



# ATTACHMENTS

## ORDINARY COUNCIL MEETING

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Oatlands Municipal Offices  
71 High Street, Oatlands  
Wednesday 22nd November 2023  
10.00 a.m.

<b>Item 6.1</b>	Draft Council Meeting Minutes (open) - 25 <sup>th</sup> October 2023
<b>Item 6.2.1</b>	Woodsdale Hall General Committee Meeting Minutes – 6 <sup>th</sup> November 2023
<b>Item 6.3.2</b>	Southern Tasmanian Regional Waste Authority
<b>Item 16.3.1</b>	Draft Public Art Commissioning Guidelines
<b>Item 16.4.1</b>	Development Assessment Panel Framework
<b>Item 18.1.1</b>	Children Safety and Wellbeing Policy

SOUTHERN  
MIDLANDS  
COUNCIL



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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Wednesday, 25<sup>th</sup> October 2023  
10.00 a.m.

Kempton Municipal Offices  
85 Main Street, Kempton

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# OPEN COUNCIL MINUTES

## MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL HELD ON WEDNESDAY 25<sup>th</sup> OCTOBER 2023 AT THE KEMPTON MUNICIPAL OFFICES COMMENCING AT 10.00 A.M

### 1. PRAYERS

Reverend Dennis Cousens recited prayers.

### 2. ACKNOWLEDGEMENT OF COUNTRY

Mayor E Batt recited Acknowledgement of Country.

### 3. ATTENDANCE

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

Mr A Benson (Acting General Manager), Mr G Finn (Manager Development and Environmental Services), Mr D Richardson (Manager Infrastructure & Works), Mrs B Conte (Planning Officer) and Ms S Holliday (Receptionist / Administration Officer)

### 4. APOLOGIES

Clr Fraser Miller and Clr Rowena McDougall.

### 5. MINUTES

#### 5.1 Ordinary Council Meeting

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 27<sup>th</sup> September 2023, as circulated, are submitted for confirmation.

### RECOMMENDATION

**THAT the Minutes (Open Council Minutes) of the Council Meeting held 27<sup>th</sup> September 2023 be confirmed.**

### DECISION

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

**THAT the Minutes (Open Council Minutes) of the Council Meeting held 27<sup>th</sup> September 2023 be confirmed.**

### CARRIED

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

## 5.2 Special Committees of Council Minutes

### 5.2.1 Special Committees of Council - Receipt of Minutes

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

- Woodsdale Hall – General Committee Meeting 18<sup>th</sup> September
- Woodsdale Hall – Annual General Meeting 18<sup>th</sup> September
- Woodsdale Hall – General Committee Meeting 9<sup>th</sup> October
- Oatlands Community Shed Annual General Meeting 9<sup>th</sup> October
- Campania Recreation Ground Management Committee Meeting 19<sup>th</sup> September

## RECOMMENDATION

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

## DECISION

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

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

## CARRIED

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

## 5.2.2 Special Committees of Council - Endorsement of Recommendations

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

- Woodsdale Hall – General Committee Meeting 18<sup>th</sup> September
- Woodsdale Hall – Annual General Meeting 18<sup>th</sup> September
- Woodsdale Hall – General Committee Meeting 9<sup>th</sup> October
- Oatlands Community Shed Annual General Meeting 9<sup>th</sup> October
- Campania Recreation Ground Management Committee Meeting 19<sup>th</sup> September

### RECOMMENDATION

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

### DECISION

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

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

### CARRIED

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

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

### 5.3.1 Joint Authorities - Receipt of Minutes

Nil.

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

Nil.

## 6. NOTIFICATION OF COUNCIL WORKSHOPS

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

Two Workshops have been held since the last Ordinary Meeting.

A workshop was held on the 9<sup>th</sup> October 2023 at the Council Chambers, Oatlands commencing at 9.30.

Attendance: Mayor E Batt, Deputy Mayor K Dudgeon, Cirs A E Bisdee OAM, D Blackwell, D Fish, R McDougall and F Miller (remotely).

Also in Attendance: T Kirkwood, A Benson, D Richardson, H Geard, M Weeding and W Young

Apologies: Nil.

The purpose of the Workshop was to consider and discuss the following:

### 1. Bagdad Community Club Precinct – Precinct Master Plan

General discussion of issues and options relating to the progression of the Master Plan.

### 2. Campania Subdivision – off Climie Street / Water Lane (Council Development)

Update provided in relation to the subdivision layout and engineering design. It was acknowledged that there is still a need to resolve the stormwater disposal system with Tas Rail in terms of impact (if any) on the rail corridor. Following adoption of the preferred disposal system, more accurate engineering construction costs can be determined.

### 3. Keep Australia Beautiful – Tidy Towns Sustainability Awards

Acknowledgement and presentation of KAB Certificates awarded to Council personnel.

### 4. General Discussion Items:

- a) Campania Car Park – explanation of final ‘lay-out’ as constructed which was determined based on roads safety and engineering standards.

It was acknowledged that additional works are required to address the condition of pavement within the car-park; lighting; and landscaping. To be considered as part of the 2024-25 Budget, noting that some initial maintenance works can be undertaken.

- b) Pontville Detention Centre – noted that the responsible State Government Minister has made arrangements to meet with the Mayor and General Manager. Request that the Minister brief full Council.

- c) Telstra – Digital Connectivity Plan

General Manager confirmed that the workshop scheduled for Monday 16<sup>th</sup> October 2023 will proceed (10.30 a.m. to 12.30 p.m.)

d) LGAT – Deputy’s Mayor’s Workshop

Deputy Mayor confirmed that her recent attendance at the workshop conducted by the LGAT for Deputy Mayors was extremely beneficial from a professional development (and networking) perspective.

The workshop concluded at approximately 12.10 p.m.

The second workshop was held on the 16<sup>th</sup> October 2023 at the Council Chambers, Oatlands commencing at 10.30 a.m.

Attendance: Deputy Mayor K Dudgeon, Clrs A E Bisdee OAM, D Blackwell, D Fish, R McDougall and F Miller (remotely).

Also in Attendance: T Kirkwood, A Benson, G Finn, D Richardson, W Young, A Burbury, H Geard and M Weeding.

Apologies: Mayor E Batt.

The purpose of the Workshop was to meet with representatives from Telstra as part of the process to prepare a Digital Connectivity Plan for the municipal area. Workshop discussion included:

- Digital literacy
- Connectivity (e.g. mobile coverage) and investment
- 3G Network closure
- Solutions
- Telstra Emergency Services
- Telstra Cyber Security

A number of actions were identified and will be documented and allocated to the relevant personnel.

The workshop concluded at 12.45 p.m.

## RECOMMENDATION

**THAT the information be received.**

## DECISION

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

**THAT the information be received.**

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

## 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** - seeking to discuss draft Fire and Emergency Services Bill. To be listed as a Supplementary Item.

**Clr D Blackwell** – Mangalore Pony Club - Complaints received due to sand blowing from the track onto neighbouring properties. Acting General Manager (Andrew Benson) provided comment regarding options being considered (e.g. tree planting / erection of screen). Report to be provided.

**Deputy Mayor K Dudgeon** - Memorial Trees at Jericho – queried status of project, including completion date and placement of plaques?

Manager Heritage Projects to report next meeting.

**Deputy Mayor K Dudgeon** – ‘Lake Dulverton’ directional signage – at Campbell Street intersection - not actioned. To be addressed.

**Deputy Mayor K Dudgeon** – Council Chambers, Oatlands (upstairs toilets) – when are these works scheduled?

The meeting was advised that the upgrade of the toilets form part of the overall building improvements required and that the relevant consultants (e.g. Architect; Building Surveyor; Fire engineer) have been engaged. Plans and cost estimates currently being prepared.

**Mayor E Batt** – status of plans for Roche Hall Plans.

Manager Heritage Projects to attend next meeting and provide briefing.

## 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.
- Draft Fire and Emergency Services Bill – Public Consultation
  - In Committee – Municipal Seal - Heads of Agreement – Southern Midlands Council; Bagdad Community Club Inc.; and Kidbiz Pty Ltd (t/as Bagdad Education and Care) – Includes Lease (Annexure B) and sub-Lease and Licence (Annexure D)

### RECOMMENDATION

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

### DECISION

*Moved by Clr D Fish. seconded by Deputy Mayor K Dudgeon*

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

### CARRIED

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	✓	

## 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 –**

Does Council have any leverage with Tas Networks regarding the power outages in Oatlands. A number of outages have been experienced. Julia has enquired with Tas Networks herself and they did find an issue which was to be fixed September 2023, but we continue to have power outages (six that morning alone). To be raised with Tas Networks.

Is there any update in relation to Council reform?

Mayor E Batt advised that the Local Government Board is due to report by 31<sup>st</sup> October 2023. No further information available.

Oatlands dog park: An area of Oatlands Football Recreation Ground, (far south east corner) has been identified as a potential site. Would the Council have any objections for us to pursue this?

Council did not raise any objection(s) to the potential site being further investigated as an option for the establishment of a dog park.

**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**

**12.2.1 Development Application (SA2200005) for subdivision (14 Lots at 14 Queen Anne Street, Oatlands submitted by R Mandelson**

**DECISION**

*Moved by Cllr D Blackwell, seconded by Cllr D Fish*

**THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (SA2200005) for Subdivision (14 lots) at 14 Queen Anne Street, Oatlands**

**CONDITIONS**

**General**

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

**Staged development**

2. The subdivision must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's General Manager.

### **Transfer of reserves**

3. All roads or footways must be shown as “Road” or “Footway” on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey.

### **Public Open Space**

4. As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved POS will be payable on all the subdivision lots except the balance with the existing dwelling and must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the Local Government (Building & Miscellaneous Provisions) Act 1993. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer.
5. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

### **Easements**

6. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council’s General Manager. The cost of locating and creating the easements shall be at the subdivider’s full cost.

### **Final plan**

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

### **Engineering**

11. The subdivision must be carried out and constructed in accordance with the:

- a. *Tasmanian Subdivision Guidelines*
- b. *Tasmanian Municipal Standard – Specifications*
- c. *Tasmanian Municipal Standard – Drawings*

as published by the Local Government Association of Tasmania and to the satisfaction of Council's General Manager.

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

### Services

- 16. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
- 17. Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's General Manager or responsible authority.

### Roads and Access

- 18. Roadworks must, unless approved otherwise by Council's General Manager, include
  - 
  - (a) Proposed Subdivision Road
    - i. Minimum road reserve of 15.00 metres;
    - ii. Fully sealed, paved and drained carriageway with a minimum carriageway width of 6.9m;
    - iii. Concrete kerb and channel;

- iv. Concrete footpath (on at least one side);
- v. Piped stormwater drains
- (b) Queen Anne Street (across the entire frontage of the subdivision)
  - i. Fully sealed, paved and drained carriageway widening to achieve an ultimate minimum carriageway width of 8.9m;
  - ii. Concrete kerb and channel;
  - iii. Concrete footpath;
  - iv. Piped stormwater drains

- 19. All carriageway surface courses must be constructed with a hot mix asphalt in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.
- 20. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
- 21. A reinforced concrete vehicle access must be provided from the road carriageway to service each lot.

### Drainage

- 22. The developer is to provide a minor (piped) stormwater drainage system designed to comply with all of the following:
  - a) be able to accommodate a storm with an ARI of 20 years when the land serviced by the system is fully developed;
  - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure
- 23. Unless approved otherwise by Council's General Manager the subdivision stormwater drainage system must be extended to connect to the piped public stormwater network.
- 24. The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager. Unless approved otherwise by Council's General Manager the stormwater property connections must be DN150 minimum.
- 25. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
- 26. Unless approved otherwise by Council's general Manager, the stormwater system for the subdivision must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 of the Southern Midlands Interim Planning Scheme 2015.
- 27. The developer must submit a stormwater management plan to Council for approval with the engineering design plans. The stormwater management plan must be

prepared and certified by a suitably qualified person, and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The plan must clearly demonstrate that the requirements of this permit are met and that adjacent properties will not be adversely impacted by the stormwater system.

