



MINUTES

ORDINARY COUNCIL MEETING

Wednesday, 13th December 2017
Municipal Offices, 85 Main Street, Kempton

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OPEN COUNCIL AGENDA

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL
HELD ON WEDNESDAY, 13th DECEMBER 2017 AT THE MUNICIPAL OFFICES, 85
MAIN STREET, KEMPTON COMMENCING AT 2:00 P.M

1. PRAYERS

Rev Dennis Cousens conducted prayers.

2. ATTENDANCE

Mayor AE Bisdee OAM, Deputy Mayor AO Green, Clr A Bantick, Clr E Batt, Clr R Campbell, Clr D F Fish and Clr D Marshall.

Mr Tim Kirkwood (General Manager), Mr Andrew Benson (Deputy General Manager), Mr David Cundall (Manager, Development & Environment Services), Miss Jacqui Tyson (Planning Officer) and Miss Elisa Lang (Executive Assistant).

3. APOLOGIES

Nil.

CONDOLENCE MOTION

Moved by Clr D Fish, seconded by Clr R Campbell

THAT Council formally recognise the sad passing of former Councillor Ernest 'Bluey' McShane. He served with the Southern Midlands Council from 1994 to 1996.

CARRIED

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

4. MINUTES

4.1 Ordinary Council Minutes

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 22nd November 2017, as circulated, are submitted for confirmation.

DECISION

Moved by Cllr E Batt, seconded by Cllr D Marshall

THAT The Minutes (Open Council Minutes) of the previous meeting of Council held on the 22nd November 2017, as circulated, be confirmed.

CARRIED

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

4.3 Special Committee of Council Minutes

4.3.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES

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

- Lake Dulverton & Callington Park Management Committee Minutes – 27th November 2017

RECOMMENDATION

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

DECISION

Moved by Clr D Fish, seconded by Clr R Campbell

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

CARRIED

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

4.3.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS

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

- Lake Dulverton & Callington Park Management Committee Minutes – 27th November 2017

RECOMMENDATION

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

DECISION

Moved by Clr D Fish, seconded by Clr R Campbell

THAT the recommendations contained within the minutes of the above Special Committee of Council be endorsed, excluding the recommendation under Item 4.2 relating to the 'Macrocarpa Tree Area Beside Mahers Point' as this conflicts with the outcome of the Council Workshop held 22nd November 2017.

CARRIED

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

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

4.4.1 JOINT AUTHORITIES - RECEIPT OF MINUTES

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

- Southern Tasmanian Councils Authority – Nil.
- Southern Tasmanian Councils Authority Waste Strategy South – Minutes of meeting held 20th November 2017.

RECOMMENDATION

THAT the minutes of the above Joint Authority be received.

DECISION

Moved by Clr R Campbell, seconded by Clr D Marshall

THAT the minutes of the above Joint Authority Committee be received.

CARRIED

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

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

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

36A. Annual reports of authorities

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

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

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

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

36B. Quarterly reports of authorities

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

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

(a) a statement of its general performance; and

(b) a statement of its financial performance.

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

- Southern Tasmanian Councils Authority – Nil.

DECISION NOT REQUIRED

5. NOTIFICATION OF COUNCIL WORKSHOPS

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

Two workshops have been held since the previous Council Meeting.

One workshop was held on the 22nd November, 2017 commencing at 9.00 a.m. It was held on-site at Maher's Point (foreshore of Lake Dulverton).

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

Apologies: Clr B Campbell

Also in Attendance: T Kirkwood

The purpose of the workshop was to inspect and determine a preferred course of action in relation to the macrocarpa pine tree area beside Mahers Point.

It was acknowledged that there are two main tree lines, plus a single tree located closer to the foreshore.

In summary, the following outcomes of the discussion were noted:

- Retain the first eleven (11) trees which run parallel to the unmade road reserve and remove the remaining trees to the end of the row (Mahers Point Cottage end);
- Remove of all the trees that are perpendicular to the lake;
- Remove the single large *Pinus radiata* located closer to the foreshore; and
- Proceed to prepare a landscape development for the area.

Note: There was general consensus that further community consultation was not required as the trees were listed for removal as an action in the Committee's *Lake Dulverton and Dulverton Walkway Action Plan (2017)*. This Action Plan went through a complete phase of consultation and public display.

The Workshop concluded at approximately 9.40 a.m.

One workshop was held on the 20th November, 2017 at the Council Chambers, Oatlands commencing at 2.00 p.m.

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

Apologies: Clr B Campbell

Also in Attendance: T Kirkwood and A Benson

The purpose of the workshop was to enable Rick Bzowy (Project Architect) to brief Council in relation to the Oatlands Aquatic Centre. Preliminary details provided by the Quantity Surveyor were detailed (based on the overall concept plan).

This discussion confirmed that Stage 2 (being the upper floor 'dry-area' as shown on the development application plans) cannot be progressed due to the estimated capital cost.

Alternative spaces and minor design amendments were considered to cater for these type activities. These amendments do not impact on the development application as submitted.

The workshop acknowledged the need to progress the preparation of a draft operating budget following confirmation of final design parameters and energy requirements.

The Workshop concluded at approximately 3.56 p.m.

RECOMMENDATION

THAT:

1. the information be received; and
2. Council endorse the summary of outcomes (as noted above) in relation to the macrocarpa pine tree area beside Mahers Point.

DECISION

Moved by Clr D Fish, seconded by Clr E Batt

THAT

1. the information be received; and
2. Council endorse the summary of outcomes (as noted above) in relation to the macrocarpa pine tree area beside Mahers Point.

CARRIED

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

6. COUNCILLORS – QUESTION TIME

6.1 QUESTIONS (RECEIVED IN ADVANCE)

The following questions were submitted by Clr B Campbell on the 6th December 2017.

Q1. Has the block of land been sold at Interlaken (on behalf of SMC)?

General Manager's response:

It is confirmed that the property at Interlaken Road, Interlaken (CT 153045/1) was sold by public auction on 17th November 2017 by Landmark Harcourts Tasmania. It is due for settlement on 18th December 2017. The sale price was \$141,000.

Q2. Has the SMC crusher been sold?

General Manager's response:

It is confirmed that the Mobile Gravel Crusher has been sold by tender for an amount of \$51,400. The written down value (i.e. book value) of the Crusher was \$50,000.

Q3. Re Building Better Regions (SMC/Hobart City Mission) can the councillors have a written progress report every three months?

General Manager's response:

It is confirmed that the Deputy General Manager will provide a progress report on a quarterly basis, commencing March 2018.

Q4. Lake Dulverton re weed and recreational use. (This item has been discussed many times before). As people are complaining about the weed and some people would like the only for the birds while others would like to use the lake for recreation i.e. fishing and boating (canoes etc..) hence they want the weed cut. There has to be a compromise re the situation. Is it possible to install a line of marker buoys between the sanctuary (birds) area the "recreational" area and only cut the weed on a regular basis in the "recreational" area?

General Manager's response:

This question is to be referred to the Lake Dulverton and Callington Park Management Committee, as the committee responsible for the management of the Lake. The Committee will be requested to consider the issues raised and provide recommendations (as appropriate).

6.2 QUESTIONS WITHOUT NOTICE

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

1. Cllr Batt – Memorial Avenue – have the works been scheduled?

The Deputy General Manager advised that works are due to commence in February 2018.

2. Deputy Mayor Green – Tenders for Road Reconstruction and Reseal Works – when will the tenders be advertised.

The General Manager advised that the tender(s) will be advertised on Saturday 6th January 2018, closing on 23rd January 2018. This will enable tenders to be submitted to the 25th January 2018 Council meeting.

7. DECLARATIONS OF PECUNIARY INTEREST

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

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

Nil.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

The General Manager reported that the following items need to be included on the Agenda. The matters are urgent, and the necessary advice is provided where applicable:-

19.1 MUNICIPAL SEAL – FORMAL SIGNING/SEALING OF SITE LEASE (OPTUS MOBILE PTY LTD) (CT 162947 FOLIO 5)

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 R Campbell, seconded by Clr A Bantick

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

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

9. PUBLIC QUESTION TIME

Public Question Time was held later in the meeting.

10.1 Permission to Address Council

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

- Nil.

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

10.1 CROWN RESERVED ROADS (UNMADE ROADS) – PROPOSED POLICY AMENDMENT

Clr D F Fish has submitted the following Notice of Motion:

THAT Council undertake a review of its Policy entitled ‘Crown Reserved Roads (Unmade Roads): Public Initiated Request to Construct’ with the intention of amending the Policy to provide for Council taking on automatic responsibility for ‘Unmade Roads’ in circumstances where the length of road does not exceed one (1) kilometre and there are no less than three houses fronting the road within the one kilometre distance.

Note: The one kilometre would extend from the end point that Council currently maintains to, or alternatively, the first kilometre of any particular road.

BACKGROUND

In recent times I have been extensively lobbied in relation to Council taking on maintenance responsibility for three roads within the Oatlands area, they being Louisa Street, Whynyates and Glenelg Streets.

I acknowledge that under Council’s present Policy it is a requirement that the property owners fronting an Unmade Road must make a contribution to bring the road up to the designated standard, after which Council will take on future responsibility.

Under this proposed arrangement, if the Policy is amended consistent with the above Motion, then the property owners will not be required to contribute under this circumstance.

General Manager’s Comments:

A copy of the existing Policy is included for information.

Given the extensive length of unmade roads within the municipal area, and without doing a specific audit of unmade roads to assess the likely impact of such a policy change, it is not possible to provide an overall estimated cost of compliance with the proposed change.

Whilst it is envisaged that there would be minimal circumstances where there are no less than three houses, further research would need to be undertaken.

Depending on Council’s initial response to the intent of the Motion, any final decision regarding a change in policy could be deferred pending further research.

DECISION

Moved by Clr D Fish, seconded by Clr R Campbell

THAT Council undertake a review of its Policy entitled ‘Crown Reserved Roads (Unmade Roads): Public Initiated Request to Construct’ with the intention of amending the Policy to provide for Council taking on automatic responsibility for ‘Unmade Roads’ in circumstances where the length of road does not exceed one (1)

kilometre and there are no less than three houses fronting the road within the one kilometre distance.

Note: The one kilometre would extend from the end point that Council currently maintains to, or alternatively, the first kilometre of any particular road.

CARRIED

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

ATTACHMENT
Agenda Item 10.1

1.1 ROADS & BRIDGES

1.1.5.2 CROWN RESERVED ROADS (UNMADE ROADS): PUBLIC INITIATED REQUEST TO CONSTRUCT – POLICY AND PROCEDURES

<i>First Council Meeting Date:</i>	<i>11th Oct. 2006</i>	<i>Decision No.</i>	<i>C/06/10/078/8500</i>
<i>Final Council Meeting Date:</i>	<i>1st Nov. 2006</i>	<i>Decision No.</i>	<i>C/06/11/069/8541</i>
<i>Repealed Council Meeting Date:</i>		<i>Decision No.</i>	
<i>Updated Council Meeting Date:</i>		<i>Decision No.</i>	

POLICY AND PROCEDURE

POLICY STATEMENT

Council will construct a Crown Reserved Road, and accept ongoing maintenance responsibility, where the following procedure is adhered to and all conditions / pre-requisites have been complied with.

In all cases, Council will be responsible for constructing the road to the required standard determined by Council.

