a General Meeting in the 12 months prior.
- Relates to existing, or sought activities/policy of the Tasmanian Government and would benefit from members understanding the Tasmanian Government position prior to considering².

LGAT staff are happy to assist you in developing your motion. Please phone 03 6146 3740 in the first instance.

Please attach –

- The proposed Motion, which should clearly articulate the action required of LGAT or the policy position being sought from the sector.

¹ The objectives of LGAT are

- (a) Protect and represent the interests and rights of Councils in Tasmania;
- (b) Promote an efficient and effective system of local government in Tasmania; and
- (c) Provide services to Members, councillors and employees of Councils.

The attachment should also include additional background comments to ensure members have a complete understanding of what is being sought and how the Motion addresses the requirements listed above.

Email to admin@lgat.tas.gov.au



Details of Motion

Motion Title RESTRICTIVE COVENANTS ON USE OF LAND AND PROPERTY

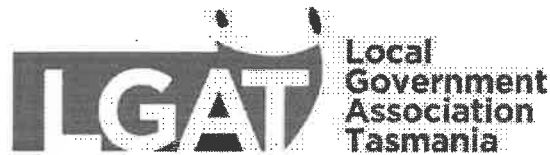
Decision Sought

“That LGAT lobby the State Government urging legislative change to outlaw the creation of covenants which place restrictions on the use of land and property for:

- a. public, social or affordable housing; or
- b. tenants or occupants based on their source of income, or social or financial circumstances”.

Background Comment

- It was reported on ABC News Tasmania and ABC Radio’s PM Program on Monday 20 February 2023 that restrictive covenants were being applied to housing estates in Tasmania disallowing the use of properties for public housing or to lease to tenants in receipt of government payments.
- Some people including welfare agencies have expressed concern that allowing such covenants makes it more difficult for Tasmanians who are homeless or at risk of homelessness to secure affordable accommodation.
- While the regulation of covenants is a matter for the Tasmanian Government and Parliament, it is appropriate for local government to adopt a position on this issue as advocates for the rights of people to access affordable housing. Such restrictive covenants also have the potential to curtail efforts by local government to improve the supply of affordable housing through the instruments available to us.
- There appears to be little, if any, legislative restriction on using covenants in this way in either the *Land Titles Act 1980* or other legislation relevant to the administration of land rights. There is also no restriction on covenants being in this way in the *Anti-Discrimination Act 1998* because economic circumstances are not a prescribed attribute. It would be prudent of the Attorney-General to consider whether amendments to both legislative instruments are required.



Decision Sought

That LGAT convene an expert reference group from member councils to develop recommendations for the sector to consider on:

- *What further data and support is required to assist local government in responding to the housing crisis.*
- *What changes are required to manage short stay accommodation's contribution to housing availability, local amenity, economic development and equitable rating.*
- *What tools are available to encourage owners of unoccupied dwellings to make their properties available as long term rentals.*

Background Comment

LGAT has received the attached motion from Clarence City Council and also a request from the City of Launceston to “investigate and report on the implementation of a vacant residential land tax for unoccupied homes within the State.”

It is further noted that the City of Hobart has unsuccessfully sought amendments to their Local Provision Schedule to limit the number of entire home short stay listings in some parts of the city. A number of councils are also investigating the introduction of a differential rate for short stay accommodation, consistent with the information provided by LGAT at the September 2022 General Meeting (Item 8.1):

Given the breadth of activity occurring across our sector it is proposed to set up an overarching reference group to develop recommendations for how councils respond in a consistent and constructive way.

Clarence City Council has agreed to withdraw its motion, however the contents of this and also the request from the City of Launceston will form the basis for the reference groups initial considerations.



Call for Submission of Motions
Councils are invited to submit motions for debate
to be Included at General Meetings

Name of Council : Clarence City Council

Contact person (name, title) Ian Nelson, Chief Executive Officer

Phone: (03) 6217 9501 **Email:** .. inelson@ccc.tas.gov.au

Date of General Meeting for Motion to be Included 30 June 2023

Motion Requirements:

In order for a Motion to be considered please indicate if the proposed Motion:

- Addresses the objectives of the Association¹.
- ✓ Concerns a local government matter.
- ✓ Is a matter of common concern to councils and not a specific local issue.
- Is linked to LGAT's current Annual Plan, available [here](#)
- ✓ Is not an existing resolution of the sector (please refer to the Follow up of Resolutions Report in the preceding General Meeting for a list of current resolutions).
- ✓ Has not been considered at a General Meeting in the 12 months prior.
- ✓ Relates to existing, or sought activities/policy of the Tasmanian Government and would benefit from members understanding the Tasmanian Government position prior to considering².

LGAT staff are happy to assist you in developing your motion. Please phone 03 6146 3740 in the first instance.

Please attach –

The proposed Motion, which should clearly articulate the action required of LGAT or the policy position being sought from the sector.

The attachment should also include additional background comments to ensure members have a complete understanding of what is being sought and how the Motion addresses the requirements listed above.

Email to admin@lgat.tas.gov.au

¹ The objectives of LGAT are

- (a) Protect and represent the interests and rights of Councils in Tasmania;
- (b) Promote an efficient and effective system of local government in Tasmania; and
- (c) Provide services to Members, councillors and employees of Councils.