28. The Developer is to pay a \$3000 per lot contribution (total \$42 000; 14 lots @ \$3000) towards the stormwater infrastructure upgrades. Payment is required on completion of the subdivision works.

### **Sewer & Water**

29. Each lot must be connected to a reticulated potable water supply.  
30. Each lot must be connected to a reticulated sewerage system.

### **Tas Water**

31. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2022/00331 - STM, dated 10/03/2022.

### **Telecommunications and electrical reticulation**

32. Electrical and telecommunications services must be provided underground to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.  
33. Prior to the work being carried out a drawing of the electrical reticulation and street lighting, and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's General Manager.  
34. Prior to sealing the final plan of survey the developer must submit to Council:
- (a) An Exemption from the installation of fibre ready pit and pipe, a "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from Telstra or NBN Co.
  - (b) Written advice from TasNetworks confirming that each lot has been provided with a property connection or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections (basic connections) at the time each lot is further developed.

### **Soil and Water Management**

35. A soil and water management plan (here referred to as a '**SWMP**') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences.  
36. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.  
37. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for

reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.

38. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

### Construction

39. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works.
40. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.

### Construction Amenity

41. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager

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

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

- (a) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
- (b) transport of materials, goods or commodities to or from the land; and/or
- (c) appearance of any building, works or materials.

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

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

### As constructed drawings

45. Prior to the works being placed on the maintenance and defects liability period "as constructed" drawings and data for all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's General Manager. These drawings and data sheets must be prepared by a qualified and experienced civil engineer or other person approved by the General Manager in accordance with Council's Guidelines for As Constructed Data.

**Maintenance and Defects Liability Period**

- 46. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
- 47. Prior to placing the subdivision onto the twelve (12) month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification, and the approved plans.

**THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -**

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works, or a minimum of \$335.00, must be paid to Council in accordance with Council's fee schedule.
- D. All approved engineering design drawings will form part of this permit on and from the date of approval.

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

**12.2.2 Development Application (DA2300013) for Subdivision (3 lots) at 17 Oakwood Place, Mangalore owned by WW TAS Pty Limited**

**DECISION**

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

**THAT, in accordance with the provisions of the *Tasmanian Planning Scheme - Southern Midlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application DA2300013 for Subdivision (3 lots) at 17 Oakwood Place, Mangalore owned by WW Tas Pty Ltd subject to conditions detailed below.**

**CONDITIONS**

**General**

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. The development and works must be carried out in accordance with:  
*Bushfire Hazard Assessment Report, Proposed 3 Lot Subdivision at 17 Oakwood Place, Mangalore (Samuel Walters BFP-130; report code A22-17) dated September 2023 (Rev 3).*
3. Prior to Council sealing the final plan of survey, the developer must provide certification from a suitably qualified person that all works required by the approved Bushfire Hazard Management Plan have been complied with.

**Agreements**

4. Agreements made pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be prepared by the applicant on a blank instrument form to the satisfaction of the Council and registered with the Recorder of Titles. The subdivider must meet all costs associated with the preparation and registration of the Part 5 Agreement.

**Easements**

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

**Public Open Space**

6. In accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey.

The cash contribution amount is to be equal to 5% of the unimproved value of the land (excluding the balance lot) at the date of lodgement of the Final Plan of Survey. The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001* at the developers' expense.

The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

### Covenants

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

### Final Plan

8. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
9. A fee of \$325.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
10. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
11. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

### Services

12. Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's Manager Environment and Development Services or responsible authority.
13. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

*Advice: Any redundant services under the subject land are to be removed.*

### Access

14. A separate vehicle access must be provided from the road carriageway to the proposed Lots 1, 2 and 3. Accesses must be located and constructed in accordance with the

standards shown on standard drawings Standard Drawings TSD-R09-v2 Urban Roads Driveways, and be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimize entry of water to the pavement, or as otherwise agreed by Council's Manager Infrastructure and Works.

### Tas Water

15. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2023/00175-STM, dated 25/09/2023. A copy is attached to this decision.

### Telecommunications and electrical reticulation

16. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

### Construction

17. The subdivider must provide not less than forty eight (48) hours written notice to Council's Manager Infrastructure and Works before commencing construction works on-site or within a council roadway.

18. The subdivider must provide not less than forty eight (48) hours written notice to Council's Manager Infrastructure and Works before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's Manager Infrastructure and Works.

### Construction amenity

19. The development must only be carried out between the following hours:

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

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

- a. emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
- b. transport of materials, goods or commodities to or from the land; and/or
- c. appearance of any building, works or materials.

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

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

### **Stormwater**

23. Stormwater drainage from the proposed development must be retained on site (or) drain to a legal point of discharge to the satisfaction of Council's Manager of Infrastructure & Works and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.
24. A Stormwater Management Report and Designs must be prepared by a suitably qualified person and must be approved by Council's Manager of Infrastructure & Works before Final Plans for Sealing are submitted to Council. This Stormwater report shall form part of this permit when approved.

### **Soil & Water Management**

25. Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences. The SWMP shall form part of this permit when approved.

### **THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -**

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.
- D. All conditions to this Permit must be complied with prior to Council Sealing and issuing of the Final Plan of Survey.
- E. There are restrictive covenants on the title. The development approved by this permit may not be able to proceed without the written approval of the venter or other owners in the subdivision.
- F. Appropriate temporary erosion and sedimentation control measures during construction include, but are not limited to, the following -
- a. Minimise site disturbance and vegetation removal;
  - b. Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (e.g. temporarily connected to Council's storm water system, a watercourse or road drain);

- c. Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
- d. Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains; and
- e. Rehabilitation of all disturbed areas as soon as possible.

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

### **12.3 Municipal Seal (Planning Authority)**

Nil.

### **12.4 Planning (Other)**

#### **12.4.1 Development Application (DA2023/040) for Rezoning from Future Urban Zone to Village Zone at 1844 Midlands Highway Bagdad owned by 1844 Midlands Highway Pty Ltd**

#### **DECISION**

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

#### **THAT Council:**

- 1. Consider the representations received in regard to draft amendment DA2300/40, together with the responses provided above; and**
- 2. Advise the Tasmanian Planning Commission that a three (3) representations- were received during the public exhibition.**
- 3. A copy of this report be forwarded to the Tasmanian Planning Commission being Council's assessment of the merit of the representations in accordance with Section 40K(2) of the LUPAA and**
- 4. Pursuant to Section 40K(2) of the Act, the Council recommend to the Tasmanian Planning Commission that no modification to the Scheme Amendment DA2300/40 is required.**

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

**[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 OCTOBER 2023

### Roads Program

### QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

### RECOMMENDATION

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

### DECISION

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

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

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

## **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 Deputy Mayor K Dudgeon, seconded by Clr D Blackwell*

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

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

### 15.2 Natural

#### Strategic Plan Reference – page 23/24

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

#### 15.2.1 NRM Unit – General Report

#### DECISION

*Moved by Clr D Fish, seconded by Clr 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	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

15.3 Cultural

**Strategic Plan Reference 3.3**

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

**15.3.1 Heritage & Bullock Festival 2023**

**DECISION**

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

**THAT the information be received and noted.**

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

**15.3.2 Proposal to Rename Brodribbs Road in Campania**

**DECISION**

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

**THAT this issue be further considered at the November Council Meeting following research and receipt of additional information from the Manager Heritage Projects.**

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

**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 Clr D Fish, seconded by Clr D Blackwell*

**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	✓	

## 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.

## 6. 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.*

Nil.

## 16.2 Recreation

### Strategic Plan Reference 4.2

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

### 16.2.1 Oatlands Aquatic Centre – Coordinators Report

#### DECISION

*Moved by Clr D Blackwell, seconded by Clr A E Bisdee OAM*

**THAT the information be received and noted.**

**CARRIED**

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

## 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 Performing Artist Residencies in Southern Midlands (Prism) Policy

### DECISION

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

**THAT Council endorse the Performing Residencies in Southern Midlands Policy**

### 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		

## 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**

Notice of Resignation from Cllr Rowena McDougall effective from 31<sup>st</sup> October 2023.

In accordance with section 47 of the *Local Government Act 1993*, the General Manager will advise the Tasmanian Electoral Commissioner accordingly.

### **17.2.2 Elected Member Statements**

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

**Deputy Mayor K Dudgeon** – Congratulations to two young members of the community who have been recognised for significant achievements.

- Luke Cooper – Young Tasmanian Land Carer Award. Luke is a founding member and current president of the UTAS Landcare Society and also the founder and current treasurer of Wildcare Friends of the Henty. Through his work with these two groups, Luke has created an incredible impact on Tasmanians ecosystems.
- Erin Rowlands - Grade 9. Erin is one of the six winners of the Frank MacDonald Memorial Study Tour which is a prize-winning essay-based competition, promoting and preserving the meaning of the ANZAC spirit in the Tasmanian community. Erin will travel to Belgium and France as part of a study tour of the Western Front.

**Deputy Mayor K Dudgeon** – Council to acknowledge Ms Denise Smith who recently held an afternoon tea (21<sup>st</sup> October) to raise funds for the McGrath Foundation. Combined funds from the afternoon tea and raffles totalled \$4028.

### 17.2.3 Local Government Shared Services – Quarterly Update – Information Only

#### DECISION

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

**THAT the Financial Report be received and the information noted.**

**CARRIED**

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

#### ENCLOSURE

Agenda Item 17.2.2

### 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 30 September 2023)

#### DECISION

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

**THAT the Financial Report be received and the information noted.**

**CARRIED**

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

### 17.3.2 Amendment to Schedule of Fees and Charges 2023-2024

#### DECISION

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

**THAT the. 2023/24 Fees & Charges Schedule be amended to include the provision of an EPN fee.**

#### 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	✓	

### 17.3.3 SMC External Grant Projects - Quarterly Update

#### DECISION

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

**THAT the information 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	✓	

## 18. MUNICIPAL SEAL

### 18.1.1 Head of Agreement and Licence Department of Health (The Crown in Right of Tasmania) and Southern Midlands Council – 16 Church Street, Oatlands – Accommodation Units (Locum General Practitioners; visiting Specialists and Medical Staff)

#### DECISION

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

#### THAT:

- 1.the information be received;
- 2.Council approve the Heads of Agreement for signing and sealing; and
- 3.Council approve the Licence for signing and sealing.

#### CARRIED

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

## 19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

### 19.1 Fire and Emergency Services Bill - Consultation

#### DECISION

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

#### THAT:

- a) the information be received;
- b) Council fully support the Local Government Association of Tasmania in seeking an extension of the consultation timeframe; and
- c) Based on the limited information (and detail) available, Council support a model that differentiates between urban and rural areas as there is a clear variation in the level of service provided.

#### CARRIED

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
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.

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

Heavy Plant Replacement Tender (Wheel Loader)	15(2)(d)
Heavy Plant Replacement Tender ( Backhoe x2)	15(2)(d)
Property Matter - Colebrook	15(2)(c)(i)
Southern Midlands Infrastructure Plan	15(2)(g)

## DECISION

Moved by Cllr D Blackwell, 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.**

## 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 Deputy Mayor K Dudgeon, seconded by Cllr D Fish

**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)(g) of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.3 Audit Panel Minutes**

##### **20.3.1 Receipt of minutes**

*In accordance with the Local Government (Meeting Procedures) Regulations 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.*

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

##### **20.3.2 Endorsement of Recommendations**

*In accordance with the Local Government (Meeting Procedures) Regulations 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.*

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

#### **20.4 Heavy Plant Replacement Tender (Wheel Loader)**

*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.*

#### **20.5 Heavy Plant Replacement Tender (Backhoe x 2)**

*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.*

**20.6 Property Matter – Colebrook  
Saint Regina Limited**

*In accordance with the Local Government (Meeting Procedures) Regulations 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.*

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

**20.7 Southern Midlands Community Infrastructure Plan**

*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.*

**20.8 Heads of Agreement-Southern Midlands Council; Bagdad Community Club Inc.; and Kidbiz Pty Ltd (t/as Bagdad Education and Care) – Includes Lease (Annexure B) and Sub Lease and Licence (Annexure D)**

*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.*

**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**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
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 12.32 p.m.