PROCEDURE

Upon receipt of a request for Council to construct a Crown Reserved Road, Council will:

- (a) undertake research to confirm the status of the Road as Crown Reserved Road, and identify any existing Leases / Licences (which may prevent construction);
- (b) Assess and consider the merits of the proposal based on economic and social benefit for the broader municipal area and community (This is an additional consideration to justify Council investment in the development of additional road infrastructure, and the associated budget implications);
- (c) determine whether there is any private infrastructure within the road reservation which may require relocation to enable construction of the road. This will be undertaken at the owners expense, although it may be undertaken during the construction process;
- (d) seek approval 'in-principle' from the Crown to construct the Road;
- (e) prepare a cost estimate for constructing the road, which will include costs associated with acquiring necessary drainage easements (if applicable) and any other related infrastructure;
- (f) identify the affected property owners and determine the apportionment of costs based on the principles detailed below; and
- (g) inform the applicant(s) accordingly.

The applicant(s) must then:

- (a) seek formal consent from each of the landowners fronting the section of the Crown Reserved Road to be constructed, which will include confirmation of financial contribution. A separate apportionment of the construction costs may be agreed between the affected landowners;
- (b) identify if there is a need to negotiate any separate repayment arrangements, with all or any of the parties, and notify Council accordingly. In this regard, it is considered appropriate that any repayment arrangement would not exceed five (5) years. Each to be considered on a 'case by case' basis;
- (c) Seek formal approval from any persons that may have private infrastructure within the road reservation that they are prepared to relocate the infrastructure at their own expense.

There must be full agreement from all affected landowners for the project to proceed.

Funding Contributions – Apportionment principles:

Unless determined otherwise, Council will contribute an amount equivalent to twenty percent (20%) of the total estimated cost of construction.

The remaining (80%) of the total cost will, in the first instance, be apportioned based on the length of the road frontage to the section of the road to be constructed.

Any Council owned property will be excluded for the purpose of calculating road frontage and the end apportionment.

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

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

11.1 DEVELOPMENT APPLICATIONS

11.1.1 DEVELOPMENT APPLICATION (DA 2017/112) FOR ADDITIONS TO JOINERY WORKSHOP (MANUFACTURING & PROCESSING) AT 284 CHAUNCY VALE ROAD, BAGDAD (CT114659/1), OWNED BY B & P WHITE

File Ref: T 5018920

Author: PLANNING OFFICER (JACQUI TYSON)

Date: 5 DECEMBER 2017

Attachments:

Development Application documents & Representation

PROPOSAL

The landowners, Ben and Petrina White, have applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to construct additions to an existing joinery workshop at 284 Chauncy Vale Road, Bagdad.

The existing workshop and joinery business was approved under delegation in November 2012 (DA2012/123). The business employs two people in addition to the owner. It is noted that a permit has been issued for construction of a 6ML dam on the property under the *Water Management Act 1999*.

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

The land and is zoned Rural Resource and is partly covered by a Biodiversity Protection Area overlay.

Under the Planning Scheme the proposal is defined as development associated with the existing "Manufacturing and processing" use of the land. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. These matters are described and assessed in this report.

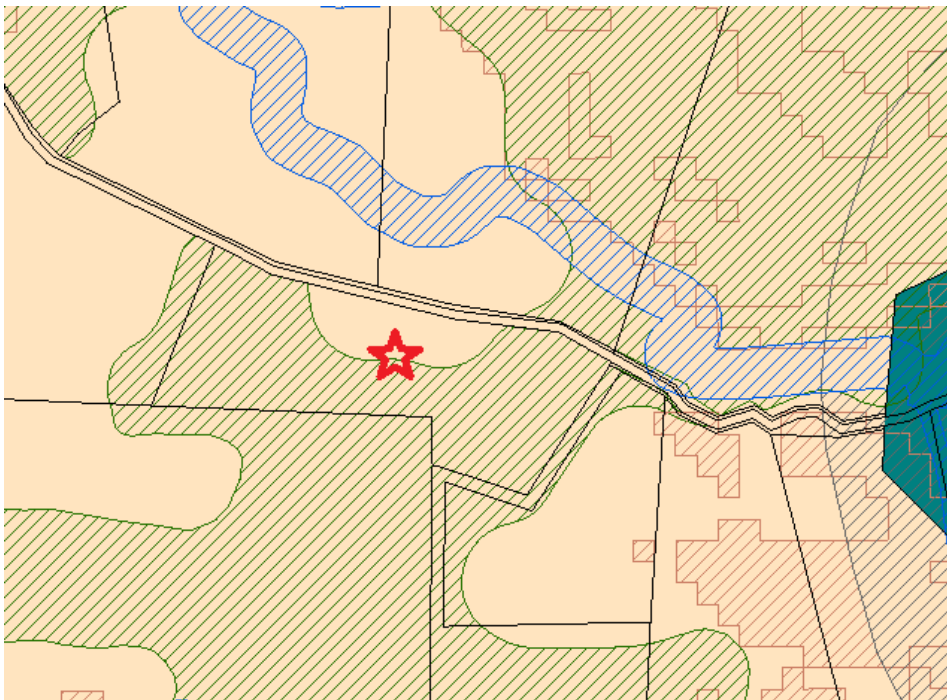
A permit for this type of development is considered at the discretion of Council.

The Council gave notice of the application for public comment for 14 days. During the notification period one (1) representation was received.

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

THE SITE

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



Map 1: The subject land and surrounding properties are in the Rural Resource Zone (cream). The nearby Chauncy Vale reserve is in the Environmental Management Zone (dark green). Part of the subject property is within a Biodiversity Protection Area (green hashed area) and the subject land is marked with a red star.



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

THE APPLICATION

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

The proposal includes a substantial addition to the western end of the existing workshop and a smaller addition to the eastern end. Under the proposal the floor area of the workshop will increase by 420m² to a total size of approximately 865m². The applicant has confirmed that the additional space will mainly be used for storage of materials and equipment. The additional storage space is expected to reduce the number of commercial vehicle movements required to deliver materials, with one delivery per day estimated. The number of employees is not anticipated to increase as result of the proposal.

The proposal also seeks approval to formalise a second access to the property from Chauncy Vale Road.

A new sign is marked on the site plan, however as further details have not been provided this is not included in consideration of the application.

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as development associated with the existing 'Manufacturing and processing' use, which has a Discretionary status in the Rural Resource zone.

Use/Development Status under the Planning Scheme

Due to the status of the use in the Rural Resource zone the application must be considered at the discretion of the Council. Further discretion is generated by the application of the Road and Railway Assets Code.

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

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 8th November 2017 for fourteen (14) days. During this period Council received one (1) representation, as detailed in the table below.

Representation 1	Council Officer Comment
I am writing in response to the letter regarding Ben White's addition to his workshop, to which I have no problem.	<i>Comment noted.</i>
My main concerns are the increased traffic on the road including large trucks and trailers now residing in the area; and	<i>The applicant has indicated that they expect the number of traffic movements for deliveries to the property to reduce as a result of the proposal as there will be more space to store materials onsite. In any case the expected vehicle movements are well within the capacity of the road.</i>

	<i>It is also noted that improvements to Chauncy Vale Road are planned in Council's work program.</i>
The fire risk from 284-310 & 312. Has Ben got sufficient water and pumping system to respond including in a power outage?	<p><i>The applicant has advised that the existing workshop has two fire hose reels connected to a 75,000L water supply and a 1000L portable fire fighting unit, as well as extinguishers etc.</i></p> <p><i>The water supply will be increased with two 10,000L tanks connected to the proposed extension as well as the approved 6ML dam.</i></p>

ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

Rural Resource Zone

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

Use Standard		
26.3.3 Discretionary Use		
To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No acceptable solution.	<p>P1</p> <p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p> <p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p>	<p><i>The proposal is for an addition to an existing joinery workshop.</i></p> <p><i>The use is established and does not appear to fetter use of adjoining properties. Due to the small size and natural values the subject land is not suited for productive farming.</i></p> <p><i>Overall, the proposal is considered to comply with P1.</i></p>

	(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.	
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<p>Development Standard 26.4.1 Building Height To ensure that building height contributes positively to the rural landscape and does not result in unreasonable impact on residential amenity of land.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Building height must not be no more than: (a) 9 m if for a residential use; (b) 10 m otherwise	P1 Building height must satisfy all of the following: (a) Be consistent with any Desired Future Character Statements provided for the area; (b) Be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy; (c) If for a non-residential use, the height is necessary for that use.	<i>The proposal complies with A1.</i> <i>The maximum height of the proposed building is 6m.</i>

<p>Development Standard 26.4.2 Setback To minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Building setback from frontage must not be no less than: 20 m	P1 Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following: (a) The topography of the site; (b) The size and shape of the site;	<i>The proposed setback to the frontage complies with A1.</i>

	<p>(c) The prevailing setbacks of existing buildings on nearby lots; (d) The location of existing buildings on the site; (e) The proposed colours and external materials of the building; (f) The visual impact of the building when viewed from an adjoining road; (g) Retention of vegetation.</p>	
<p>A2 Building setback from side and rear boundaries must be no less than: 40 m</p>	<p>P2 Building setback from side and rear boundaries must maintain the character of the surrounding rural landscape, having regard to all of the following: (a) The topography of the site; (b) The size and shape of the site; (c) The location of existing buildings on the site; (d) The proposed colours and external materials of the building; (e) The visual impact on skylines and prominent ridges; (f) Impact on native vegetation.</p>	<p><i>The proposed building is sited a minimum of 52m from the rear boundary and more than 100m from side boundaries, complying with A1.</i></p>
<p>A3 Building setback for buildings for sensitive use must comply with all of the following: (a) Be sufficient to provide a separation distance from a plantation forest, Private timber Reserve or State Forest of 100 m; (b) Be sufficient to provide a separation distance from zoned Significant Agriculture of 200 m.</p>	<p>P3 Building setback for buildings for sensitive uses (including residential use) must prevent conflict or fettering of primary industry uses on adjoining land, having regard to all of the following: (a) The topography of the site; (b) The prevailing setbacks of existing buildings on nearby lots; (c) The location of existing buildings on the site; (d) Retention of vegetation;</p>	<p><i>The proposal is not for a sensitive use.</i></p>

	<p>(e) The zoning of adjoining and immediately opposite land; (f) The existing use on adjoining and immediately opposite sites; (g) The nature, frequency and intensity of emissions produced by primary industry uses on adjoining and immediately opposite lots; (h) Any proposed attenuation measures; (i) Any buffers created by natural or other features.</p>	
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**Development Standard
26.4.3 Design**

To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The location of buildings and works must comply with any of the following:</p> <p>(a) Be located within a buildings area, if provided on the title; (b) Be an addition or alteration to an existing building; (c) Be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline.</p>	<p>P1 The location of buildings and works must satisfy all of the following:</p> <p>(a) Be located on a skyline or ridgeline only if: (i) There are no sites clear of native vegetation and clear of other significant site constraints such that access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure; (ii) Significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all external building surfaces.</p>	<p><i>The proposal is for an addition to an existing building, does not require the clearing of native vegetation and is not located on a skyline or ridgeline.</i></p> <p><i>The proposal complies with A1.</i></p>

	<p>(b) Be consistent with any Desired Future Character Statements provided for that area;</p> <p>(c) Be located in an area requiring the clearing of native vegetation only if:</p> <p>(i) There are no sites clear of native vegetation and clear of other significant site constraints such that access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) The extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures.</p>	
<p>A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>P2 The appearance of external finishes of buildings must not be incompatible with the rural landscape.</p>	<p><i>The walls of the proposed extension will be clad in Colorbond in the colour 'Sandbank' which is a light tan. The light reflectance value is greater than 40 percent, so A2 is not satisfied.</i></p> <p><i>In this case the external finishes are chosen to complement the existing building and are considered to be appropriate in the rural landscape in accordance with P2.</i></p>
<p>A3 The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3 The depth of any fill or excavation must be kept to a minimum so that the development satisfies the following:</p> <p>(a) Does not have a significant impact on the rural landscape of the area;</p>	<p><i>The proposal does not require significant excavation work in compliance with A3.</i></p>

	(b) Does not unreasonably impact upon the privacy of adjoin properties; (c) Does not affect land stability on the lot or adjoining areas.	
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Road and Railway Assets Code

The proposal includes approval of a second driveway. The proposal must satisfy the requirements of the following relevant development standards of this code:

Use Standard		
E5.5.1 Existing road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.	<i>The addition will not increase traffic to the site by more than 20% or over 40 vehicle movements per day.</i> <i>The proposal complies with A3.</i>

Development Standard		
E5.6.2 Existing road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.	<i>The proposal includes formalisation of a second driveway access from Chauncy Vale Road, which does not meet A2.</i> <i>The location and design of the second access driveway is suitable for the proposed use and the nature of the road in accordance with P2.</i> <i>A condition is included in the recommendation to require the access to be constructed to a suitable standard.</i>

Parking and Access Code

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

The Manufacturing and processing use class requires one parking space per 50m² of floor area. Under the proposal the floor area of the building will increase to 865m², meaning 18 car spaces are required to satisfy the acceptable solution.