Details of Motion

Motion Title REVIEW OF PLANNING CONTROLS FOR SHORT STAY ACCOMMODATION

Decision Sought

“That LGAT seek the support of member councils for Clarence’s position in:

- A. recognising that the current planning controls applicable to the regulation of short-stay accommodation are insufficient to properly regulate short-stay accommodation under the Tasmanian Planning Scheme – Clarence (TPS-Clarence);
- B. requesting the State Government to establish a review to address issues including, but not limited to:
 - (i) The safety and protection of people accessing short-stay accommodation given the failure to require those operating short-stay accommodation to have a Working With Vulnerable People (WWVP) registration.
 - (ii) The rating options that may be applicable to short-stay accommodation providers by local Councils.
 - (iii) The location of short-stay accommodation and the ability for individual Council’s to determine exclusion zones and density levels.
 - (iv) Improved ability for Councils to address parking and community/residential amenity in assessing all applications for Visitor Accommodation.
 - (v) The requirement for all short-stay accommodation providers to be registered regardless of whether or not they are determined to be a permitted or discretionary use under the planning scheme;
- C. requesting that the review be required to consult with all Councils across Tasmania, the results of the consultation be publicly available and the review to be completed in a period of 6 months or less”.

Background Comment

The growth in Tasmania’s tourism economy has seen shifts in the market for visitor accommodation.

Sharing economy platforms like AirBNB have fundamentally changed the visitor accommodation market, providing more diversity in Tasmania’s accommodation offering and allowing homeowners to derive a share from the informal accommodation market segment.

This shift has not been without controversy and public consultation on the draft planning directive in 2017 saw concern raised about many issues including residential amenity and impacts on the sharing economy on housing affordability particularly in the rental market.

In July 2018 the Minister for Planning issued a Planning Directive adopted under the interim planning schemes to categorise the various types of visitor accommodation into a use class, enable an exemption for that use and provide standards to assess Visitor Accommodation applications when the exemption was not applicable. The exemption caused visitor accommodation meeting certain criteria to not need a planning permit to operate.

The Planning Directive formed part of a package to streamline the approval process and included a Building Self-assessment component authorised via a Director's Determination under the Building Act 2016. The Planning Directive now forms part of the Tasmanian Planning Scheme – Clarence (TPS-Clarence) and the building requirements are reviewed by private building surveyors and reported to CBOS.

Assessment of Visitor Accommodation under the TPS-Clarence enables a planning permit to not be required for Visitor Accommodation in a dwelling when the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation, or the dwelling is used by the owner or occupier as their main place of residence, and Visitors are accommodated in not more than 4 bedrooms. If this requirement is not met a planning application must be made for the use and development of land for Visitor Accommodation.

Dependant on the applicable provisions of the TPS-Clarence such applications may be permitted where the Planning Authority must issue a permit subject to conditions, and some applications will require the Planning Authority to exercise its discretion to approve or refuse the planning application, but only insofar as relevant to the particular discretion being exercised.

In zones where Visitor Accommodation is taken to be an acceptable use in the first instance, there are standards to ensure the Visitor Accommodation is compatible with the character of the area, does not cause an unreasonable loss of residential amenity, and does not impact the safety and efficiency of local roads. However, it is important to note that if the visitor accommodation is for guests in an existing habitable building and has a gross floor area of not more than 200m² per lot, the impacts on residential amenity and the impact on local roads is not scrutinised within the zone standards.

In relation to the codes, the number of onsite parking spaces required for all Visitor Accommodation types is 1 space per self-contained accommodation unit, allocated tent or caravan space, or 1 space per 4 beds, whichever is the greater.

The TPS-Clarence does not have a head of power to demand more onsite parking be provided. Other codes, such as the hazard management codes may be applicable depending on the siting of the use and development.

Objections or representations may only be considered for discretionary planning applications. There is no opportunity to lodge a representation against land being used for Visitor Accommodation if the proposal meets the relevant exemption or is a 'permitted' application.

Visitor Accommodation as land use and development is largely regulated through the State planning provisions by Council acting as the Planning Authority. Several other Acts regulate visitor/short to medium term stay accommodation, such as the Building Act 2016, Short Stay Accommodation Act 2019 which requires the booking platform providers to collect and display certain information regarding short stay premises listing on their booking platforms, and Liquor and Accommodation Act 1990.

Council may choose to adopt its own Policy in relation to visitor accommodation. However, such a policy would not have any determining weight in deciding a planning application made under LUPAA.

In relation to Council adopting a planning provision, this would require the amendment of the State Planning Provisions (SPP) or the Local Provisions Schedule (LPS). An amendment to the SPP's or the LPS is tightly regulated and must meet the sustainable development objectives of LUPAA, be consistent with the State Policies and the Tasmanian Planning Policies, meet the SPP/LPS criteria, and drafting guidelines.

The Hobart City Council's bid to secure a Visitor Accommodation draft planning scheme amendment to block new permits being issued for entire homes in residential zones was recently rejected by the Tasmanian Planning Commission.

Numerous councils throughout Australia have explored options designed to slow the uptake of visitor accommodation, such as rate surcharges of up to 50%, restrictions on numbers and bans. These options are currently outside the scope of current planning controls.

In recent years, the total numbers of properties in Clarence that have been approved to operate as short-stay accommodation are as follows:

- 2019 - 78 planning permits
- 2020 – 19 planning permits
- 2021 – 37 planning permits
- 2022 – 52 planning permits

Importantly, these figures do not include the Visitor Accommodation that did not require a planning permit, such as those meeting the relevant exemptions.

It is clear that the highly deregulated nature of short-stay visitor accommodation requires an overhaul to address very serious concerns around issues such as the lack of planning controls, effects on residential amenity, consumer safety and effects on housing and homelessness.