# Woodsdale Community Memorial Hall

Est. 1905

*General Committee Meeting*

*Monday 6<sup>th</sup> November 2023*

*Woodsdale Hall*

## **Welcome/Opening:**

- The President welcomes members and declares the meeting open at 7.08pm

## **Attendance:**

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

## **Apologies:**

Mrs Allison Scott, Ms Kate Bourne

Moved: Sally Stubs

Seconded: Ann Wiggins

**Motion Carried**

## **Confirmation of Minutes for the last meeting – October 9th , 2023**

Moved: Karen Dudgeon

Seconded: Leon Scott

**Motion Carried**

## **Business Arising from Previous Minutes – October 9th, 2023**

**Financial Report: Balance at 1.10.23**

**\$10 254.54**

Moved: Ann Wiggins

Seconded: Marion Wiggins

**Motion Carried**

## **Correspondence:**

- Work order to be given to Stuart Wilson for painting
- Rodney and Alyson – sympathy card from the Woodsdale Hall.
- Marion to send card to Christine to thank her for the donation

Moved: Ann Scott

seconded: Marion Wiggins

### **Motion Carried**

#### **General Business**

- Stuart Wilson coming Thursday to look at work at the hall. Ann to give Stuart the purchase order for supplies.
- Cater for 100 people for supper for the Woodsdale Football Club November 11 event – bar opens at 6.00 and show is at 8.00pm
- Hall committee sets up
- Tea and coffee in supper room
- 5.00 set up and food organised
- Hot food served by 7.30pm – kitchen to be cleaned that night before hairdresser

#### **Xmas party at footy ground – December 9<sup>th</sup> at 5.00 – games from reclink**

- Football club - bar
- Raffle - Ham, turkey, wine, iced cake, massage voucher, xmas pudding, quilt
- Tickets - \$2.00 or 3 for \$5 (Marion to do books)
- Roast gravy rolls and BBQ for tea - \$10 adults 12 – 15 \$5 under 12 free
- Santa & Chauffer –Ann to organise
- Advertising – facebook - community pages – Marion to organise
- Allison – face painting - Marion to message
- Reclink games – Andrew Dean – Marion to contact

Food to be discussed at next meeting.

November 11 – Football club event – supper supplies.

12 tables with nibble platters and hot food plate.

Need to purchase:

12 packets chips

12 dips

7 cheeses

8 packs of crackers

*Carrot sticks and celery – Sally*

3 x packs of Sausage rolls/party pies – 40 pack

3 x Party packs/spring rolls – 40 pack

Milk x 2litre

ABC sauce

- *Ann – 3 loaves egg sandwiches*
- *Marion – 4 loaves cheese, ham, tomato*
- *Kaye – egg and bacon pies – 4 dozen pies*

**Xmas event to be discussed at next meeting.**

**Bookings:**

- Hairdresser returns November 12

Meeting Closed at 8.25pm

NEXT MEETING – 7.30 pm - December 4th



## REPORT

<b>REPORT TO:</b>	STRWA LOCAL GOVERNMENT FORUM
<b>PREPARED BY:</b>	PAUL JACKSON CEO
<b>SUBJECT:</b>	QUARTERLY REPORT
<b>REPORT DATE:</b>	30 SEPTEMBER 2023

### SUMMARY

The Rules of the STRWA provides:

#### **13 Quarterly reporting**

13.1 The Southern Tasmanian Regional Waste Authority (STRWA) must provide a report to Members as soon as practicable after the end of March, June, September and December in each year.

13.2 The quarterly report must include:

- (a) A statement of the STRWA's general performance; and
- (b) A statement of the STRWA's financial performance.

### GENERAL PERFORMANCE

#### IMPLEMENTATION OF THE STRATEGIC PLAN

WLF Accounting and Advisory has been engaged to develop STRWA's inaugural Strategic Plan. This is a significant piece of work for STRWA and has involved comprehensive engagement with stakeholders including a survey, interviews and a member workshop with councils at our October Forum.

The Plan is aimed to be completed by March 2024.

#### ANNUAL REPORT

A draft annual report has been prepared as part of the regular end of financial year requirements. The report only covers a relatively short period of time since STRWA's commencement, but it has provided an opportunity to explain the background to the establishment of STRWA and what the STRWA hopes to achieve.

## EMERGING STRATEGIC ISSUES AND STRATEGIC PROJECTS

### Rethink Waste

STRWA has worked actively this quarter to support whole of state conversations about waste communication and education and in particular the role of Rethink Waste.

A workshop is being held in early November with other regional waste bodies, the Tasmanian Waste and Resource Recovery Board and Department of Natural Resources and Environment Tasmania to develop a strategic plan for Rethink Waste. This Plan will determine the scope of Rethink's operations which will allow an appropriate delivery model, governance model and funding requirements to follow.

The need for education to support behavioural change has been consistently raised by STRWA members and other stakeholders as an important activity. The intent of the workshop is to clarify the role that Rethink Waste will play, in supporting circular economy goals through education and awareness, going forward.

### Cleanaway Contract

The contract with Cleanaway Pty Ltd for the processing of recycling materials in the southern region of Tasmania at its materials recovery facility (MRF) has been novated from the City of Hobart to STRWA (the City of Hobart undertook a joint procurement and entered into a contract on behalf of all councils in the south with the intention that STRWA would assume responsibility for managing that contract once it was established). This now provides an opportunity to access data relating to the operation of the MRF and ensure that key messages are available to the community (see Officer Network below).

Regular reporting from Cleanaway against the KPIs contained in the contract are now provided to STRWA and subsequently to council officers.

### Stakeholder Engagement

#### Member Councils

STRWA is engaging directly with its member councils through attending council workshops or briefings. This has occurred with approximately half the councils in the region and provides an opportunity for STRWA to outline its current approach and future plans as well as hear directly from elected members in the region on key issues. If you would like use to make contact directly with your council at any time, please contact our CEO.

#### Newsletter

The provision of a regular newsletter is ongoing with the latest edition being released in September 2023. These will be provided approximately quarterly.

<https://mailchi.mp/8dca4e2ed3cd/strwa-newsletter-issue-7-september>

#### Regional Bodies

Regular meetings occur with Cradle Coast Waste Management Group (CCWVG) and the Northern Tasmania Waste Management Program (NTWMP) as well as with the Local Government Association of Tasmania (LGAT) in relation to waste related issues. Collaborating across the State is critical to the ongoing success of improving waste outcomes in the State.

### Tasmanian Waste and Resource Recovery Board

The Tasmanian Waste and Resource Recovery Board (TWRRB) hosted a strategic alignment workshop in Hobart on Wednesday 20 September 2023. The workshop was attended by senior representatives from the TWRRB, the three primary regional waste management bodies including CCWMG, NTWMP and STRWA and the Department of Natural Resources and Environment (NRE).

The purpose of the workshop was to strengthen strategic alignment on shared Tasmanian waste management priorities, explore opportunities for increased collaboration, better understand respective roles and responsibilities, and identify potential strategic initiatives for the near term.

The workshop identified four potential high level strategic initiatives for improved waste management and resource recovery in Tasmania:

1. **Collective governance**—working together to share information, collaborate on projects and coordinate activities for shared benefit at the local, regional, and state level.
2. **Data management framework**—improving collection, analysis, and use of waste and resource recovery data to inform investment priorities and evidence-based decision making and planning.
3. **Investment framework**—improved state-wide approach to targeting grants and other investments to leverage existing programs and activities.
4. **Behaviour change programs**—developing consistent and integrated state-wide public education and information platforms and programs to support individual, community and industry behaviour change.

There was agreement to establish an informal working group comprising the CEOs of the TWRRB, CCWMG, NTWMP, STRWA to be a primary mechanism for ongoing collaboration and coordination of program development and delivery across Tasmania.

### Litter Management Plan

MRA Consulting has been contracted to develop a litter management plan for the southern region of Tasmania. This work is well underway and is at a stage of engaging with relevant stakeholders, including councils, which follows the background research and context setting that has already been completed. The draft plan will be presented to council officers in early December, and it is expected that this will be completed before the end of this year.

### Officer Network

A network of waste officers within southern councils has been established with its first meeting held in August 2023. This provides a great opportunity to coordinate activities across councils in the region as well as sharing knowledge and resources.

One initiative already delivered arising from this group is the development of social media material explaining what items can and can't be recycled through the southern MRF. This was pursued in conjunction with Cleanaway because of Cleanaway being a standing item on the agenda for these meetings. This material has also been circulated to individual councils for use as appropriate.

## OTHER MATTERS

### Garage Sale Trail

STRWA provided a subsidy to councils in the region to participate in this year's program. 8 southern councils are participating out of 10 in the whole of Tasmania. This initiative has been explored as a

trial to assist in determining how best to support these kinds of initiatives and consider a framework to guide investment.

### Reactive and Responsive Actions

STRWA has provided submissions in response to the MRF Protocol arising from the container refund scheme and also in relation to the Federal Government's proposed introduction of paper and cardboard export regulation.

STRWA is actively monitoring the State Government's consultation process in relation to its Sustainability Strategy.

## FINANCIAL MATTERS

### Profit and Loss Statement – 30 September 2023

Account	Jul-Sep 2023
<b>Trading Income</b>	
1030-02 - State Government - Grants	590,411.00
<b>Total Trading Income</b>	<b>590,411.00</b>
<b>Gross Profit</b>	
	<b>590,411.00</b>
<b>Operating Expenses</b>	
Employee Expenses	47,064.10
<b>Board Expenses</b>	
2020-01 - Board Fees	11,852.75
2020-05 - Board Expenses	1,162.69
<b>Total Board Expenses</b>	<b>13,015.44</b>
<b>Office Expenses</b>	
2030-03 - Printing & Stationary	94.87
2030-04 - Computer & IT Equipment	363.57
2030-06 - Subscriptions & Licences	1,729.19
2030-07 - Telephone & Internet	237.26
2030-08 - Sundry Office Expenses	9.09
<b>Total Office Expenses</b>	<b>2,433.98</b>
<b>Other Expenses</b>	
2040-03 - Accounting and Auditing Costs	4,236.09
2040-05 - Consultants	260.00
2040-06 - Banks Fees	15.14
2040-08 - Insurance Costs	10,533.22
2040-11 - Graphic Design & Website	1,482.00
2040-15 - Officer Network	282.73
<b>Total Other Expenses</b>	<b>16,809.18</b>
<b>Project costs</b>	
2050-05 - Garage Sale Trail	7,000.00
<b>Total Project costs</b>	<b>7,000.00</b>
<b>Total Operating Expenses</b>	<b>86,322.70</b>
<b>Net Profit</b>	
	<b>504,088.30</b>

## CONCLUSION

The above report highlights the activities of the STRWA for the quarter ending 30 September 2023.