In this case the business employs 2 people in addition to the owner and does not generally have clients visiting the site. There is space onsite to park at least 10 cars, which is more than sufficient to meet the needs of the proposal.

The single dwelling on the site also requires at least 2 parking spaces, which are already provided.

The parking arrangement complies with the requirements of the Code.

Stormwater Management Code

The stormwater code applies to all development requiring the management of stormwater. Stormwater from the development can be disposed of onsite, complying with the applicable standards of the code.

CONCLUSION

The report has assessed a Development Application for proposed additions to an existing joinery workshop at 284 Chauncy Vale Road, Bagdad.

One (1) representation was made to Council with concerns regarding traffic and fire risk. These concerns have been considered and are addressed above.

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

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

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2017/112) for Additions to joinery workshop (Manufacturing & processing) at 284 Chauncy Vale Road, Bagdad (CT114659/1), owned by B & P White and that a permit be issued with the following conditions:

CONDITIONS

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.
- 3) The structure is to be used for the purposes detailed within the approved plan only, that is, a workshop. It must not to be used for habitable or other purposes without the prior written consent of Council.

Landscaping

- 4) Any materials or equipment stored in the open, visible from public roads or neighbouring property, must be screened by an appropriate tree or shrub screen as necessary. Planting must bear a suitable relationship to the proposed height of the buildings and must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas.

Parking & Access

- 5) At least four (4) parking spaces must be provided on the land at all times for the workshop use in accordance with Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney.

- 6) The new vehicle access from the carriageway of the road onto the subject land must be located and constructed using a sealed/gravel pavement in accordance with the construction and sight distance standards shown on standard drawings SD 1012 and SD 1009 prepared by the IPWE Aust. (Tasmania Division) (attached) and to the satisfaction of Council's Manager of Works and Technical Services. The works including are to be modified to suit the conditions.
- 7) The areas set-aside for parking and associated access and turning must have:
 - a. A driveway access with a minimum 3 metres internal width.
 - b. Space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.
 - c. An all weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Works and Technical Services.
 - d. Drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.
- 8) Adequate manoeuvring space must be provided in accordance with Standards Australia (2002): *Australian Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Standards Australia, Sydney and the requirements of the Council's Manager of Works and Technical Services (Jack Lyall 62545008) to ensure that heavy trucks or articulated vehicles may leave the site in a forward direction.
- 9) The loading and unloading of goods from commercial vehicles must only be carried out on the land in accordance with Standards Australia (2002): *Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Sydney.
- 10) All areas set-aside for parking and associated turning, loading and unloading areas must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Development Assessment Committee.

Services

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

Stormwater

- 12) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Councils Manager Development & Environmental Services.

Protection of Water Quality

- 13) All waste oil and other contaminants generated by the approved development must be stored appropriately and disposed of by a licensed contractor.

Construction Amenity

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

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.

Sunday and State-wide public holidays

10:00 a.m. to 6:00 p.m.

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

Hours of Operation

- 18) The use or development must only operate between the following hours unless otherwise approved by Council's Manager of Development and Environmental Services:

Monday to Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 4:00 p.m.

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 Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 is required to be obtained prior to construction.
- C. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.

Elisa Lang (Executive Assistant) entered the meeting at 2.27 p.m.

DECISION

Moved by Clr R Campbell, seconded by Clr A Bantick

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council **APPROVE** the Development Application (DA 2017/112) for Additions to joinery workshop (Manufacturing & processing) at 284 Chauncy Vale Road, Bagdad (CT114659/1), owned by B & P White and that a permit be issued with the following conditions:

CONDITIONS

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.
- 3) The structure is to be used for the purposes detailed within the approved plan only, that is, a workshop. It must not to be used for habitable or other purposes without the prior written consent of Council.

Landscaping

- 4) Any materials or equipment stored in the open, visible from public roads or neighbouring property, must be screened by an appropriate tree or shrub screen as necessary. Planting must bear a suitable relationship to the proposed height of the buildings and must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas.

Parking & Access

- 5) At least four (4) parking spaces must be provided on the land at all times for the workshop use in accordance with Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney.
- 6) The new vehicle access from the carriageway of the road onto the subject land must be located and constructed using a sealed/gravel pavement in accordance with the construction and sight distance standards shown on standard drawings SD 1012 and SD 1009 prepared by the IPWE Aust. (Tasmania Division) (attached) and to the satisfaction of Council's Manager of Works and Technical Services. The works including are to be modified to suit the conditions.
- 7) The areas set-aside for parking and associated access and turning must have:
 - a. A driveway access with a minimum 3 metres internal width.
 - b. Space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.

- c. An all weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Works and Technical Services.
- d. Drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.
- 8) Adequate manoeuvring space must be provided in accordance with Standards Australia (2002): *Australian Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Standards Australia, Sydney and the requirements of the Council's Manager of Works and Technical Services (Jack Lyall 62545008) to ensure that heavy trucks or articulated vehicles may leave the site in a forward direction.
- 9) The loading and unloading of goods from commercial vehicles must only be carried out on the land in accordance with Standards Australia (2002): *Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Sydney.
- 10) All areas set-aside for parking and associated turning, loading and unloading areas must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Development Assessment Committee.

Services

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

Stormwater

- 12) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Councils Manager Development & Environmental Services.

Protection of Water Quality

- 13) All waste oil and other contaminants generated by the approved development must be stored appropriately and disposed of by a licensed contractor.

Construction Amenity

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

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

- 15) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
 - f. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - g. The transportation of materials, goods and commodities to and from the land.
 - h. Obstruction of any public footway or highway.

- i. Appearance of any building, works or materials.
 - j. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council’s Manager of Development and Environmental Services.
- 16) Public roadways must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 17) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council’s Manger of Works and Technical Services.

Hours of Operation

- 18) The use or development must only operate between the following hours unless otherwise approved by Council’s Manager of Development and Environmental Services:

Monday to Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 4:00 p.m.

The following advice applies to this permit:

- D. This permit does not imply that any other approval required under any other legislation has been granted.
- E. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 is required to be obtained prior to construction.
- F. A separate permit is required for any signs unless otherwise exempt under Council’s planning scheme.

CARRIED

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

ATTACHMENT
Agenda Item 11.1.1

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



Southern Midlands Council
Kempton
18 OCT 2017
Received:
File No:
Doc Id:

2017/112

APPLICATION FOR PLANNING PERMIT – USE AND DEVELOPMENT
Commercial, Industrial, Forestry and other Non- Residential development
Use this form to apply for planning approval in accordance with section 57 and 58 of the Land Use Planning and Approvals Act 1993

Applicant / Owner Details:

Owner / s Name Benjamin + Patrina White
Postal Address 284 Chauvey Vale Road
Phone No: 03 61323810
Fax No: 03 N/A
Email address ytjoinery@live.com.au
Applicant Name (if not owner) As Above
Postal Address
Phone No:
Fax No:
Email address:

Description of proposed use and/or development:

Address of new use and development: 284 Chauvey Vale Road
Certificate of Title No Volume No 114659 Lot No:
Description of Use Joinery
Development on site Addition to shed
current use of land and building Joinery
Refer Definitions in Clause 6.2 of the Southern Midlands Planning Scheme 2015
Attach additional information if required.
E.g. Are there any existing buildings on this title?
If yes, what is the main building used as?

Is the property Heritage Listed?
 Please tick ✓ answer
 Yes No

Signage Is any signage proposed?
 Please tick ✓ answer
 Yes No

Business Details	Existing hours of operation				Proposed hours of new operation				
	Hours	am	to	pm	Hours	am	to	pm	
	Weekdays	7:00		7:00	Weekdays	7:00		7:00	
	Sat	8:00		6:00	Sat	8:00		6:00	
	Sun	10:00		6:00	Sun	10:00		6:00	
Number of existing employees	2				Number of proposed new employees :				
Traffic Movements	Number of commercial vehicles serving the site at present	1 per day			Approximate number of commercial vehicles servicing the site in the future	1 per day			
	Number of Car Parking Spaces	How many car spaces are currently provided	4		How many new car spaces are proposed	20			
Is the development to be staged:	Please tick ✓ answer								
	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>					
Is the development to be staged, If yes	Described proposed stages			Described period of proposed stages					
Proposed Material Types	What are the proposed external wall colours	Sandbank			What is the proposed roof colour	Blue			
	What is the proposed external wall materials	Colourbond			What is the proposed roof materials	Colourbond			
	What is the proposed new floor area m ²	420			What is the estimated value of all the new work proposed	\$ 50,000.00			
	If yes attach details: size, colours, fonts, location								