# *Draft - Public Art Commissioning Guidelines*

*Public art can amplify the cultural value of a site, space or building. It can significantly contribute to the aesthetic and sensory quality of a construction project and strengthen a site's connection to place and identity.*

*compiled by*

*Andrew Benson*

*October 2023*



# *Public Art in the Southern Midlands*

*Public Art is a broad term that refers to a range of artistic works in the public realm. Works can be in the form of: - enduring iconic pieces or stand-alone works - temporary installations - performative works or media works - integrated artistic elements.*

*The intent of public art may be to provoke a particular sentiment, express a certain narrative, be decorative, interpretive or commemorative. The Southern Midlands Council, encourages the commissioning of high quality public art by Southern Midlands and Tasmanian practising artists. High quality and artistic merit relate to innovation, creativity, vision, originality, the power to communicate as well as the highest standards of production, presentation, research and professional development.*

*The strongest public art outcomes are achieved through the commissioning of artists to develop site specific works. The response and concept of such works are required to consider location, scale, form, and materials. In contrast, the purchasing of works for installation is not responsive to site or context and is, therefore, less likely to make an integrated contribution to place. Public art, craft or specialist design that is site specific has an inherently direct relationship with the fundamental principles that support the intent of a project overall.*

# The Artist's Brief

*A high quality public art brief informs an artist's response to the commission opportunities and includes a clear indication of the motivations behind the project and the intended outcome of the work.*

*A typical artist's brief outlines: -*

- *background, context and intentions*
- *project scope*
- *information for proposed site*
- *availability of utilities to the site*
- *anticipated community engagement process*
- *the artists and concept selection criteria and process*
- *commissioning process and intended timeline*
- *proposed budget and*
- *key contacts list.*



# Artist Selection

*Matters to consider in the selection of the artist might include:*

- *demonstrated evidence of their artistic merit*
- *ability to work on significant projects within timelines and budget*
- *capacity to develop concepts and communicate ideas that engage a broad public*
- *ability to consider and integrate the commissioned work within its physical and cultural setting*
- *ability to contribute towards the distinctive and special sense of place of the public realm or building within which the commissioned work is sited*
- *ability to work with a client, specialist public art consultant, and other discipline professions who may be engaged on the project.*



# Open call

*The most common artist selection process relating to building infrastructure or open space projects is an open call for Expressions of Interest (EOI) that are considered and shortlisted by an Advisory Panel comprising visual artist representatives and key project stakeholders. This generally enables the commissioner to assess the full range of available and interested artists in the market.*

*As this is a fundamental step in influencing the quality of the final outcome, it is strongly encouraged that several highly regarded artists in the relevant field of practice be invited onto the Advisory Panel, to enable full consideration of the artistic integrity of the EOI applicants and subsequently the concept design proposals. The shortlisted artists are then contracted and paid an artist fee to each develop concept design proposals. They will usually be formally briefed and invited to a site visit. Interaction with stakeholders often occurs at this stage to further inform the artists' research, thinking and ultimately their concept design proposals.*



## *Limited Selection or Direct Commission*

*An alternative selection model is to bring together an Advisory Panel, including several highly regarded artists in the relevant field of practice, to generate a shortlist of suitable artists who are then invited to each develop and submit concept design proposals for evaluation and selection.*



*Alternatively an artist is requested to undertake a specific concept and installation as a direct commission from the commissioning body, much in the manner that Council selected prominent Southern Midlands artists, Folko Kooper and Maureen Craig to create the 'Shadows of the Past' silhouettes along the Midland Highway.*

*Also in the same manner that an Architect would be direct selected for the design of a public building in the streetscape.*

# Concept Selection

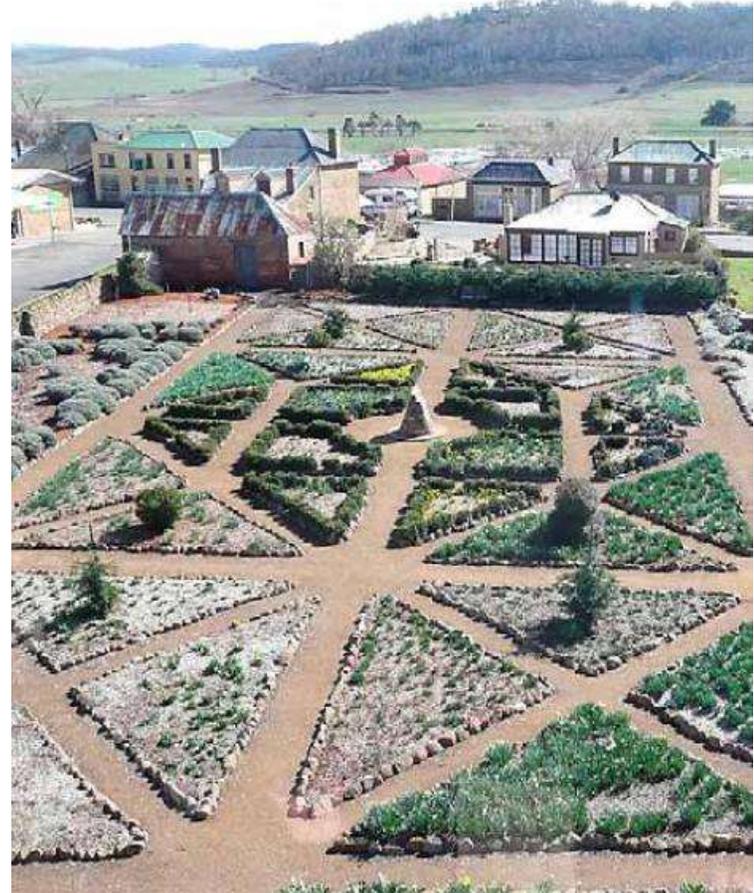
*The shortlisted artist's concept design proposal may be evaluated against criteria that relate to:*

- *high quality and robust artistic integrity*
- *the alignment of the proposed concept design with the intentions of the brief (aesthetically, conceptually, functionally, of suitable scale and materials)*
- *be safe and inclusive for the general public including those with a disability*
- *indicative costing for design, fabrication and installation*
- *proposed timeline*
- *information relating to durability, ongoing maintenance and cleaning requirements, environmental impact and whole-of-life energy use.*



# *Design Development, Fabrication & Installation*

*Artists are contracted and paid to develop the preferred concept design proposal. A commissioning stage follows that includes continuing to pay the artist / to fabricate and install the work.*



# *Intellectual Property and Moral Rights*

*Intellectual property and moral rights are referred to in the Copyright Act 1968. Intellectual property rights remain with the artist. Licence arrangements to extend the scope of works, such as the reproduction of the works as a series or use of the works as a marketing tool, can be negotiated and defined in the contract. Artists' moral rights include the right to attribution, a right not to have authorship falsely attributed and a right of integrity (the right to not have the work subject to change without permission and notified of intended de-accession).*



# Development Assessment Panel (DAP) Framework

## Position Paper



Author:  
State Planning Officer

Publisher:  
Department of Premier and Cabinet

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## ATTACHMENT I - Draft DAP Framework



## 1. Introduction

The Tasmanian Government has announced the preparation of new legislation to introduce independent Development Assessment Panels (DAPs) to take over some of councils' decision-making functions on certain development applications.

The stated intent for introducing DAPs is 'to take the politics out of planning' by providing an alternate approval pathway for more complex or contentious development applications.

Any DAP determined applications will still be assessed against the current planning rules and use and development standards in existing planning schemes. It is intended that, where possible, the DAP framework will utilise existing processes and incorporate local knowledge into the decision-making process.

The project also consider whether there should be an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.

The purpose of this Position Paper is to explore these matters by providing some background context on the role of council, identifying the current issues associated with determining development applications, seeking input on what applications might be suitable to be determined by a DAP, options for what a DAP framework might look like and how it might be integrated into the planning system.

Throughout the Position Paper 'Consultation issues' are identified and followed by text boxes containing specific questions that are intended initiate conversations for the purpose of consultation. In addition, to help explain what a DAP framework might look like, an outline of a draft framework is provided in **Attachment I** for comment.

## 2. Background

### 2.1 Role of planning authorities

In Tasmania, councils are 'planning authorities' with defined responsibilities to determine development applications in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA). Section 48 of the LUPAA requires that:

*'where a planning scheme is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme in respect of all use and development undertaken within the areas to which the planning scheme relates.'*

A council is required to act as a planning authority when it is determining development applications, irrespective of the personal or political views of individual Councillors and the constituents they represent. This presents a degree of conflict for those elected to represent their constituents under the *Local Government Act 1993* and perform the planning authority function. This conflicted role of Councillors has been identified in the Future of Local Government Review Stage 2 Interim Report (the Interim Report) (released in May 2023).

The Interim Report identified that there was strong division between those who believe Councillors have a legitimate role in making planning decisions on development applications,



and those who believe the role should relate primarily to strategic land use planning where they can legitimately represent community views in planning processes leaving decisions on applications to local professional planners, or in the case of complex applications, by independent planning panels. Indeed, some councils specifically requested that planning decisions be totally removed from elected councils.

Following the publication of the Interim Report, the Minister for Local Government amended the terms of reference for the Future of Local Government Review by removing councils' development assessment role, and referred this to the Minister for Planning for further consideration.

The Interim Report identified eight reform outcomes with some applicable reform options to consider. Of relevance to the Planning portfolio, Reform outcome 5 – “Regulatory frameworks, systems and processes are streamlined, simplified, and standardised” identifies the following options:

- *Deconflict the role of councillors and planning authorities*
  - *Refer complex planning development applications to independent assessment panels appointed by the Tasmanian Government*
  - *Remove councillors' responsibility for determining development applications*
  - *Develop guidelines for the consistent delegation of development applications to council staff.*

Typically, planning authorities don't consider many amendments to planning schemes, however they still have the potential to raise similar issues of conflict between planning considerations and the preferences of some constituents, to those experienced when determining development applications. Although the initiation process only signifies the commencement of the assessment of the planning scheme amendment, refusing to initiate is effectively a refusal of the application to amend the planning scheme and it does not progress to exhibition and assessment by the Council and final determination by the Commission.

As part of seeking feedback on a legislative framework for DAPs, the scope of this Position Paper has been broadened so that where Councillors are, or perceived to be, conflicted or compromised, or making a decision based not on planning considerations, whether it may be appropriate for the Minister to have the power to direct a Council to initiate in certain circumstances.

If there is support for an alternate planning scheme amendment initiation pathway, it would seem logical to include it as part of this project and incorporate any amendments to the Act in a single draft Bill. Any recommendations to include an alternate initiation pathway that is informed by the outcomes of this consultation process will be further consulted on early next year.

## 2.2 Planning system

Since 2014, the Government has been implementing significant reforms to the Tasmanian planning system, including delivery of the Tasmanian Planning Scheme, the development of



the Tasmanian Planning Policies and a comprehensive review of the three regional land use strategies.

The results of these reforms are now becoming apparent. The Tasmanian Planning Scheme is in effect in 23 local government areas and the most recent consolidated data from 2021-22 shows that discretionary applications are being determined in a median timeframe of 38 days (40 average) and permitted in 21 days (21 average). Where the 'clock is stopped' to request further information, discretionary applications are being determined across the State in a median of 46 days (53 average) including those 'clock stopped' days.

By way of comparison, noting the differences in assessment processes and classifications, in the June 2023 'Improving the Performance of Land Zoning, Planning and Land Release System' report prepared for the Australian Government Treasury, average approval times in South Australia were around 46 days, Northern Territory 55 days, Australian Capital Territory 61 days, New South Wales 83 days, Queensland 86 days and Victoria a median of 81 days and an average of 129 days. There were no figures for Western Australia, but the statutory time frame for the equivalent of permitted developments is 60 days and for discretionary is 90 days (as opposed to 28 days and 42 days in Tasmania).

Tasmanian councils are also determining more applications than ever before, with annual totals rising from around 6,500 in 2016-17 to over 12,000 in 2021-22. In 2021-22 there were also over 1,750 single dwellings signed off in a matter of days as no permit required.

These statistics indicate that overall, our planning system is already among the fastest, if not the fastest, in the country when it comes to determining development applications.

However, the broad rights of appeal provided under Tasmanian legislation mean that these very timely outcomes are sometimes extended by an appeal process by many months resulting in an overall approval timeframe of perhaps 9-12 months. The appeal process provides a very important check and review of the initial decision of the planning authority by an independent panel of experts with the opportunity for all parties including those that made representations, to speak to their issues and test the evidence of other parties.

A review of the use of panels to determine development applications in other planning jurisdiction reveals that most States have an alternate pathway to local councils for determining certain developments. Although the nature of each DAP framework differs according to the underlying planning system, typically each model relies on meeting certain application criteria to be suitable for referring an application to a panel for determination with the assessment and determination functions of other development applications remaining with local government. Additionally, many of these other jurisdictions do not have the broad third party appeal rights that apply in Tasmania, meaning the DAP process and decision is more aligned to the appeal or review process.

Development Assessment Panels, or their equivalent, are already used in the determination of certain developments in the Tasmanian planning system including major and state significant projects and those which are dependent on a concurrent planning scheme amendment.



The Tasmanian Planning Commission (the Commission) is an independent statutory authority that reviews, advises on, and determines a range of land use planning matters. In performing these functions, it delegates tasks to expert panels.

The current proposal to develop a DAP framework is based on the principle of utilising existing parts of the planning system that are working well, including the existing and highly regarded independence and expertise of the Commission, in establishing DAPs to determine applications.

With respect to the proposal to introduce a role for the Minister to direct that a planning scheme amendment should be initiated, this too will retain the current process with Panels established by the Commission determining planning scheme amendments.

The table below identifies where Panels are currently used to determine development applications in the State's planning system<sup>1</sup>. While these types of developments are not determined by the planning authority, they are informed by, and rely heavily on, the information and understanding of local issues received from it through submission, reporting or recommendations including a draft permit and conditions.

<b>Legislation</b>	<b>Type of Assessment</b>	<b>Panel established by:</b>
LUPAA	Major Project	Tasmanian Planning Commission
LUPAA	Combined planning scheme amendment and permit application	Tasmanian Planning Commission
<i>Major Infrastructure Development Approval Act 1999</i>	Linear infrastructure proposals across multiple municipalities	Tasmanian Planning Commission or decision made by a Combined Planning Authority
<i>State Policies and Projects Act 1993 -</i>	Projects of State Significance	Tasmanian Planning Commission

**Table 1.** *Types of applications determined by independent expert panels.*

The types of developments that are currently determined by a Panel are often complex, large in scale, time consuming, expensive and resource intensive assessment processes or involve changes to the planning scheme rules. To be eligible for these alternate assessment pathways, applications are required to meet eligibility requirements specified in the respective Acts.

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<sup>1</sup> Expert DAPs are also used to determine discretionary development applications where the decision has been appealed to TasCAT



### 3. Identification of Issues

#### 3.1 Conflicting role of Councillors

Despite the statistical evidence, there remains a perception that some Councils are less supportive of new development than others and that on occasion the personal views of elected councillors in relation to a proposed development, such as large-scale apartments, or social housing, may influence their decision-making despite being outside of the relevant planning scheme considerations they are bound to administer as part of the obligations of a planning authority.

The State Government has committed to delivering 10,000 new social and affordable houses by 2032. As identified in the Interim Report, where a development is controversial, there can be a tension between councillors' role as community advocates and as members of a statutory planning authority. The proposed DAP framework is intended to remove this tension and to deliver appropriate and timely assessments of housing projects undertaken by Homes Tasmania and registered Community Housing Providers.

Currently, only a small proportion of all development applications actually come before the elected members for decision with between 85 and 90 percent being routinely determined under delegation by council officers. These development applications are assessed by council planners against the requirements of the relevant planning scheme in accordance with the established processes defined in LUPAA. Many planning authorities delegate the determination of development applications to senior officers, and to sub committees. While only a small percentage of applications are determined by the full elected council, these applications typically involve a significant number of representations and are therefore subject to higher levels of local political interest. In some circumstances the full elected council will determine any application that has been recommended by council planners for refusal or where the application is actually proposed by council.

Because the evidence is that the inappropriate political determination of applications is limited to isolated, but well publicised, cases, the response should be proportional, so it does not undermine the integrity and success of the existing reforms, or the planning system itself. Changes should only be proposed where an issue has been identified. Additionally, any proposed changes should seek to utilise those parts of the assessment process that are operating efficiently.

Based on the discussion so far the following issues have been identified for feedback:



**Consultation issue I – Types of development applications suitable for referral to a DAP for determination**

- a) What types of development applications are problematic, or perceived to be problematic, for Councils to determine and would therefore benefit from being determined by a DAP?

Options

- i. Applications for social and affordable housing which often attract considerable opposition within the local community based on social stigma rather than planning matters;
  - ii. Critical infrastructure;
  - iii. Applications where the Council is the applicant and the decision maker;
  - iv. Applications where Councillors express a conflict of interest in a matter and a quorum to make a decision cannot be reached;
  - v. Contentious applications where Councillors may wish to act as elected representatives supporting the views of their constituents which might be at odds with their role as a member of a planning authority;
  - vi. Where an applicant considers there is bias, or perceived bias, on the part of a Council or Councillors;
  - vii. Complex applications where the Council may not have access to appropriate skills or resources;
  - viii. Application over a certain value;
  - ix. Other?
- b) Who should be allowed to nominate referral of a development application to a DAP for determination?

Options

- i. Applicant
  - ii. Applicant with consent of the planning authority;
  - iii. Planning authority
  - iv. Planning authority with consent of the applicant
  - v. Minister
- c) Given the need for a referral of an application to a DAP might not be known until an application has progressed through certain stages of consideration (such as those set out in a) above) have been carried out, is it reasonable to have a range of referral points?

Options

- i. At the beginning for prescribed proposals;
- ii. Following consultation where it is identified that the proposal is especially contentious;
- iii. At the approval stage, where it is identified that Councillors are conflicted.

## Consultation issue 2 – Provision of an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.

- a) Under what circumstances should the Minister have a power to direct the initiation of a planning scheme amendment by a Council?
- b) Is it appropriate for the Minister to exercise that power where the Council has refused a request from an applicant and its decision has been reviewed by the Tasmanian Planning Commission?

For example:

Section 40B allows for the Commission to review the planning authority's decision to refuse to initiate a planning scheme amendment and can direct the planning authority to reconsider the request. Where that has occurred, and the planning authority still does not agree to initiate an amendment, is that sufficient reason to allow Ministerial intervention to direct the planning authority to initiate the planning scheme amendment, subject to the Minister being satisfied that the LPS criteria is met?

- c) Are there other threshold tests or criteria that might justify a direction being given, such as it aligns to a changed regional land use strategy, it is identified to support a key growth strategy, or it would maximise available or planned infrastructure provision?

### 3.2 Retaining local input

One of the concerns of a DAP framework is that it relies on decisions being made by experts that do not necessarily have the local knowledge that would otherwise be available within a local council and considered and applied when determining a development application.

The proposed DAP framework can utilise and benefit from this local knowledge. By way of example the current assessment process for a combined planning scheme amendment and permit application (s. 40T of LUPAA or s.43A under the former provisions of LUPAA) is undertaken by both the planning authority and the Commission, with the Commission being the final decision maker. For the development application component of a s43A or s40T application, it is the planning authority that assesses the proposal against the amended provisions of the planning scheme, issues a draft permit, undertakes the notification procedures in accordance with the LUPAA, it receives representations and addresses the issues raised by the representations. All these matters are presented in a report prepared by the council officers and provided to the Commission. Then all parties including those that made representations are invited to attend a hearing and present their issues before the final determination is made by the panel.



This is a tried and tested process that ensures valuable local input into the assessment and allows all parties to present their case and be heard directly by the decision maker. Being an established process that is understood by planners it has been identified as the preferred basis for the preliminary draft DAP framework as presented in Attachment I.

**Consultation issue 3 –**

- i. **Incorporating local knowledge in DAP decision making.**
- ii. **DAP framework to complement existing processes and avoid duplication of administrative processes.**

- a) To allow DAP determined applications to be informed by local knowledge, should a Council continue to be:
  - the primary contact for applicants;
  - engage in pre-lodgement discussions;
  - receive applications and check for validity;
  - review application and request additional information if required;
  - assess the application against the planning scheme requirements and make recommendations to the DAP.
- b) Is the current s43A (former provisions of the Act) and s40T of the Act processes for referral of a development application to the Commission, initial assessment by Council and hearing procedures suitable for being adapted and used in the proposed DAP framework?

### 3.3 Request for further information

There have also been concerns raised by both Council and the development industry regarding request for further information stalling the determination of development applications.

Application requirements are specified under clause 6.1 of the State Planning Provisions. The application requirements are intended to give applicants certainty as to the range of matters and level of detail needed in their application to allow the planning authority to undertake its assessment against the provisions of the planning scheme.

Once the planning authority receives a valid application the assessment 'clock' commences against either the timeframe of 28 days for the assessment of a permitted application or 42 days for a discretionary application. Section 54 of LUPAA allows the planning authority to request additional information from the applicant where the application lacks the necessary information for the planning authority to undertake an assessment. The time taken for the



applicant to respond to the planning authority's request does not count towards the assessment timeframe as the 'clock is stopped'. The assessment clock recommences once the planning authority is satisfied that the information provided addresses the matters raised in the request for additional information.

There is anecdotal evidence that with some contentious proposals (particularly social housing) the additional information process is being used to delay or frustrate the timely assessment of a proposal. While a request for further information can be appealed to the Tasmanian Civil and Administrative Tribunal (TasCAT) the associated costs and uncertainty regarding the timeframe for resolution is a deterrent.

Sections 40A and 40V allows an applicant to request the Commission to review the planning authority's request for additional information for an amendment to an LPS and a combined amendment and planning permit (respectively). Similar provisions, sections 33B and 43EA, apply under the former provisions of LUPAA.

These sections of LUPAA provide an opportunity for the applicant to test the requirement for, and content of, requests for further information from the planning authority. The Commission can direct the planning authority to revoke the request for additional information, issue a new notice requesting additional information or determine that the request for additional information was appropriate.

This raises questions around what the appropriate process is for resolving contended additional information requests where the proposed DAP process is being used.

#### **Consultation issue 4 – Resolving issues associated with requests for, and responses to, further information.**

- a) Should a framework for DAP determined development applications adopt a process to review further information requests similar to the requirements of section 40A and 40V of LUPAA?
- b) Are there any changes that could be made to the Act or planning scheme to improve requests for, and responses to, additional information?

### 3.4 Timeframes for assessment and appeal rights

The proposed DAP framework incorporates both the review of the application by the council (in forming advice) and the DAP (as the decision-maker) and the coordination of hearings into representations to provide representors with the opportunity to address the panel and final determination by a DAP. This, in effect, combines the initial stage of the current process (consideration by the Planning Authority) and a possible subsequent appeals process (currently unconstrained by time). The existing statutory 42 day timeframe for determining discretionary applications is, therefore, not adequate for this process.



A DAP framework, utilising the Commission to establish the panel, would be subject to the requirements of the *Tasmanian Planning Commission Act 1997*. A panel established by the Commission is required to determine matters following the rules of natural justice and providing for procedural fairness similar to other LUPAA processes that are undertaken by the Commission. This involves hearings where the parties can make submissions and be heard by the decision maker in much the same way as a TasCAT appeal hearing.

The purpose of appealing a planning authority's decision to TasCAT is to provide for an independent review of the process, in a public forum and without political interference. By using the Commission to establish the DAP, the independent review function will be built into the DAP framework. This removes uncertainty, delays and costs associated with determining contested applications through TasCAT.