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

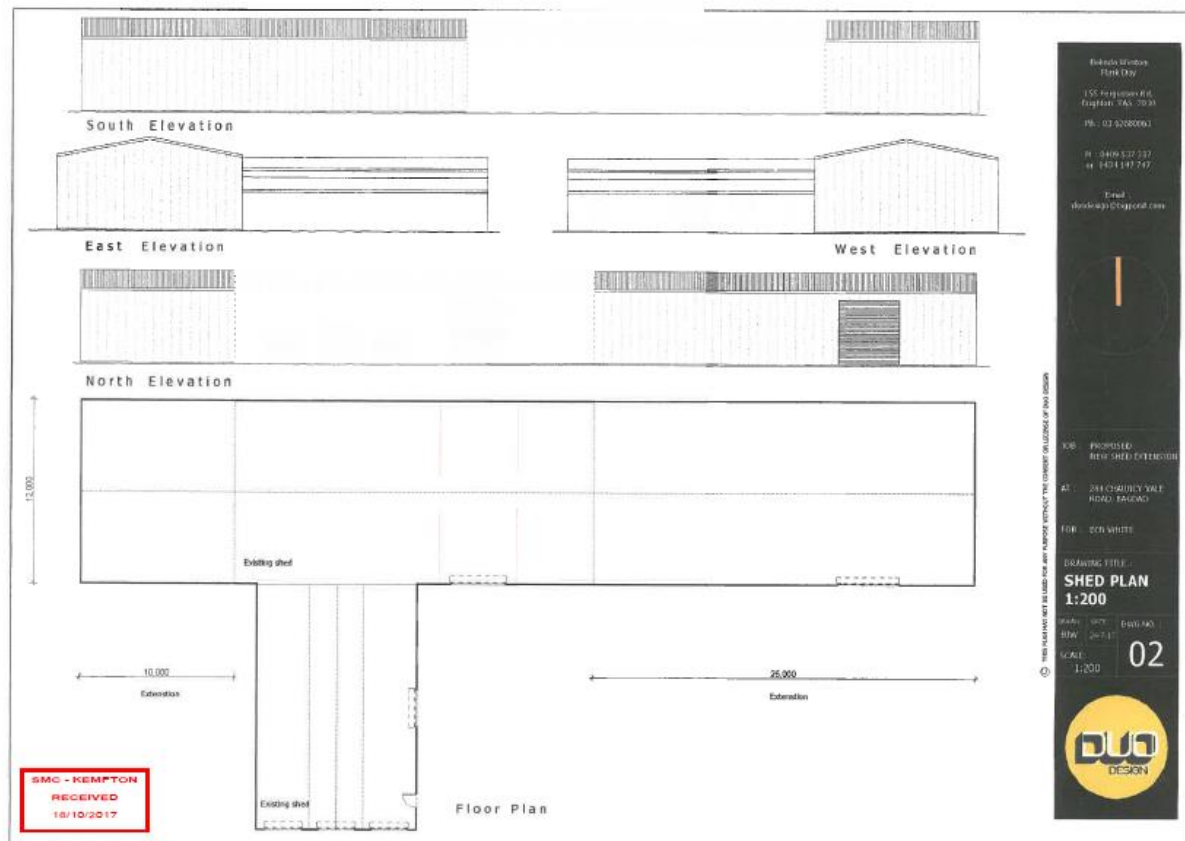
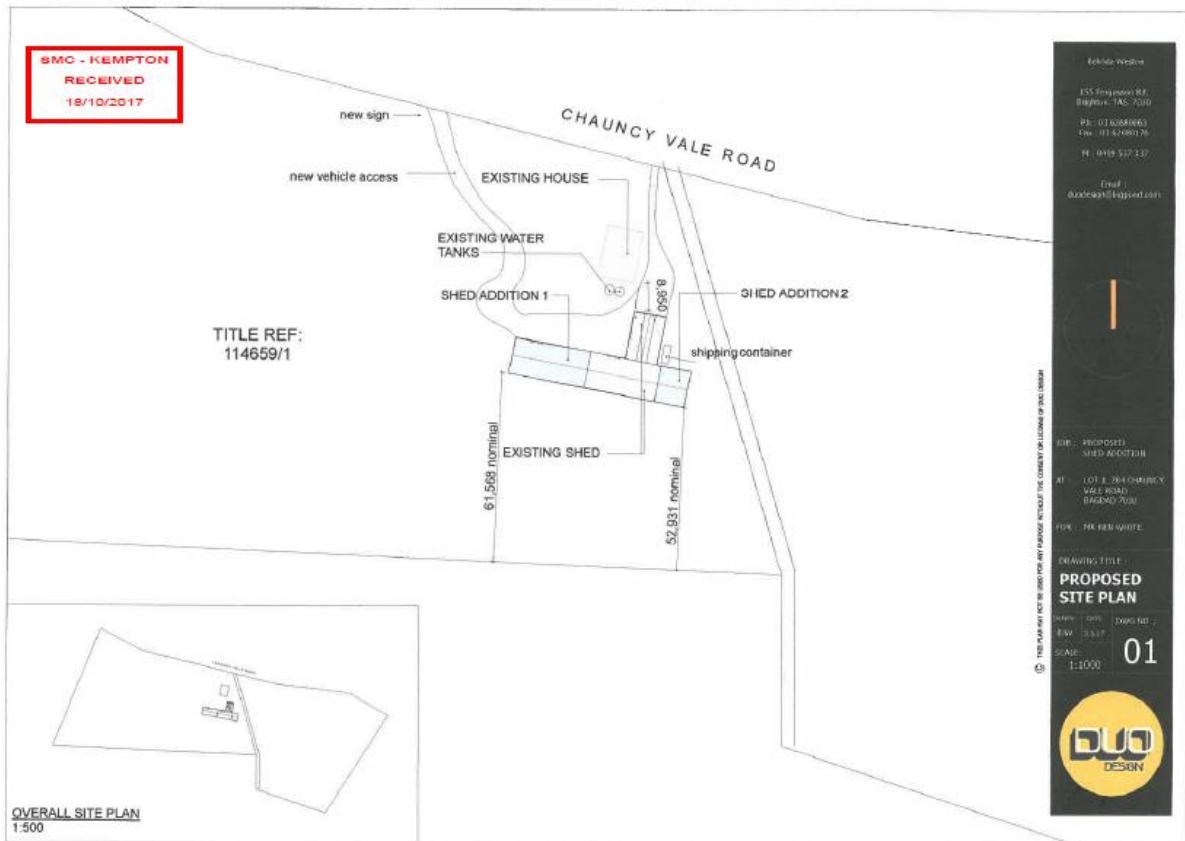
Signed Declaration

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

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

Applicant Signature	Applicant Name (print)	Date
	Ben White	
Land Owner(s) Signature	Land Owners Name (please print)	Date
	Petrina White	
Land Owner(s) Signature	Land Owners Name (please print)	Date
	Benjamin White	

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





RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 114659	FOLIO 1
EDITION 4	DATE OF ISSUE 06-Jul-2004

SEARCH DATE : 10-Oct-2012
SEARCH TIME : 10.57 AM

DESCRIPTION OF LAND

Parish of JERVIS, Land District of MONMOUTH
Lot 1 on Plan 114659
Derivation : Part of 500-0-0 Granted to J. Espie, and Part of
1 090-0-0 Granted to G. Butler and E. P. Butler
Derived from W2903

SCHEDULE 1

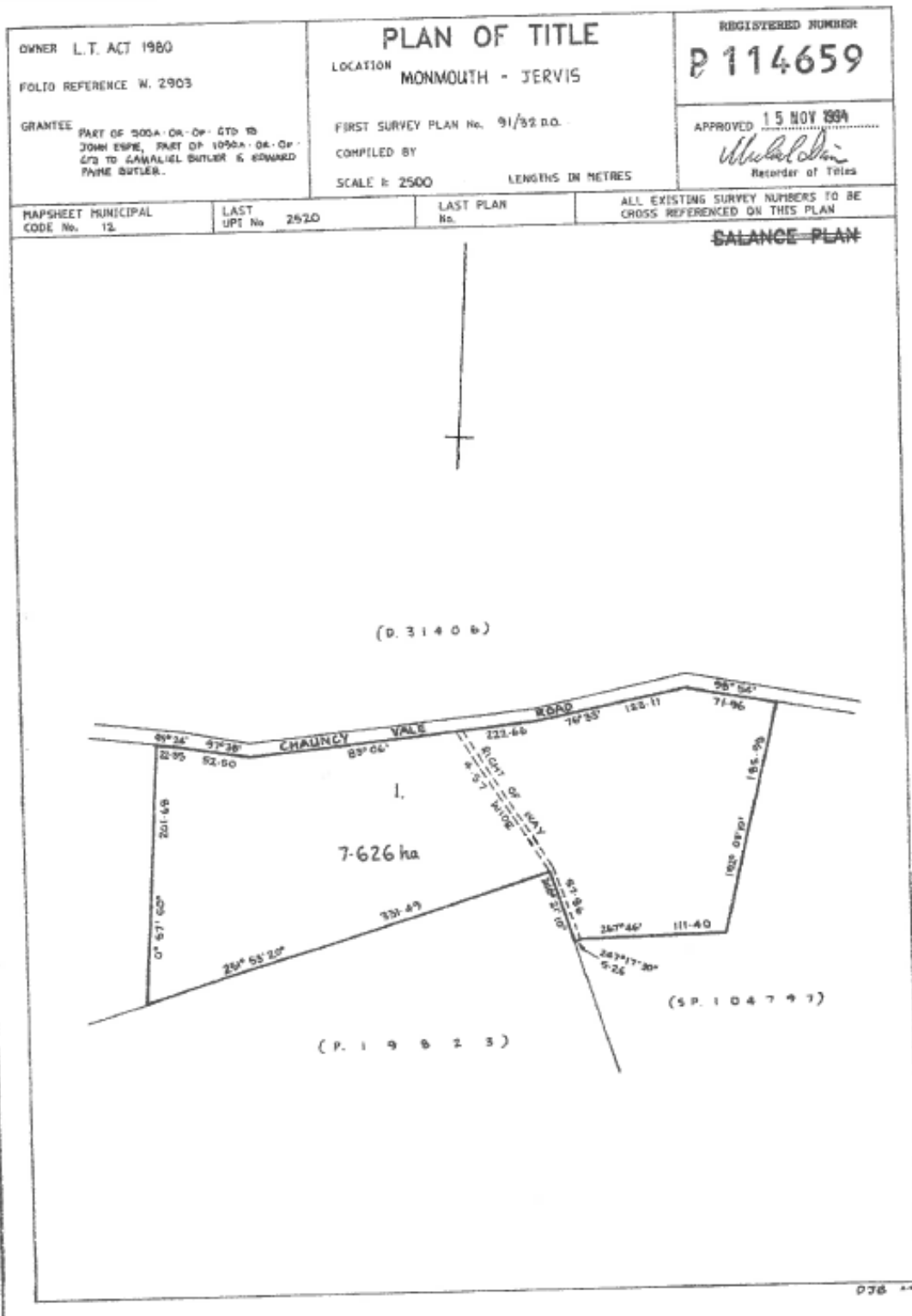
C569759 TRANSFER to PETRINA WHITE and BENJAMN LESLIE WHITE as
tenants in common in equal shares Registered
06-Jul-2004 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
41/7269 CONVEYANCE: Benefiting Easement: Right to pass and
repass over the Roadway 18' wide
41/7269 CONVEYANCE: Burdening Easement: Right to pass and
repass (appurtenant to Martha Winifred Fox) over the
Right of Way shown on Plan No. 114659
41/7269 CONVEYANCE: Burdening Easement: Right to pass and
repass (appurtenant to Adolphus Inkerman Graf) over
the Right of Way shown on Plan No. 114659
C569760 MORTGAGE to Australia and New Zealand Banking Group
Limited Registered 06-Jul-2004 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

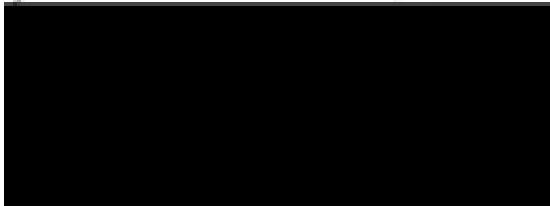


20 Nov. 2017.

Carrie Tyson
Planning Officer.

I am writing in response to your letter regarding Ben Roberts' addition to his workshop. To which I have no problem. My main concerns are the increased traffic on the road including large trucks & trailers now residing in the area & the fire risk from 284 - to 3109 312. Has Ben got sufficient water & pumping system to respond also in case of power outage?

yours sincerely,



Southern Midlands Council Kempton 20 NOV 2017 Received: File No: 15
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11.1.2 DEVELOPMENT APPLICATION (DA 2017/104) FOR AQUATIC CENTRE AT 18 CHURCH STREET, OATLANDS (CT46931/1), 68 HIGH STREET OATLANDS (CT148205/1) & 70 HIGH STREET, OATLANDS (CT41274/3), OWNED BY SOUTHERN MIDLANDS COUNCIL

File Ref: T 7817902

Author: PLANNING OFFICER (JACQUI TYSON)

Date: 5 DECEMBER 2017

Enclosures:

*Development Application documents & Representations
(provided in separate document on Council website)*

PROPOSAL

Bzowy Architecture, on behalf of Southern Midlands Council, have applied for a Permit under the *Land Use Planning and Approvals Act 1993* (“the Act”) to construct an Aquatic Centre on land currently occupied by the Oatlands Council Works Depot and a former shop.