Legislation	Type of Assessment	Decision maker	Subject to merit Review	Judicial Review
LUPAA	S 58 development application (permitted)	Planning authority	Yes (applicant on permit conditions only)	Yes
LUPAA	S 57 development application (discretionary)	Planning authority	Yes	Yes
LUPAA	Major Project	TPC	No	Yes
LUPAA	Combined planning scheme amendment and permit application	TPC	No	Yes
<i>Major Infrastructure Development Approval Act 1999</i>	Linear infrastructure proposals across multiple municipalities	Combined Planning Authority or TPC panel	Yes	Yes
<i>State Policies and Projects Act 1993 -</i>	Projects of State Significance	TPC	No	Yes

**Table 2.** Development application processes that are subject to appeal

Table 2 shows that the only process that allows a TPC decision to be subject to a merit appeal to TasCAT is under the *Major Infrastructure Development Approval Act 1999* (MIDA). An application under MIDA is considered a section 57 application under LUPAA. The application is determined by a panel established by the TPC or a Combined Planning Authority. In determining the application there is no requirement under MIDA for the decision maker to hold a public hearing before making a decision. The appeal rights for



MIDA applications are a consequence of not being guaranteed a public hearing in the initial determination of the application.

**Consultation issue 5 – Appeal rights and assessment timeframes for DAP determined applications.**

- a) Is it reasonable that decisions on DAP determined applications are not subject to TasCAT appeals where the TPC holds hearings and provides all parties the opportunity to make submissions and test evidence?
- b) Given the integrated nature of the assessment, what are reasonable timeframes for DAP determined applications?

**OPTIONS**

Lodging and referrals, including referral to DAP	7 days	Running total
DAP confirms referral	7	14
Further information period (can occur within the timeframes above, commencing from time of lodgement)	7	21
Council assesses development application and makes recommendation whether or not to grant a permit	14	35
Development application, draft assessment report and recommendation on permit exhibited for consultation	14	49
Council provide documents to DAP, including a statement of its opinion on the merits of representations and whether there are any modifications to its original recommendation	14	63
DAP hold hearing, determine application and give notice to Council of decision	35	98
If directed by the DAP, Council to issue a permit to the applicant	7	105 max

**3.5 Post determination roles of Council**

Planning authorities are responsible for enforcing permit conditions and considering any proposed amendments to permits that have been issued by them.

It is necessary to explore how these roles and functions might be impacted by the development application being determined by a DAP.



It is anticipated that the DAP will engage extensively with the planning authority in preparing the permit and conditions of approval. Any legislative framework for a DAP model will be required to establish the post determination functions of the planning authority.

Under both State significant and major project processes, there is a role for the planning authority as the normal compliance body for administering the permit. Consistent with the principle of the DAP framework utilising current parts of the planning system that are operating effectively, it is proposed to parallel the process of TasCAT determinations whereby the planning authority is required to administer the planning permit.

**Consultation issue 6 – Roles of the planning authority post DAP determination of a development application.**

- a) Should the planning authority remain the custodian of planning permits and be required to issue permits in accordance with a direction from a DAP?
- b) Is it appropriate for planning permits associated with a DAP determined application to be enforced the Council?
- c) Is it appropriate for minor amendments (in accordance with s56 of LUPAA) to DAP determined permits to be made by the planning authority?

## 4. Draft DAP framework

Based on initial consultation with key stakeholders, commitments made in the Premier's announcement and the identification of issues as discussed above, the following DAP framework has been drafted as a starting point for discussion.

The draft DAP framework is provided in **Attachment I**. The draft framework is cross referenced with the Consultation Issues that have been raised in the text boxes in the body of this Position Paper. Comments are invited on any other matter that the draft DAP framework raises.

## 5. Next Steps

Following the consultation period on the Position Paper the submissions received will be reviewed and inform modifications to the DAP framework. Based on the revised framework, the Government will prepare a draft amendment to the Act which will be further consulted early next year.

It is proposed that the Bill will be tabled in Parliament in early 2024.



# ATTACHMENT I - Draft DAP Framework



## Draft Development Assessment Panel (DAP) Framework

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comments and additional Questions for consultation
1	Pre-lodgement discussion between applicant and planning authority	Planning Authority and applicant	No change to current process.	Existing informal processes undertaken on an as needs basis.  Discussions may include whether or not the development application is eligible for DAP referral.
2	Lodge Development Application	Applicant lodges with Planning Authority	No change to current process	Existing process for the lodgement of development applications.
3	Determination of valid application and referral to other entities	Planning Authority	Planning Authority reviews application and determines if the application is valid in accordance with the existing provisions of the Act.  Refers application to TasWater, Tasmanian Heritage Council or EPA as required.	Existing process for determining that a development application is valid <sup>2</sup> .  See section 24 and 25 of this section for information regarding application fees.

<sup>2</sup> must comply with 51(IAC) and (IAB) and 51A;

*(IAC) For the purpose of subsection (IAB), a valid application is an application that contains all relevant information required by the planning scheme applying to the land that is the subject of the application.*

*(IAB) A planning authority must not refuse to accept a valid application for a permit, unless the application does not include a declaration that the applicant has-*

- a) notified the owner of the intention to make the application; or*
- b) obtained the written permission of the owner under section 52.*

Section 51A refers to the payment of application fee.

4A	<p>Planning Authority reviews Development Application and decides if it is to be determined by a DAP.</p> <p><b>Discretionary referral</b></p>	<p>Planning Authority</p>	<p>Planning Authority to determine if the Development Application should be referred to a DAP for determination.</p> <p>The Planning Authority <b>may</b> determine that the development application meets the criteria for DAP referral and, if so, notifies, and seeks endorsement from the applicant, to refer the development application to the DAP for determination, within 7 days of the Planning Authority receiving a valid application.</p> <p>The applicant <b>may</b> also make a request to the Planning Authority for it to consider referring the application to a DAP for determination subject to the Planning Authority being satisfied that the application meets the criteria for DAP referral.</p> <p><b>DAP Criteria</b> An application <b>may</b> be suitable for referring to a DAP if it is a discretionary application and the referral is endorsed by both the Planning Authority and the applicant, provided one or more of the following criteria for DAP referral is satisfied:</p> <ul style="list-style-type: none"> <li>• where the council is the proponent and the planning authority;</li> <li>• the application is for a development over \$10 million in value, or \$5 million in value and proposed in a non-metropolitan municipality;</li> </ul>	<p>Refer to Consultation issue 1 in the Position Paper.</p> <p>Additional considerations:</p> <p><i>Is 7 days a reasonable timeframe for this function to be undertaken by the Planning Authority? Could it be delegated to senior planning staff?</i></p> <p><i>Where a dispute arises between the Applicant and the Planning Authority over a development application being referred to a DAP for determination, is it appropriate for the Minister to have a role in resolving, subject to being satisfied that the development application meets the DAP criteria?</i></p> <p><i>If not the Minister, who should be responsible for resolving the matter?</i></p> <p><i>Is it appropriate to consider the value of a development as a criteria for referral to a DAP for determination? If so, what should the stated value be?</i></p> <p>Note: See sections 21 and 22 of this table which provides options for development applications to be referred at later stages of the assessment process as issues become apparent, such as after exhibition.</p>
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			<ul style="list-style-type: none"> <li>the application is of a complex nature and council supports the application being determined by a DAP;</li> <li></li> <li>the application is potentially contentious, where Councillors may wish to act politically, representing the views of their constituents, rather than as a planning authority; or</li> <li>Where there is a case of bias, or perceived bias, established on the part of the Planning Authority.</li> </ul>	
4B	<p>Planning Authority reviews Development Application and decides if it is to be referred to DAP</p> <p><b>Mandatory Referral</b></p>		<p>The Planning Authority <b>must</b> determine to refer the development application to a DAP for determination, within 7 days of the Planning Authority receiving a valid application, if the development application is a discretionary application and for a prescribed purpose:</p> <p><b>Prescribed purpose:</b></p> <ul style="list-style-type: none"> <li>An application over \$1 million where the council is the proponent and the planning authority;</li> <li>An application from Homes Tas for subdivision for social or affordable housing or development of dwellings for social and affordable;</li> <li>An application for critical infrastructure;</li> <li>Other(?)</li> </ul>	<p>Refer to Consultation issue 1 in the Position Paper.</p> <p>Additional considerations:</p> <p><i>Is 7 days a reasonable timeframe for this function to be undertaken by the Planning Authority? Could it be delegated to senior planning staff?</i></p> <p><i>Are there any other examples of development applications under the prescribed purposes that might be suitable for referral to a DAP for determination?</i></p> <p><i>Is it appropriate to consider the value of a development for DAP referral where council is the applicant? If so, what value is reasonable?</i></p> <p><i>What might be considered as ‘critical infrastructure’?</i></p>

5	PA requests referral of DA to DAP for determination.	Planning Authority and DAP	<p>Planning Authority requests referral of the development application to the DAP within 7 days of the Planning Authority determining that the development application is suitable for DAP referral in accordance with section 4A and 4B above.</p> <p>The Planning Authority's written referral request includes all the material that comprises the development application (at this stage).</p> <p>If the DAP does not agree that the development application meets the DAP criteria or is for a prescribed purpose, the DAP must give notice to the Planning Authority and applicant of its decision.</p> <p>If the DAP does not agree that the development application meets the DAP criteria, the assessment of the development application continues in accordance with the existing LUPAA provisions.</p> <p>If the DAP accepts the Planning Authority's request that the development application meets the criteria for DAP referral or is for a prescribed purpose, the DAP must give notice, within 7 days of receiving the Planning Authority's request, to the Planning Authority and applicant of its decision.</p>	<p><i>Should the time taken for an application that has been referred to a DAP for determination that, in the opinion of the DAP, does not satisfy the relevant referral criteria or is not for a prescribed purpose, count towards the relevant period referred to in s57(6)(b) of the Act given the assessment will continue in accordance with a s57 application if it is not eligible for DAP referral?</i></p>
6	Review of DA to determine if further information is required to	Planning Authority	<p>Where the DAP has accepted the Planning Authority's request to refer the development application to the DAP for determination, the Planning Authority reviews the development application to determine if additional information is</p>	<p>Additional information request can occur simultaneously with the Planning Authority's request for DAP determination. Regardless of the outcome of the request to refer the development application to the DAP, the Planning Authority is required to ensure it has the</p>

	undertake the assessment		<p>required and, if so, must make a request within 21 days of receiving a valid application.</p> <p>Clock stops while waiting for the applicant to provide additional information to the satisfaction of the Planning Authority.</p>	<p>necessary information it needs to undertake the assessment.</p> <p>The 21 day timeframe and ‘stopping the clock’ is consistent with section 54 of the Act.</p>
7	Review of further information requests	Applicant	<p>Within 14 days after being served a request for further information in accordance with 6 above, the applicant may request the DAP to review the Planning Authority’s additional information request.</p> <p>The DAP, within 14 days of receiving a request to review the PA’s additional information requirement must:</p> <ul style="list-style-type: none"> <li>• Support the Planning Authority’s request for additional information;</li> <li>• Revoke the Planning Authority’s request for additional information; or</li> <li>• Issue a new notice to the applicant requesting additional information.</li> </ul> <p>The DAP must give notice of its decision to the Planning Authority and applicant.</p>	<p>Refer to Consultation issue 4 in the Position Paper.</p> <p>Because the DAP has agreed that the DA will be DAP determined, it already has a copy of the development application.</p> <p>The review of a Planning Authority’s request for additional information is similar to the existing provisions under s40V of the Act.</p>
8	Provision and review of additional information.	Applicant and Planning Authority	<p>Once the applicant provides the additional information and, in the opinion of the planning authority, it satisfies either the original request or one that has been modified by the DAP, the assessment clock recommences.</p> <p>If the additional information does not satisfy the original request or one that has been modified by</p>	<p>This part of the framework is similar to existing processes.</p>

			the DAP, the Planning Authority advises the applicant of the outstanding matters and the clock remains stopped.	
9	Planning Authority assesses DA	Planning Authority	<p>Planning Authority assesses the application against the requirements of the planning scheme and recommends either:</p> <ul style="list-style-type: none"> <li>• granting a permit; or</li> <li>• refusing to grant a permit.</li> </ul>	<p>Refer to Consultation Issue 3 in the Position Paper.</p> <p>Note: The proposed framework has adopted a process that is similar to the section 40T of the Act process where council assesses the application and then places the application and the Planning Authority's report on exhibition (as below).</p>
10	Public notification of application and Planning Authority recommendations	Planning Authority	<p>Planning Authority to advertise the development application, its assessment report and recommendations, including a draft permit (if recommended for approval), for a period of 14 days (and in accordance with section 9 of the LUPAA Regulations) during which time representations are received.</p>	
11	Planning Authority to review representations	Planning Authority	<p>Planning Authority to review representations and prepare a statement of its opinion as to the merits of each representation and the need for any modification to its recommendation on the development application, including the draft permit and conditions.</p>	<p>This part of the proposed framework is similar to the existing provisions of section 42 of the Act.</p>
12	Provision of all documents to the DAP	Planning Authority	<p>The Planning Authority provides DAP with:</p> <ul style="list-style-type: none"> <li>• a copy of the application (although they should already have it) and any further information received;</li> <li>• a copy of the recommendation report and any draft permit;</li> </ul>	<p>This part of the proposed framework is similar to existing processes for a section 40T(1) application</p>

			<ul style="list-style-type: none"> <li>• a copy of all the representations; and</li> <li>• a statement of its opinion as to the merits of each representation and any modifications to its original recommendations on the DA as a consequence of reviewing the representations;</li> <li>• DAP fee (refer to section 25)</li> </ul> <p>within 14 days of the completion of the exhibition period.</p>	
13	DAP review and publication of information and hearing determination	DAP	<p>DAP reviews and publishes all the information provided by the Planning Authority (as listed in 12 above) and notifies all parties advising that they have received the relevant documents from the Planning Authority, where those documents can be viewed and requesting advice regarding which parties would like to attend a hearing.</p> <p>If there are no representations or no parties that wish to attend a hearing, the DAP may dispense with the requirement to hold a hearing.</p> <p>The DAP must notify the Planning Authority, applicant and representors of their determination to hold, or dispense with holding, a hearing.</p>	An option is given to dispense with the requirement for a DAP to hold a hearing in situation where there are no representations, all representations are in support, representations have been revoked or there are no representations that want to attend a hearing.
14	DAP hearing into representations	DAP	<p>Representors, applicant and Planning Authority invited to attend hearing and make submissions to the DAP on the development application.</p> <p>Parties to the proceedings must be given at least one weeks' notice before the hearing is scheduled.</p>	The draft permit conditions are subject to contemplation by the parties at the hearing. It is anticipated that this will resolve issues around the future enforcement of those conditions by council or other issues that would otherwise arise and be subject to appeal through TasCAT.

			<p>Natural justice and procedural fairness for conduct of hearings consistent with <i>Tasmanian Planning Commission Act 1997</i>.</p> <p>DAP hearings are encouraged to be held locally.</p>	
15	DAP determination	DAP	<p>DAP undertakes the assessment considering all the information and evidence presented at the hearing and determines the development application.</p> <p>DAP must determine application within 35 days from receiving documents from Planning Authority (under section 12 above)</p> <p>DAP may request an extension of time from the Minister.</p>	Refer to Consultation Issue 5 in the Position Paper for questions regarding assessment timeframes.
16	Notification of DAP decision	DAP	<p>Within 7 days of the DAP determining the development application it must give notice of its decision to the Planning Authority, applicant and representors.</p>	Similar to existing notification provisions under section 57(7).
17	Issuing of Permit	DAP/ Planning Authority	<p>If the decision of the DAP is to grant a permit, the DAP must, in its notice to the Planning Authority (under section 16 above), direct it to issue a permit in accordance with its decision within 7 days from receiving the notice from the DAP.</p> <p>The permit becomes effective 1 week from the day it is issued by the Planning Authority.</p>	
18	Enforcement	Planning Authority	<p>The Planning Authority is responsible for enforcing the permit.</p>	Refer to Consultation Issue 6 in the Position Paper. This is the same process for permits issued by TasCAT.

19	Appeal rights	All parties	There is no right of appeal on the grounds of planning merit as the decision has been made by an independent panel with all parties engaged in the process.	Refer to Consultation Issue 5 in the Position Paper for questions regarding appeal rights. While the draft framework proposes that DAP determined development applications are not subject to a merit appeal, the decision of the DAP is subject to judicial review by virtue of the <i>Judicial Review Act 1997</i> .
20	Minor amendment to permits	Planning Authority	A Planning Authority can receive a request for a minor amendment to a permit involving an application that has been determined by a DAP.	Refer to Consultation Issue 6 in the Position Paper. Minor amendments to permits are assessed by the Planning Authority against the existing provisions of section 56 of the Act.

### Other opportunities for a development application to be referred to a DAP

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comment
21	Ministerial Call in Powers	Planning Authority or applicant	At any stage of the assessment process the applicant or Planning Authority may make a request to the Minister that a development application be referred to a DAP for determination.  The Minister may refer the application to a DAP provided the Minister is satisfied that the development application meets the DAP criteria.	This provides an opportunity for referral when issues only become apparent at the later stages of the assessment process.  <i>Is it appropriate for the Minister to have the power to call in a development application in these circumstances?</i>  <i>In this scenario, is it necessary for the applicant and Planning Authority to agree to the request?</i>
22	Ministerial referral of DA to DAP	Minister	Where the Minister refers the DA to a DAP for determination (in accordance with 21 above), the Minister must, by notice to the DAP and Planning Authority (if required), direct the DAP and Planning Authority (if required) to	Because this type of referral can occur at any stage, there needs to be a direction to specify those parts of the assessment process that still needs to be completed. These processes will include elements that need to be undertaken by the DAP and may include

			undertake an assessment of the development application and specify the process and timeframes for the DAP and Planning Authority (if required) to follow. The Minister can also specify that the Planning Authority must provide all relevant documents relating to the application and its assessment to the DAP within a timeframe.	elements that need to be undertaken by the Planning Authority. The Planning Authority is required to provide all relevant documents to the DAP
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#### DAP membership

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comment
23	Establishment of Panel	Tasmanian Planning Commission (Commission)	No change to existing Commission processes.	The framework adopts the Commission's well established processes for delegating assessment functions to panels.

#### Development application fees

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comment
24	Lodging DA	Planning Authority	Planning Authority charges applicant normal application fees.	Planning Authority doing the same amount of work, just not making the determination so is entitled to the application fee.
25	DAs referred to DAP for determination	Planning Authority and DAP	A DAP determined development application will incur an additional application fee. The Planning Authority is to charge the applicant an additional fee at the time the DAP	Additional fee is to cover some of the costs incurred by the Commission.

			<p>notifies the Planning Authority that they have accepted the Planning Authority's request to refer the development application.</p> <p>The DAP application fee is to be included in the information provided to the DAP following the exhibition of the development application (section 12 above).</p> <p>No order for costs can be awarded by the DAP.</p>	<p>The additional application fee is going to be cheaper than the cost of going to a full tribunal hearing.</p>
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Tasmanian  
Government

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State Planning Office

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**[www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au)**

# Development Assessment Panel (DAP) Framework

## Stage 1 – Testing ideas

Presentation: 13 November, 2023

In recognition of the deep history and culture of this land, we would like to acknowledge and pay our respects to all Tasmanian Aboriginal people; the past and present Custodians of the Land upon which we meet and gather.

# Why?

Ensuring important planning decisions  
are based on the planning rules

planning authority  
VS

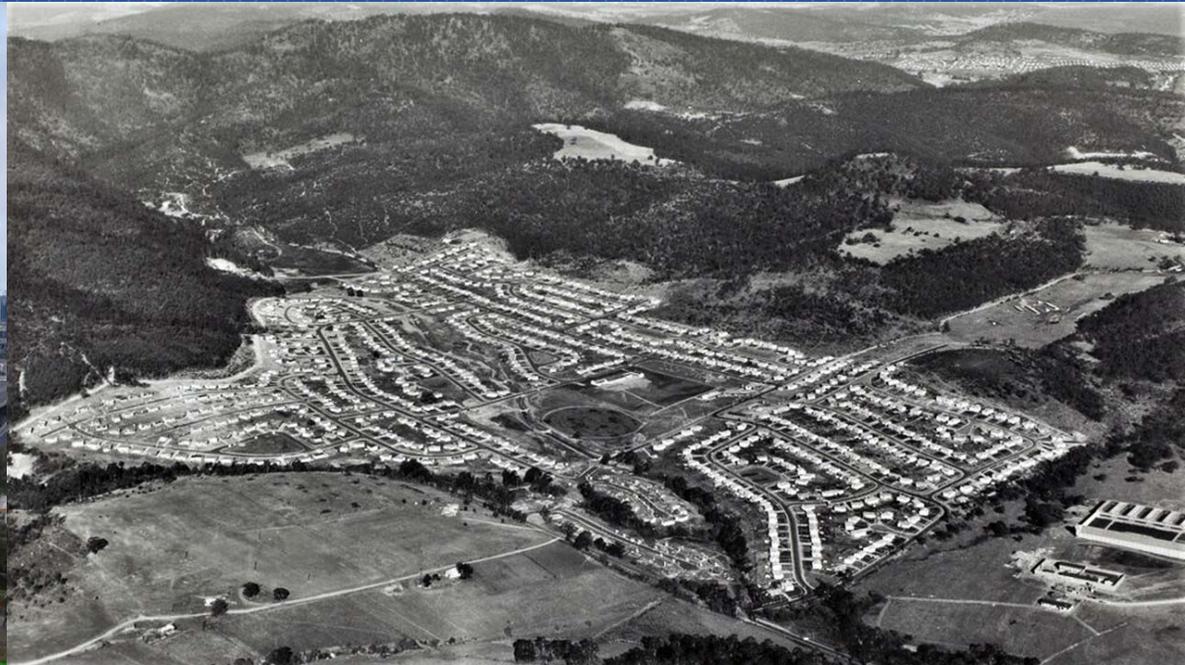
elected members representing community  
interests

# Social housing is a particular concern



Melbourne public housing towers

<https://www.abc.net.au/news/2020-07-06/communities-react-to-being-locked-down-melbourne-towers/12425968>



Risdon Vale 1950's

<https://www.tryanphotos.com/tasmanian-modernism-blog/tag/Risdon+Vale>

## Development Assessment Panel

Draft Framework  
to inform  
amendments to  
LUPAA

# DAP Framework principles:

- Use those existing parts of the system that we know are working well
- Only address those applications that are problematic
- Adopting processes or practices that are known, understood, tested and trusted will mean more efficiency and familiarity.

## DAP framework

What types of development applications are suitable for referral to DAP for determination?

## The Framework proposes:

- Discretionary referral;
- Mandatory referral; or
- Ministerial referral.

## DAP framework

Development applications (s57) suitable for DAP determination

### Discretionary (agreed) referral

- Planning authority and applicant choose, and agree, to refer application to DAP, and
- Satisfy 1 or more of the “DAP Criteria”:
  - Council is the applicant;
  - \$10 Million or \$5 Million in non-metropolitan area;
  - Particularly complex DA;
  - DA potentially contentious and Councillors wish to represent views of their community; or
  - Where there is a case of bias, or perceived bias.

## DAP framework

Development applications (s57) suitable for DAP determination

### Mandatory referral

- The planning authority must refer a development application to a DAP for determination if it is for a prescribed purpose.
- “Prescribed Purpose” include:
  - Council is the applicant and project valued over \$1 Million;
  - An application from Homes Tas or social and affordable housing provider;
  - An application for ‘critical’ infrastructure;
  - Other(?)