In 2013 Council approved a Development Application (DA2013/49) for a multipurpose Community Recreation and Aquatic Centre on the subject site. Due to funding limitations the building approved in 2013 has been redesigned to a more compact form and approval is now sought for the current design. The project has been guided by a Steering Committee made up of community members and representatives, Council Officers and Councillors and informed by community consultation.

Separate approval was granted by Council in October 2017 for the Demolition and site remediation works required in preparation for the Aquatic Centre (DA2017/97).

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

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

Under the Planning Scheme the proposal is defined as use and development under the Sports and recreation use class. The proposal is to be assessed against the provisions of the use and development standards of the General Business Zone and applicable Codes. These matters are described and assessed in this report.

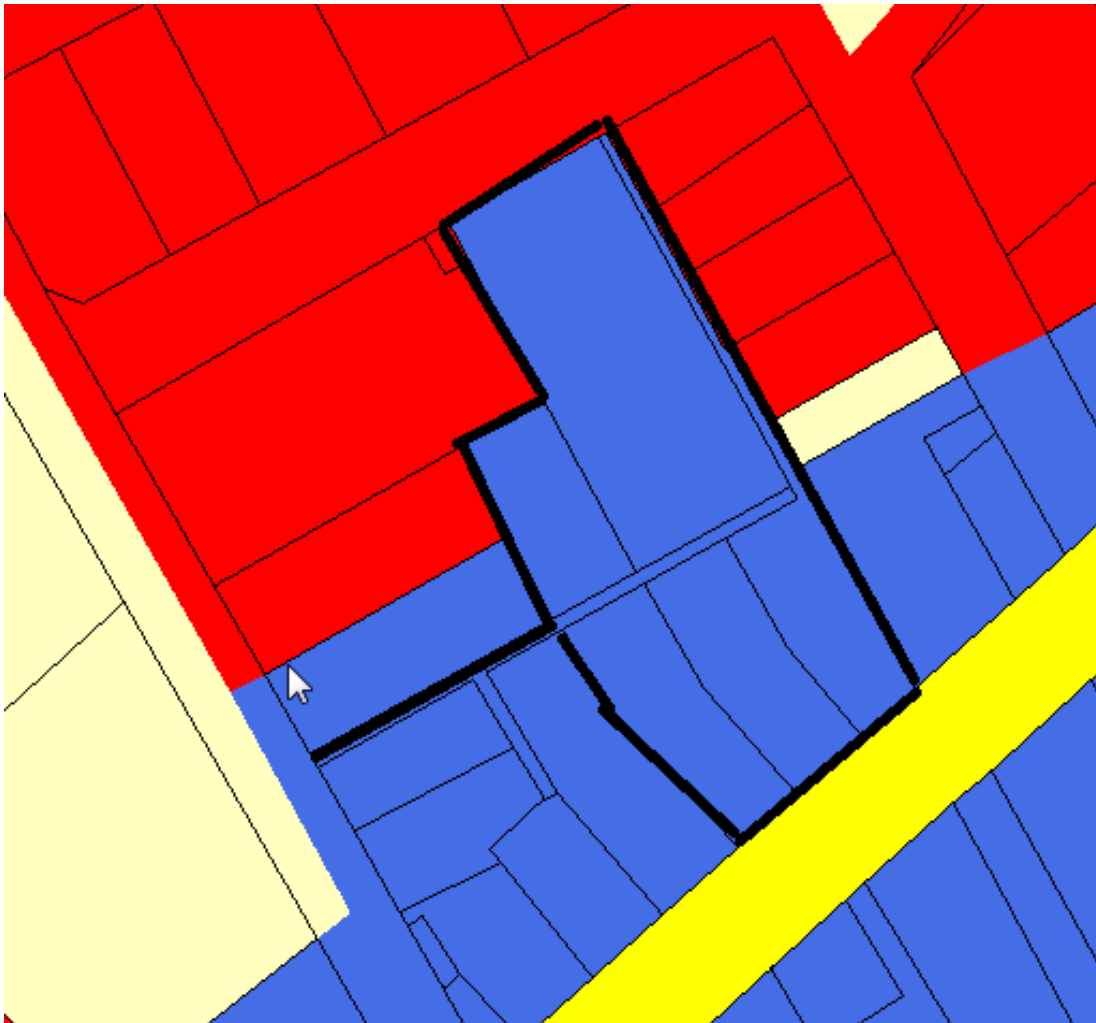
A permit for this type of development is considered at the discretion of Council.

The Council gave notice of the application for public comment for 14 days. During the notification period six (6) representations were received.

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

THE SITE

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



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



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

THE APPLICATION

The application has been submitted with plans and a report addressing the history of the proposal and planning requirements to accompany the Development Application form. The Traffic Impact Assessment (TIA) obtained for the previous iteration of the Aquatic Centre has also been included as a reference document.

The proposed Aquatic Centre is to be constructed over two levels and in two stages. Stage 1 includes construction of the ground level of the building and associated infrastructure including the vehicle access, car park, fencing and landscaping. Stage 1 includes construction of the plant room at the north western end of the building to the full two storey height to accommodate the plant required to operate the swimming pools.

The ground level of the building will contain a 25m swimming pool, a toddler pool, change rooms, office and associated entry, reception, storage and meeting spaces. A secure outdoor space will be provided on the south western side of the Aquatic Centre (marked Zone D on the site plan). Stage 2 is a partial second level situated towards the High Street (south eastern) end of the building, above the toddler pool and change room section of the ground floor. The first floor will contain two dry activity areas separated by bi-fold doors that can open to form one large space, as well as an office and toilet facilities.

The car park is located on the north eastern side of the site and will provide 36 car parking spaces, including 2 accessible spaces. There is also separate space suitable to park a small bus. Access to the car park will be one way, with entry from South Parade and exit to High Street. The project includes public park spaces beside and to the rear of the adjoining Midlands Community Centre (Zones A and C). Land in the north western section of the site will be reserved for a future use, potentially residential in nature that would be subject to separate approval.

The proposal will require connections to reticulated water, sewer and stormwater infrastructure. Taswater have provided a Submission to Planning Authority Notice approving the water and sewerage design, subject to conditions. Drainage from the roof and sealed driveway and carpark will be directed to the Council's stormwater system. A condition requiring submission of a detailed stormwater management plan prior to construction is included in the recommendation.

The land is potentially contaminated due to use as a Works Depot and other previous uses. The necessary site remediation works have been assessed and approved under DA2017/97 and will not be addressed further in the assessment of this application.

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as use and development for 'Sports and recreation', which has a Discretionary status in the General Business Zone.

Use/Development Status under the Planning Scheme

Due to the status in the zone, the application must be considered at the discretion of the Council. Further discretions are generated by the application of the Historic Heritage Code and Parking and Access Code.

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

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised from the 18th November 2017 until 1st December 2017, for fourteen (14) days. During this period Council received six (6) representations, as detailed in the table below.

Representation 1	Council Officer Comment
<p>I see that the Centre's opening hours indicated on the DA dated 15.10.2017 are 7-9 Mon –Sat & 8 - 8 Sunday, yet later on in the Planning Scheme is stated:</p> <p>" 2.02.02 USE STANDARDS 6:00am to 10:00pm Mondays to Saturdays inclusive, and 7:00am to 9:00pm Sundays and Public Holidays "</p>	<p><i>The DA form indicates the intended hours of operation while the accompanying planning report refers to the operating hours allowed under the Acceptable Solution of the applicable use standard in the zone. The proposal complies.</i></p> <p><i>It is expected that hours of operation may change over time to reflect demand. It is recommended to include a condition restricting operating hours to those allowed under the</i></p>

<p>Which is a difference of 2 hours per day, equating to one extra day per week. I can only hope that the opening hours stated on the DA are the ones to be adhered to initially and subsequently further reduced when it is realized that opening 14 hours per day plus allowance for staff attendance (all 8 of them, or is it 12? - not quite clear on that) before and after hours is not only unnecessary, but also too expensive to maintain. In fact, another Callington Mill fiasco.</p>	<p><i>Acceptable Solution without further approval. This provides flexibility for the facility to open in accordance with public and operational needs.</i></p>
<p>As to the absurd, and to use Mr. Bzowy's own word "fatuous" (defined in the dictionary as "silly, foolish, stupid, inane, nonsensical, childish, puerile, infantile, idiotic, brainless, mindless, vacuous, imbecilic, asinine, witless, empty-headed, hare-brained") drivel under the heading of 2.05 HISTORIC HERITAGE CODE, I am agog (Word Origin: Old French en gogues 'in mirth') to see the invisible architecture in all its contemporary glory. There are many more objections which could be voiced, but I am certain there will be others more articulate than I who will bring them to your notice. I fervently hope I do not have the chance to say "told you so" in two years' time.</p>	<p><i>Comment noted.</i></p>
<p>Representation 2</p>	<p>Council Officer Comment</p>
<p>Heritage area</p>	<p><i>The site is located in the Oatlands Heritage Precinct.</i></p>
<p>Pool is Sport and Recreation area Table 8.2</p>	<p><i>The proposal is within the Sport and recreation use class. This has a Discretionary status in the General Business Zone.</i></p>
<p>Does not comply with Southern Midlands Interim Planning Scheme</p>	<p><i>The proposal is assessed below and found to comply with the applicable standards of the Scheme.</i></p>
<p>C. T. Fish building is a commercial building in a General Business zone. Will be needed as a business premises in future. Demolition removes Fish family heritage, a significant connection for 120 years.</p>	<p><i>The demolition of this building along with the depot buildings was approved by Council in October under DA2017/97.</i></p> <p><i>While the family connection with Oatlands is acknowledged, this building was constructed in 1979 and is not listed as a Heritage Place. There are many premises in the General Business zone in Oatlands available for retail in the future.</i></p>
<p>Extra traffic impacts on business in the area</p>	<p><i>The additional traffic generated by the proposal is not expected to have a negative impact on businesses. The streets in the area carry low</i></p>

	<p><i>volumes of traffic and the additional vehicle movements generated by the Aquatic Centre are well within capacity of the roads.</i></p> <p><i>The carpark is sufficient to cater for most users, with some overflow to street parking expected for occasional events such as school carnivals. This will be occasional and will not have a substantial impact.</i></p> <p><i>Businesses in the area may benefit from increased activity associated with the Aquatic Centre development.</i></p>
<p>Representation 3</p>	<p>Council Officer Comment</p>
<p>I am writing to express my objections to the proposed Aquatic Centre.</p> <p>It is my view that the chosen site is inappropriate because it will not be in keeping with the Historic Heritage Code designed to protect development in towns such as Oatlands.</p>	<p><i>The provisions of the Historic Heritage Code do not prohibit new buildings or restrict them to a particular architectural style.</i></p> <p><i>The design criteria for the Oatlands Heritage Precinct guide the design, form and materials of proposed developments to ensure that they complement and do not compete with the historic townscape.</i></p> <p><i>As discussed in the assessment below, it is considered that the proposed design achieves this objective and complies with the applicable standards of the Code.</i></p>
<p>Congratulations to the Council for closing the Council Works Depot.</p>	<p><i>Comment noted.</i></p>
<p>This is very laudable and long overdue but the largely recreational facility of an Aquatic Centre should be sited in a recreational area. It is drawing a long bow indeed to justify the Aquatic Centre as a business enterprise contributing to the development of a 'strong business hub' the Council's fundamental and guiding principle.</p>	<p><i>The Planning Authority must consider and make a determination of the development application that has been made and cannot consider alternative options. The decision must be made with regard to the relevant sections of the Planning Scheme only.</i></p> <p><i>It is noted that this site that has been chosen by the project team through a long design process that included community representatives and consultation.</i></p> <p><i>An Aquatic Centre is a community facility that has applications beyond recreational use, including education and medical/rehabilitation uses.</i></p>
<p>The area surrounding the proposed centre consists of private dwellings, two community halls, a medical centre and ambulance and fire brigade facilities. This is no business hub.</p> <p>There are a number of other areas that could be chosen that would pose no conflict to the surrounding area as does</p>	<p><i>It is a broadly accepted land use planning principle that a mix of land uses will encourage an active and vibrant town centre as people can access essential services and leisure opportunities in one trip. There is also increased potential for people to walk or cycle to access services.</i></p>

<p>the current proposal. Sites for consideration could include the area in the vicinity of the current sports grounds or the caravan parking area adjacent to The Callington Mill. Both of these areas would allow for greater parking and bus turning facilities and would not aggravate local residents with undue noise or lighting and would not clutter High Street with increased traffic.</p>	<p><i>The Aquatic Centre will be within easy walking distance of retail shops, food businesses, and civic offices, Oatlands District School, medical and emergency facilities as well as many homes. This location will support use of the Aquatic Centre by a range of people and increase the potential for multi-purpose trips to the town centre.</i></p>
<p>This would free the proposed site to become a beautiful green zone of parks and gardens in the heart of Oatlands, a town of roses, mural paintings and other art works. An area to draw in tourists and be used by locals alike. This is a vision for the future of the site. Shortsightedness in the past sited the existing pool in an inappropriate location, I am hoping that in the vision for the future the same mistake won't happen again.</p>	<p><i>The proposal includes an increase in the area of parks and gardens in the space that will be available for public use.</i></p>
<p>Representation 4</p>	<p>Council Officer Comment</p>
<p><u>Location in the Oatlands Township Precinct</u> (a) A building of this scale, appearance and size, complete with car parking will affect the amenity, ambiance and character of this part of the heritage township of Oatlands. The sheer bulk of the building means that it is intrusive in this part of the town. The building is far too high. (b) This development within the Oatlands Township Precinct must comply with the provisions of the Historic Heritage Code. Use of zincalume instead of galvanized iron and ecoply cladding are not appropriate for the precinct. (c) An application for a permit to put up such a building in a location that is surrounded by so many historic buildings should be accompanied by a report from an expert heritage architect. (d) There is no information in this application about what earthworks will be required. I am concerned about the impact of earthworks on the fragile colonial foundations of all the surrounding historic buildings. Trucks clearing overburden from the site should be banned from using South Parade.</p>	<p>(a) <i>The building is sited and designed to minimise impacts on the heritage values of Oatlands. The height complies with the Acceptable Solution, and only part of the building will be at the maximum height.</i> (b) <i>The proposal uses a range of external materials that are considered to be appropriate for the purpose and location.</i> (c) <i>Comment is noted. The planning scheme does not specifically require this. Council's heritage officers have had input during the design phase.</i> (d) <i>The site remediation and associated earth work was approved in DA2017/97. This will prepare the site for construction.</i></p>
<p><u>Traffic on South Parade and Gay Street</u></p>	<p><i>South Parade and other streets in the vicinity will be maintained to an adequate standard.</i></p>

<p>The increase in traffic along South Parade and Gay Street will be a big problem for several reasons:</p> <p>(a) The surface of South Parade is of low grade as it was poured over the road surface after it was only lightly graded. This surface copes with the present light traffic flow but will not support the sort of increase that will result from this development</p> <p>(b) South Parade has a crest that can hide people walking along it. There are no paved footpaths, or indeed any footpaths at all. Inmates from the hospital and Hawthorn respite centre are pushed along this road. Motorised wheelchair users often choose this road. A large family often walks along it leading miniature ponies. These people often walk with their backs to approaching traffic which may not see them until it is too late. Modern cars make very little noise so that they are hard to avoid if someone has his back turned to approaching traffic.</p> <p>(c) Cars often speed around the intersection of Gay Street and South Parade, and often drive partly or wholly on the wrong side of the road. One car today came round at speed into South Parade and used three quarters of the road. This is one of many acts of reckless driving that I have witnessed on this corner over the years. It is a blind corner. I am surprised that no pedestrian or motorist has been killed or injured. There have been many near misses. If there is going to be increased usage of South Parade, speed humps and paved footpaths must be installed.</p>	<p><i>While Council cannot control the behaviour of motorists or pedestrians, traffic calming measures and footpaths can be provided if necessary.</i></p>
<p><u>Noise</u></p> <p>(a) There will be a large amount of noise while this building is under construction, and this problem will go on constantly after the Centre comes into operation. The proposed opening hours are too long. Noise will disturb hospital and respite care patients. Many people in the hospital or in the residential zone nearby are elderly and this development will unreasonably interfere with their sleep and enjoyment of what should be a tranquil area.</p>	<p><i>Some noise during construction cannot be avoided, however it will be controlled by conditions restricting hours of work and requiring that construction does not cause an undue impact on the amenity of residents.</i></p> <p><i>In regard to ongoing noise, a condition is included in the recommendation to require noise to be limited so that it does not cause an environmental nuisance, which is defined under the Environmental Management and Pollution Control Act 1993. A noise assessment will also be required to be submitted prior to first use of the site to ensure that the plant and equipment can comply with this requirement.</i></p>

<p>(b) The noise of the plant equipment will be unacceptable. Inmates of the respite centre need their rest undisturbed or they may become harder to manage.</p> <p>(c) Patients in the hospital need quiet to recover from their illnesses.</p> <p>(d) Continuous plant noise that is claimed to be within the legal dB limits in fact becomes very disturbing over long periods and it will affect the mental health of residents who find that they cannot adjust to the continual drone.</p> <p>These are the major reasons why I believe that this DA should not be granted a permit in its present form, and I believe that the development it proposes should not go ahead on this site.</p>	<p><i>The generous setbacks, landscaping and use of noise dampening materials are expected to contribute to control of ongoing noise.</i></p>
<p>Representation 5</p>	<p>Council Officer Comment</p>
<p>Please note that, while this representation focuses on weighing the development application against the provisions of the 2015 Interim Planning Scheme, I have not changed my opinion that this is the wrong site for this development, and that no amount of plans, strategies and wishful thinking can make it the right site.</p>	<p><i>Comment noted.</i></p>
<p>As it will be convenient to use acronyms for various entities I am listing these here: IPS = Southern Midlands Interim Planning Scheme of 2015 ASS = Applicant's Supporting Statement, with reference to specific page number if given TIA = Traffic Impact Assessment report of 2013 done by Peter Freeman Traffic Solutions masl = metres above sea level</p>	<p><i>Noted.</i></p>
<p>IPS: General Business Zone (1) Since the first Aquatic Centre DA was approved in 2013, the site of this development has been rezoned so that it all now falls within the General Business Zone. Around this site, to the south west, north east and northwest, several properties remain in the Residential Zone - in Church Street, 10 South Parade, and Gay Street - and some of these lie within 50 metres of the development proposed by this DA.</p>	<p><i>As mentioned above, conditions are included in the recommendation to require a noise assessment of the plant and equipment prior to first use and for noise to be limited so that it does not cause an environmental nuisance, which is defined under the Environmental Management and Pollution Control Act 1993.</i></p>

This means that this application has to satisfy the Use Standards specified in the IPS, and these include 21.3.2: Noise. The objective of Use Standard 21.3.2 is 'to ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone'. Noise will be generated by the Aquatic Centre in two main ways: (a) activities during its opening hours and (b) noise emanating from its Plant Room which will operate continuously for 24 hours each day.

The IPS states clearly the permissible dB noise levels for these operations. The DA applicant says that the development will comply with the stated acoustic objectives but does not provide any evidence to indicate that this development will fall within the permissible dB range.

He also says that 'a key area of scrutiny will be the plant room areas at the rear of the development'.

From the attached DA drawings, DA 006 shows that much of the Plant Room will have no roof and its ends will be 40% open, with the result that noise emissions will escape quite freely. The Plant Room is the part of the development closest to several residences in the Residential Zone and their amenity will therefore be affected by any unreasonable noise arising from this development. This adverse effect might occur at any time but will be most predictable during the evening as elderly residents tend to have earlier bedtimes.

(DA 006 is described as coming under Stage Two of the development but, following my enquiry on 28 November, the applicant has now clarified this by saying that the entire Plant Room - i.e. ground and first level floors - will be built in Stage One, although the contents of the first floor will increase in Stage Two).

I contend that no permit should be issued for this development until it is established that the noise levels to be generated will comply with Use Standard 21:3:2, and therefore achieve the objective of this Standard.

The IPS states at 21.4.1 its Development Standard on building height in the General Business Zone, i.e. that the height must be no more than 9 metres. The applicant says at page 8 of ASS that the building height falls 'well within the stated 9 m maximum', and gives the heights of various sections of the structure above floor level. 'Floor level' is not the same as 'natural ground level'. It is the level achieved by building up on the site to create a level base on which to build the main structure. This site is not naturally level; it slopes upwards from a natural ground level of 399.40 masl at its lowest point (the entrance to the proposed carpark) to 403.20 masl at its frontage on High Street, i.e. there is a difference in levels of almost four metres over the site. The Aquatic Centre is to occupy land on the higher southeastern portion of the site, and the creation of a level building base (i.e. 'floor level') for it requires land to be built up, especially towards the northwest of the site where the Plant Room is located. The maximum building up at the Plant Room (at its lowest corner) will involve raising the floor level by 1.2 metres above the natural ground level. On my enquiry (28 November) the applicant has given the height of the Plant Room as 7.2 metres above the floor level - not above the natural ground level. The Plant Room height will in fact vary from 8.2 metres to 8.4 metres above the natural ground level. While this means that the building will still be under 9 metres high, you must also consider how the building will be perceived because of the rise in the land from the Midlands Highway to High Street. At the Council meeting on 22 November I asked Councillors to gain an impression of just what this Plant Room will look like by coming to South Parade and viewing the 6.2 metre high shed then standing on some of the land to be used for the Plant Room. However, as men arrived early on 23 November to demolish this shed, viewing it may have been impossible. I am therefore including in this representation a photograph of that 6.2 metre high shed (Photograph 1).

The architectural drawings indicate heights above the floor level but also include the required subfloor so the overall height can be ascertained using the scale.

The proposed building including the plant room will have a maximum height above natural ground level that is less than 8.5m, meeting the Acceptable Solutions of the planning scheme.