## DAP framework

Development applications (s57) suitable for DAP determination

# Ministerial referral

- Applicant or Planning Authority;
- Minister must be satisfied that the “DAP Criteria” is met;
- Can occur at any stage of the assessment;
- Minister to direct DAP and Planning Authority to undertake assessment functions;

## DAP framework

Capturing local council  
knowledge

Preliminary assessment  
by planning authority

## Planning Authority undertakes preliminary assessment of development application

- Review application for validity;
- Request for additional information:
- Assessment against the planning scheme provisions;
- Recommends either to grant, or refuse to grant, a permit;
- Advertises the application, assessment report and draft permit (if recommended for approval);
- Receives, reviews and prepares a statement of merit on the representations

## DAP framework

Assessment and  
Determination by  
the DAP

- Council provides all information to the DAP;
- DAP notifies parties that it has received the information and makes it available to the parties;
- Invites parties to attend a hearing, encourages hearing to be held locally;
- Normal hearing procedures under the *Tasmanian Planning Commission Act 1997*;
- DAP to make a determination 35 days from receiving the information from Council;
- DAP to inform parties of its decision;

## DAP framework

Using the current  
system

Implementation of  
DAP determination

# Post approval processes

- If approved, DAP directs Council to issue a permit;
- Council to enforce permit;
- Council to process requests for minor amendments to the permit;
- No appeal rights – same as the s.40T combined DA and amendment

## Assessment timeframes

Lodging and referrals, including referral to DAP	7 days	Running total
DAP confirms referral	7	14
Further information period (can occur within the timeframes above, commencing from time of lodgement)	7	21
Council assesses development application and makes recommendation whether or not to grant a permit	14	35
Development application, draft assessment report and recommendation on permit exhibited for consultation	14	49
Council provide documents to DAP, including a statement of its opinion on the merits of representations and whether there are any modifications to its original recommendation	14	63
DAP hold hearing, determine application and give notice to Council of decision	35	98
If directed by the DAP, Council to issue a permit to the applicant	7	105 max

DAP framework

Timeframes

DAP framework

Other matters  
and next steps

## Other Matters

- Resourcing implications
- Assessment fees

## Next steps

- Refine framework
- Draft amendments to LUPAA
- Consult on draft amendments

# Questions or Suggestions

## Thank you

For further information on the DAP Framework please contact the State Planning Office on:

Phone: 1300 703 977

Email: [stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

Or visit:

<https://planningreform.tas.gov.au/planning-reforms-and-reviews/planning-legislation-reviews/draft-land-use-planning-and-approvals-amendment-bill-2024>





Council Policy  
**CHILDREN SAFETY & WELLBEING POLICY**

Approved by: Council  
Approved date: November 2023  
Review date: November 2024

## 1. PURPOSE

The purpose of this policy is to create and maintain a child and youth safe organisation to prioritise, promote and protect the safety and wellbeing and prevent abuse and harm of children and young people in Southern Midlands.

## 2. OBJECTIVE

The primary objective of this policy is to meet the Child and Youth Safe Framework that benefits not only children and young people by ensuring that their rights are respected, it also assists Council in being able to quickly and effectively understand, identify, and report unsafe behaviours and to ensure that only appropriate people are working with children and young people.

## 3. SCOPE

This policy applies to all workers – see definition

## 4. DEFINITIONS

<b>Worker</b>	<p>a worker, of an entity, is a person who has attained the age of 18 years who – (a) is employed by the entity, whether or not the person is employed in connection with any work or activity of the entity that relates to children; or</p> <p>(b) is engaged by the entity to provide services, including as a volunteer, contractor, subcontractor, consultant, director, member of a management committee, office holder or officer, whether or not the person is engaged in connection with any work or activity of the entity that relates to children; or</p> <p>(c) is elected to a role in respect of an entity, such as as an alderman, councillor or member of Parliament, whether or not the person provides services to children in that elected role; or</p> <p>(d) is engaged in training or work experience with the entity, whether or not the person is engaged in connection with any work or activity of the entity that relates to children; or</p>
<b>Child</b>	means a person who has not attained the age of 18 years;
<b>Youth</b>	Means a person who has attained the age of 16 years but has not attained the age of 18 years.
<b>Reportable Allegation</b>	means information that leads a person to form a reasonable suspicion that a worker of an entity has committed reportable conduct, whether or not the alleged reportable conduct occurred within the course of the worker's duties in respect of the entity, and regardless of whether the alleged reportable conduct occurred before the commencement of this Act;



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<b>Reportable Conviction</b>	means a conviction for an offence that involves reportable conduct, regardless of whether the conduct or conviction occurred before the commencement of this Act;
<b>Standards</b>	means the child and youth safe standards;
<b>Grooming</b>	grooming, in relation to a child, means conduct of a person that –  (a) is intended to establish trust with the aim of normalising sexually harmful behaviour towards, or allowing the person to engage in an unlawful act, sexual offence, or sexual misconduct, against, the child; and  (b) forms part of a pattern of manipulative or controlling behaviour in relation to – (i) the child; or (ii) the child’s guardian, family or friends; or (iii) a worker of a relevant entity that provides services to, or has dealings with, the child
<b>Emotional or psychological harm</b>	means harm to a child’s wellbeing or development, or both
<b>Neglect, of a child</b>	means the deliberate or reckless failure to meet the basic needs of the child
<b>Physical violence</b>	means – (a) the intentional or reckless application of physical force to a person without lawful justification or excuse; or (b) any act which intentionally or recklessly causes a person to apprehend immediate and unlawful violence to the person
<b>Relevant offence</b>	means – (a) a sexual offence; or (b) an offence under section 105A of the Criminal Code; or (c) an offence under section 178A of the Criminal Code; or (d) an offence under section 298, 299 or 300 of the Criminal Code in respect of an offence specified in paragraphs (b) and (c)
<b>Sexual misconduct</b>	includes, but is not limited to, the following conduct when performed in a sexual manner or with a sexual intention:  (a) inappropriate behaviour; (b) physical contact; (c) voyeurism; (d) speech or other communication including electronic communication;
<b>Significant</b>	in relation to emotional or psychological harm or neglect, means that the harm or neglect is more than trivial or insignificant, but is not required to be deemed serious or deemed to have a lasting permanent effect.



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<b>Reportable conduct</b>	<ul style="list-style-type: none"> <li>(a) a relevant offence committed against, with or in the presence of a child, whether or not criminal proceedings in relation to the offence have been commenced or concluded; or</li> <li>(b) sexual misconduct, that does not form part of a sexual offence, against, with or in the presence of a child; or</li> <li>(c) physical violence against a child; or</li> <li>(d) grooming of a child; or</li> <li>(e) conduct that causes, or is likely to cause, significant emotional or psychological harm to a child; or</li> <li>(f) significant neglect of a child; or</li> <li>(g) conduct prescribed for the purposes of this section – regardless of whether or not the alleged conduct occurred within the course of a worker’s duties in respect of an entity.</li> </ul>
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## 5. POLICY STATEMENT

The Southern Midlands Council will prioritise, promote and protect the safety and wellbeing and prevent abuse and harm of children and young people. Provide an environment that ensures that the right to cultural safety of children who identify as Aboriginal or Torres Strait islander are respected.

We promote equity and respect diversity by:

- Providing children and young people with a safe, nurturing environment where they are comfortable being themselves, expressing and maintaining connections to their culture, their spiritual and belief systems, and they are supported by people who respect their aboriginality and encourage their sense of self.
- Aboriginal or Torres Strait Islander are respected and given positive recognition and celebration of cultures.
- Actively anticipating children’s diverse circumstances and responding effectively to those with additional vulnerabilities.
- Giving all children access to information, support and complaints processes.
- Paying particular attention to the needs of Aboriginal and Torres Strait Islander children; those with a disability, children from culturally and linguistically diverse backgrounds, Lesbian, Gay, Bisexual, Transgender or Intersex (LGBTI) children and those who are unable to live at home.

It is the responsibility of all workers of the Southern Midlands Council to:

- Care about children and young people’s safety and wellbeing.
- Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously
- Families and communities are informed and involved in promoting child safety and wellbeing.
- Equality is upheld and diversity needs respected.
- People working with children and young people are suitable and supported to reflect child safety and wellbeing.
- Processes to respond to complaints and concerns are child-focused.
- Staff and volunteers are equipped with knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

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Approved by:	Council
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- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Implementation of the child and youth safe standards is regularly reviewed and improved.
- Policies and procedures documents are regularly reviewed.

We require all within the Council, regardless of their role or level of responsibility, to promote safety and wellbeing and prevent abuse and harm of children and young people.

- Adopting the practices and behaviour we have set as our standard when carrying out their roles.
- Reporting any reportable conduct to:
  - General Manager
- Notification to the Independent Regulator
- Specifies timeframes for when certain actions have to be taken
- Doesn't replace existing reporting obligations
- Strengthens Council's ability to respond in a child-centred way

This expectation stands regardless of whether the reportable conduct is being perpetrated by workers within Council, or by those outside the Council including those from the child's family, extended family, their family's extended network or strangers.

### **5.1 Commitment to Children and young people**

Council is committed to ensuring the safety and wellbeing of all children and young people who access the Council's activities, programs, services or facilities. This policy seeks to address risks to child safety and to establish a safeguarding culture and practices.

### **5.2 Expected Behaviour**

We require that each worker involved in Council delivery of services to children and young people understand both their role and the behaviour we expect in relation to children and young people. We established and communicate those expectations by:

- Working under a Code of Conduct that outlines the expectations of all workers in terms of their interaction with one another and children and young people.
- Require all worker, whether paid or volunteer, to sign the Code of Conduct through the induction process.

### **5.3 Staff Recruiting**

Council has measures in place to minimise the likelihood of recruiting a person who is unsuitable to work or volunteer with children or young people. Our recruitment procedures require:

- Face-to-face interviews (or where necessary via video call – e.g. Skype, Zoom or Microsoft Teams) to be held.
- A minimum of two professional reference checks to be undertaken.
- Screening checks to be undertaken, which require applicants to provide proof of their identity, Registration to Work with Vulnerable People (RWVP) and a National Police Check.

## 5.4 Induction & Training

Council requires all new workers (whether paid or volunteer) to undertake an induction process prior to commencement. This induction process provides them with information regarding our commitment to children and young people. All new workers must read and declare their acceptance of the Code of Conduct.

## 5.5 Reporting of child abuse and allegations of child abuse

Any person may disclose a reportable allegation or reportable conviction in relation to a worker.

- Worker must immediately report any reportable conduct and any concerns with policies, practices or the behaviour of workers.
- Workers must meet any legislated mandatory reporting requirements.
- Workers must follow a specified process when reporting any reportable conduct including who will receive reports.
- The failure to report is considered as a serious matter that, depending on circumstances, may result in disciplinary action or be grounds for dismissal.

Workers are requested to notify the General Manager where a reportable allegation or reportable conviction has been made.

## 5.6 Maintain & Improve Policies / Procedures

Southern Midlands Council are committed to maintaining and improving our policies, procedures and promote safety and wellbeing and prevent abuse and harm of children and young people. Council monitor workers and external providers to encourage appropriate practice and behaviour to ensure that policies are adhered to.

Council has screening checks to be undertaken, which require applicants to provide proof of their identity, Registration to Work with Vulnerable People (RWVP) and a National Police Check.

## 5.7 Record Keeping

This policy is reviewed annually. Council retain 'evidence' to document each review undertaken. Such evidence may include minutes of meetings and documentation of changes to policies and procedures that result in a review.

## 5.8 Communication

Council communicate this Policy and its requirements to all workers (whether paid or volunteer) who are involved with children and young people within Council. All Council workers are involved in reviews of this policy and its requirements and communicate any significant alterations to all personnel.



## **6. LEGISLATION**

*Child and Youth Safe Organisations Act 2023*  
*Child & Youth Safe Organisations Framework*  
*Child and Youth Safe Standards*

## **7. DOCUMENT ADMINISTRATION**

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

This document is Version 1.0 effective November 2023. The document is maintained by Community and Corporate Development, for the Southern Midlands Council.