<p>I contend that no permit should be issued for this DA as the height of this structure should be considered both technically and perceptually, and from any location to the northwest of the site it will be perceived as far higher than 9 metres tall.</p>	
<p><u>IPS E13.0: Historic Heritage Code</u> This DA has to be assessed against a number of IPS Codes. It is convenient to begin with the Historic Heritage Code as my main concern under this Code follows on from what I have just said in respect of the height of the structure. Under the IPS this entire site falls within the Oatlands Township Precinct and under the IPS E13.8.2 the objective of the Code is to 'ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct'. The performance criteria (P1 and P2) for this objective include compliance with the design criteria listed in Table E13.2. Table E13.2 sets out what is required in the design of 'buildings and works' in this precinct. Its design criteria include at 1(c) that buildings 'must address the street, unless at the rear of a site', and at 1(d) that 'buildings must not visually dominate the streetscape It is clear from what is said in the ASS at p.15-17 that the applicant is well aware that the DA does not meet some of the design criteria listed in Table E13.2, and at best is aspirational. Specifically the applicant states that 'my view is that the overall flavor/feel of the building should be as anonymous as possible. Rather than try and copy, we should be modest, deferential and as minimally intrusive as possible. Perhaps an almost invisible architecture', (p.16). This may be what the applicant would like to achieve, but it is nonsense when the impact of the building is considered. While the site itself has a rear, the Aquatic Centre comprises one integrated structure and all of it 'must address the street' as required under Design Criteria 1(c) in Table E13.2. The phrase 'the street' embraces any or all of the streets in the Oatlands Township Precinct, and includes South Parade. I have drawn on a copy of the photograph provided above what the appearance of this structure will be as</p>	<p><i>An assessment against the provisions of the Historic Heritage Code is provided below.</i></p> <p><i>It is considered that the proposal responds adequately to the design criteria and therefore satisfies the planning scheme requirements.</i></p>

<p>viewed from the northwest, i.e. from South Parade, Gay Street and William Street (Photograph 2). This photograph shows the height of the Plant Room and its width of 21 metres across the site (the width is given in Drawing 400A). The words 'modest, deferential, minimally intrusive, almost invisible' cannot be applied accurately to this structure, and its effect is to dominate the streetscape visually.</p> <p>There is no point in having an Oatlands Township Precinct in the IPS if an applicant can dismiss the design criteria for buildings and works in this precinct with the argument used here that the architecture of the proposed building 'creates its own moment in time, and offers to contribute to the evolution of Oatlands' history' (ASS p. 15).</p> <p>The architect of any appalling building might reasonably make the same claim. Acceptance of this point of view by the Council will set a dangerous precedent for the future, and predictably have the consequence that the Council will either be unable to reject a building application in the Oatlands Township Precinct or face an increased likelihood of fighting appeals if it does reject an application. I have no doubt that this design might be fitting in a different location but in this precinct it will be a sow's ear in a silk purse, a blot on the town.</p> <p>I contend that a permit should not be issued for this DA as it fails to achieve the objective stated at IPS E13.8.2 because it does not satisfy performance criteria P1 and P2 for this objective.</p>	
<p><u>Road and Railway Assets Code</u> As the existing access points on South Parade to 70 High Street and the old Works Depot are to be combined into a new access to the car park for the Aquatic Centre, E5.2.1 would appear to apply to this DA, as this development 'intensifies the use of an existing access'. The applicant in ASS (p. 10) however states that, as this new access - the word 'junction' is used in ASS - has not been created, E5.5.1 does not apply. Given that the new access is only going to re-model the existing accesses, it is questionable if this is an accurate interpretation. E5.5.1(A3) states</p>	<p><i>An assessment against the applicable provisions of the Road and Railway Assets Code is provided below.</i></p> <p><i>The proposal is considered to comply. A condition requiring a parking plan to be completed by a qualified engineer is included in the recommendation to ensure all standards are met in the final detailed design.</i></p>

that 'the annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater'.

If E5.5.1(3) does not apply, then E5.6.2 will. The objective of E5.6.2 is: 'to ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions'. Where this new access is built in an area subject to a speed limit of 60 km/h or less - as is the case in South Parade Performance Criterion P2 states that the access must be 'safe and not unreasonably impact on the efficiency of the road, having regard to (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit;....(f) any traffic impact assessment....'. While E5.5.1(A3) specifies a limit to the increase in traffic caused by developing a site, E5.6.2 does not, and clearly this is why the applicant wants to avoid the application of E5.5.1. Before considering these elements of Performance Criterion P2, I need to draw attention to the following statement in the TIA (p.7): 'South Parade primarily services a residential zone providing frontage to a number of properties including mainly vacant lots'. The last part of this statement is inaccurate as a description of the western section of South Parade, i.e. between Gay Street and Church Street, where there are no vacant lots. As it is this section which will be most affected by the proposed development, this is a serious misrepresentation. When the corner lots having frontages on to South Parade/Gay Street, and South Parade/Church Street are taken into consideration, this western section has six residential properties, five of which have driveways which debouch on to South Parade.

E5.6.2: Performance Criterion P2 (a)The nature and frequency of the traffic arising from the new use. The 2013 TIA estimated that the normal daily traffic flow along all of South Parade (eastern and western sections) was less than 30 vehicles, and at night the flow would be of the order of 2 - 4 vehicles per hour. This accords with the

experience of the residents on this street. It also stated that the 2013 development proposal would generate a daily flow of traffic along South Parade of 288 vehicles, most of which would be entering or leaving the proposed car park. The 2017 applicant (p.11 ASS) claims that the present DA will reduce this expected volume of traffic by 50% or more because only the entrance to the car park is to be located on it. While this is an improvement, it is still obvious that there will be an increase of at least 400% in the traffic flow along this residential street if this DA is approved. In contrast to the present flow, traffic accessing the car park will potentially begin to arrive at 7 a.m. and continue until 9 p.m. from Monday to Saturday, and from 8 a.m. to 8 p.m. on Sunday - in other words the frequency of traffic on South Parade will increase dramatically.

E5.6.2: Performance Criterion P2 (b) The nature of the road. The 2013 TIA gave various details, none of which have changed, about the state of the South Parade road. It does not possess footpaths, and the kerbs from Gay Street and Church Streets extend into it for very short distances. For most of its length it is narrow, and in the section opposite the development site it is just 4.9 metres wide. There is a crest in the road just west of the western boundary of the old Works Depot, and this is of major concern because it partially blocks the line of sight along the road. Small children and mobile chair users are particularly at risk because of this crest. As South Parade is likely to have increased pedestrian use once the car park corridor to High Street becomes available, it is essential that this development incorporates measures to promote the safety of both pedestrians and drivers before the Aquatic Centre begins operations. When I made this point in my representation on the 2013 DA, the response was that the situation would be monitored for two years. That is simply not good enough.

E5.6.2: Performance Criterion P2 (c) The speed limit. The speed limit along South Parade and surrounding streets is 50 km/h but all the residents along South Parade have regular experiences of cars which exceed this

<p>speed greatly, and particularly in the evening. I have also seen a police chase along this road which resulted in an animal being killed by the car under pursuit. It is not good enough to say that motorists should drive to the 50 km/h limit as it is demonstrable that many ignore the limit. It is essential that measures be adopted to force motorists to slow down all along this road, and the most effective measure that is used elsewhere is the installation of speed humps across the breadth of the road. The road should have these at each end and on the approaches to the car park access.</p> <p>E5.6.2: Performance Criterion P2 (f) Any traffic impact assessment. The applicant has elected to rely on the 2013 TIA, and advances as one reason for this the claim that there have been no significant changes in the number and pattern of vehicular movements in the streets around the development site.</p> <p>Two points should be made here. (1) It would appear that the 2013 TIA collected actual vehicular movement data on just one day, 23 October 2012, and for just four hours altogether that day which was a Tuesday (TIA Appendix D). It may be argued that conclusions based on such a small survey are unreliable. (2) Comments made by the TIA about the impact of the development on traffic at the junction of Church Street and High Street would have reflected conditions at the time, an important one of which was that the shop on the corner of Church and High Streets had closed down after it was sold in 2011 and was not operating in 2012. Today this building is now occupied by Cellarbrations which is well frequented with an according increase in cars parking outside it on High Street. I contend that no permit should be issued for this development until it incorporates measures, including the installation of speed humps, to ensure that the safety of residents, pedestrians and other users of South Parade is not reduced as a consequence of the increased traffic flow to the car park access on this road.</p>	
<p><u>E6.0: Parking and Access Code</u> The DA proposes that there will be parking for vehicles on a one-way corridor leading from an access point on South Parade to an exit point on High Street. This is a much</p>	<p><i>It is expected that the car park will be adequate to cater for most normal daily use, with overflows only occurring during some peak times or at special events.</i></p>

<p>better proposal than the 2013 DA put forward because it reduces the number and frequency of vehicle movements on South Parade, Gay Street and Church Street, all of which nevertheless are going to experience very substantial increases in their traffic flows as cars come to the access point in South Parade. The risk of accidents and the safety threat to pedestrians and motorists alike is therefore reduced, but not eliminated, by this re-design. The siting of the proposed car park is also much better because it achieves the objective of E6.7.12.</p> <p>However, the problems of this site for this proposed development are well illustrated by the obvious inability of the DA to comply with the number of parking spaces specified in Table E6.1 and the likelihood that user cars will overspill on to the verges of South Parade which means that the DA will not achieve the objective stated by E6.6.1, i.e. 'to ensure that... (b) a use or development does not detract from the amenity of users or the locality by (1) preventing regular parking overspill'</p>	<p><i>An assessment against the provisions of the Code is provided below.</i></p>
<p><u>E2.1 Potentially Contaminated Land Code</u> The DA gives no information as to how the proposal will address this Code, apart from a brief statement on page 5 of ASS that there has been a separate DA to the Council. Importantly, there is no information as to whether this Aquatic Centre is to require excavations - the 'dirty great hole' referred to in March or whether it is to be built up on a platform of concrete. Similarly there is no timeframe given for how demolition of the sheds and soil remediation are to accompany the building of the Aquatic Centre - for example, will all of this precede the beginning of construction, or will one or more sheds be retained and put to temporary use?</p> <p>I would remind Council that the results of SEMF tests and analysis are to be made available to the public as soon as possible after the Council receives them.</p>	<p><i>The earlier application for demolition and site remediation works (DA2017/97) addressed the requirements of this Code so it was not necessary to repeat that assessment in this DA.</i></p> <p><i>A condition is included in the recommendation to ensure that the site is fully remediated in accordance with the advice of the accredited consultant.</i></p>
<p><u>Stormwater</u> From the RARE drawings (specifically C101) provided with the DA, it appears that there will be a new stormwater drain directing water down to South Parade, and that this water will then be disposed of by the existing stormwater infrastructure. I have concerns that the existing</p>	<p><i>A condition is included in the recommendation to require a stormwater management plan to be completed that will include an assessment of proposed and existing infrastructure to ensure there is capacity to accommodate stormwater from this development.</i></p>

<p>infrastructure will be inadequate, as the size of the building will generate a far larger flow of concentrated stormwater than presently happens. For years past, when there has been heavy rain, a large volume of water has poured off the old Works Depot site on to my land, and this is diffused water, not concentrated into one channel. As the stormwater infrastructure passes through my property, I do not think that the existing pipe or pipes may be able to manage what is bound to be a far large inflow, once this structure is built. I request that this issue be given attention now, proactively, rather than reactively once the system floods.</p>	
<p>Representation 6</p>	<p>Council Officer Comment</p>
<p><i>With regard to the DA 2017 – 104 Oatlands Aquatic although the design by the applicant bzowy architecture is a good one I wish to object to the DA 2017-104 on the grounds that it is an inappropriate development for the site selected by the Council and owned by the Southern Midlands Council at the old Council Depot at 18 Church Street and 68, 69 & 70 High Street, Oatlands for the reasons detailed below. It does not comply with the SM Interim Planning Scheme 2015 and associated Codes and so a permit for this development on this site should be refused.</i></p>	<p><i>Comment noted</i></p>
<p>1. Heritage and Use of Building Materials</p> <p>The Development is situated within the 'Oatlands Township Precinct' a precinct identified in Council's own planning scheme, the SM Interim Planning Scheme 2015, as the town is of historic cultural heritage significance because its characteristics and features demonstrate a township comprising a concentration of highly intact historic buildings of the Old Colonial Georgian and Victorian styles. The proposed development because of its size and scale (and use) will significantly negate and undermine the village character of the historic township of Oatlands the nature of which has been identified, acknowledged and protected by the creation of its own special precinct.</p> <p>The significance of this place is bestowed because of the collective heritage value of</p>	<p><i>An assessment against the provisions of the Historic Heritage Code is provided below.</i></p> <p><i>It is considered that the proposal responds adequately to the design criteria and therefore satisfies the planning scheme requirements.</i></p>

individual places as a group for their streetscape or townscape values - ref. E13.2.1 of the SM Interim Planning Scheme 2015.

Under Section E13.2.1 of the SM Interim Planning Scheme 2015 the application of the E13.0 Historic Heritage Code, “applies to development involving land defined in this code as any of the following: (a) a Heritage Place (b) a Heritage Precinct....”

So the intention of this part of the Scheme is that it should clearly apply to development of LAND in an identified Precinct and as the proposed site for this development clearly falls within the Oatlands Township Precinct as per the Planning Scheme then it so applies.

The reason for the identification of the Oatlands Township Precinct as a Heritage Precinct is to ensure protection of the characteristics and features of the heritage precinct as a whole. The development must comply with the applicable provisions of cl.E13.8 of the Historic Heritage Code of the Planning Scheme.

Performance Criteria P1 to P4 of cl.E13.8.2 of the Code require that a development not result in detriment or detract from the historic cultural heritage significance of the Precinct. E13.2 Application:

E13.2.1 This code applies to development involving land defined in this code as any of the following:

- . (a) a Heritage Place;
- . (b) a Heritage Precinct;

Unfortunately, the development application in this case does not go into any great detail how each of the design and siting requirements in Table E13.2 will be satisfied or addressed by the development. So from the limited information that is available in the DA, this proposed development on this site as detailed below, does not comply.

Clause E13.8.2 P2 requires any development to comply with the specific

requirements about the design and siting in Table E13.2

E13.8.2 Buildings and Works other than Demolition Objective:

To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.

Performance Criteria P1

Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.

The siting of this development within the Oatlands Township Precinct will result in detriment to the historic cultural heritage significance of the precinct as the

interposition of such a building of the scale, appearance and size of Oatlands Aquatic and its associated car park will have an unnecessarily negative impact on the heritage nature and value of this part of the historic town of Oatlands as per 'Table E13.2 HP1 Design Criteria 1 (a) the scale, roof pitch, building height, bulk, rhythm, materials and colour of the of new buildings...should respect the principles of the Georgian architectural style dominant in the precinct...' and this proposed new building does not meet all these criteria. The scale and bulk of the building is far greater than any other building in the Precinct - within this context the proportions of the building with respect to the context of others in the Precinct the building itself has a ground floor area of 1850 m² and multiple roof heights across this large area of over 8 m. Thus this building does not respect the principles of Georgian architectural style dominant in the precinct even accounting for the larger buildings in the precinct such as the Town Hall, Gaol and Mill because although these buildings are comparable in height (or with the Mill tower, taller), due to the much smaller ground floor areas the overall scale and bulk of these existing heritage buildings are much less and much more contained. So the proposed new building is completely out of character in this heritage precinct designated part of Oatlands.

The physical characteristics of the proposed building development are overly intrusive and bulky compared to the scale of the surrounding mostly small heritage cottages in Gay Street, South Parade and High Street. With an approximate height of 8 metres of multiple roof points the size is too high, well beyond the roof heights and breadths of the surrounding heritage buildings.

The effect of such a building design will be to dwarf and dilute the heritage characteristics of this part of the town by the intrusion of such a large, contemporary public building.

Likewise the rhythm – the scale of the building means that even with ‘the integrated gable and selected pitched roof proportions’ (p.15 DA) the rhythm is not reflective of heritage buildings within the heritage precinct as the North East Elevation shows there are 4 and two halves pitched roofs more reflective of an industrial building such as a factory than of the existing Georgian forms in the town, and there are also large areas of flat rooves in the NE and SE Elevations again NOT reflective of forms in the town. The applicant’s statement that the built ‘Areas of neutral form emphasise these references’ (ibid) is clearly further not supported by the plans which show large areas of wall surface and glazing which are neither ‘invisible’ or ‘neutral’ as claimed.

The materials proposed for the building do not comply with Table 13.2 HP1 Design Criteria 1(a) above, with zincalume being used for the roof and Ecoply structural plywood cladding for the external walls. Design Criteria 1(f) states that “external wall building material must be any of the following: (i) sandstone of a colour matching that commonly found in Oatlands’ buildings (ii) weatherboard (traditional profiles) (iii) rendered, painted or limewash brickwork (iv) unpainted brick of a traditional form and colour laid with a traditional bond; (v) traditional Tasmanian

vertical board (non-residential buildings only); (vi) corrugated profile steel cladding, painted/colorbond or galvanised iron (not zincalume or similar). Design Criteria 1(g)

<p>roof form and material must be consistent with the following: ... (iii) avoidance of large unbroken expanses of roof and very long roof lines (iv) roof material either custom orb (corrugated profile) sheeting, timber shingles and slate. Steel sheeting must be either traditional galvanised or painted; Design Criteria 1(h) wall height sufficient to provide for lintels above doors and windows, with wall space above;</p> <p>The proposed building does not meet the above design criteria.</p> <p>The proposed external treatment of the building with Ecoply cladding and zincalume roofing, which although strong and positive design features in another setting, in a Heritage Precinct such as this, these features will not harmonise with the historic fabric of surrounding buildings.</p> <p>In summary, the siting of this large Recreation facility within the Heritage Township Precinct goes against the objective in the SM Interim Planning Scheme 2015 of “(d) Historic cultural heritage values are recognised, retained, and protected with(in) the region for their character, culture, sense of place, contribution to our understanding of history and contribution to the region’s competitive advantage,” (p. 14)</p> <p>This development on this site within the Heritage Precinct does not comply with the Planning Scheme. Conversely, there are large parts of Oatlands that are NOT of heritage value and are not included in the heritage precinct, where the construction of this development as detailed in these plans would be quite appropriate.</p>	
<p>2. Zoning</p> <p>Siting of the proposed development on a site zoned ‘General Business’ zone 21 under the SM Interim Planning Scheme 2015 instead of in a more appropriate ‘Recreation Zone’ which as well as being most the appropriate zone for an active recreational facility, is contrary to the Planning Scheme Objectives listed in the scheme in particular as stated in “Objective 3.0.10 – R Liveability: Regional Objectives Desired Outcomes: (a) An integrated open</p>	<p><i>Use and development of Sport and recreation facilities in the General Business Zone is envisaged and made possible by the Discretionary use status in the zone. If the use was wholly inappropriate it would be Prohibited.</i></p> <p><i>While there may be other zones where this type of development could easily be accommodated the benefits of mixed use neighbourhoods and town centres are considerable and relevant to this proposal, as discussed previously.</i></p>

space and recreation scheme that responds to existing and emerging needs in the community...” (p.14) in that this site does not form part of such a scheme and because of the constraints of the site in terms of its size and being surrounded by mostly residential buildings; and it is also not able to meet “emerging needs” for future recreation development as identified in the Southern Midlands Recreation Plan 2005 which included the possible disadvantages of the proposed site as “land area and configuration is awkward to design facility layout...” and “limited site area for associated facilities...” (p. 69)

The Description of Use stated in the DA as “Recreation” is not correct – it should be “Sport and Recreation” as per the Use Class Table 8.2 in the SM Interim Planning Scheme 2015 (p. 32)

This development should be located in a Recreation Zone, zone 18, where no permit is required for Sports and Recreation Use, or in a Community Purpose Zone, zone 17, where Sports and Recreation is a permitted use, as these areas are presumably selected for their all round suitability for such active use including minimal impact on residential amenity, unlike this site proposed by Council where there will be maximal negative impacts on surrounding residences – five directly adjoining the site, and another eleven significantly impacted by the increase in traffic along residential streets.

The purpose of the General Business Zone as per 21.1.1 of the SM Interim Planning Scheme 2015 is

21.1.1.1

To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.

21.1.1.2

To ensure the rural service centres provide for the daily and weekly needs of the community.

21.1.1.3

To provide for a mix of retail and office based employment servicing the local

<p>area, the broader rural region and the tourism market, including at least one supermarket and a range of specialty shops.</p> <p>21.1.1.4 To provide a safe, comfortable and pleasant environment for workers, residents and visitors through the provision of high quality urban spaces and urban design.</p> <p>This development although a community facility is not a food, professional or retail facility, but primarily a Sport and Recreation facility with office and retail components functions supportive of and secondary to, the primary function of providing an active recreation facility.</p> <p>And further, such a facility in this location will not “provide a safe, comfortable and pleasant environment for...residents...through the provision of high quality urban spaces and design.” as it will detrimentally affect the quality of the residential amenity of at least 16 surrounding residences.</p> <p>The intended demolition of the CT Fish building at 70 High Street is contrary to the stated purpose of the General Business Zone as this building is a commercial building for retail or business use. By demolishing this building not only is the long association of the prominent Fish family with this site obliterated, the commercial nature of Oatlands’ Business Zone is diminished with the opportunity for future business use here completely removed.</p>	
<p>3. Traffic and Vehicle impacts</p> <p>Such a development will significantly increase the traffic egress through this part of the heritage town of Oatlands.</p> <p>The current development application relies on the Traffic Impact Assessment (TIA) submitted for a previous development application for the use under a previous planning scheme.</p> <p>Based on the figures in the old TIA, the proposed development will significantly increase the number of vehicle movements from the site, as compared to those that</p>	<p><i>An assessment against the applicable provisions of the Road and Railway Assets Code is provided below.</i></p> <p><i>The proposal is considered to comply.</i></p>

currently enter and leave the Council depot site (estimated in TIA as 80 movements per day). The TIA estimates the development will result in between 8-12 movements per hour in each direction (i.e. total 16-24 trips per hour from the site). The traffic generated would be substantially more than the current use. It is arguable that, for this reason, the development does not comply with cl.E5.5.1 A3, which requires:

The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

So using the figures from the TIA, the development with average opening hours of 15 hours a day will generate between 240 and 360 vehicle movements per day which is well above the allowable 100 to 120 vehicle movements per day, as per the above formula, using an existing access or junction. As there will be two existing junctions being used (South Parade and Gay Street, South Parade and Church Street) for incoming traffic, this will therefore produce 120 to 180 vehicle movements per day x 1.5 at each junction i.e. 60 to 90 vehicle movements per day across these two existing junctions, still well above the allowable increase of 20 % (16) or 40 movements per day.

As the development is likely to fail to meet this acceptable solution, it must comply with Performance Criteria P3 of cl.E5.5.1 which requires:

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature and efficiency of the access or the junction;

- (d) the nature and category of the road;
- (e) the speed limit and traffic flow of the road;
- (f) any alternative access to a road;

- (g) the need for the use;
- (h) any traffic impact assessment; and
- (i) any written advice received from the road authority

With a sole ingress point in South Parade, which currently has very light traffic as stated in the Peter Freeman Traffic Solutions Report, there will be a substantial increase in average traffic along South Parade and Gay and Church Streets and at times of peak use, such as sporting events, a very considerable increase as the calculated figures represent an average not a peak. Such a traffic volume generated by the development at the existing junctions will not be safe and will unreasonably impact on the efficiency of those affected roads taking into account those matters listed in cl.E5.5.1 P3. Council should refuse to issue a permit on the basis that the application has not demonstrated that the development can comply with cl.E5.5.1 P3.

The E5.0 Road and Railway Assets Code also applies to the development of a new vehicle crossing or junction (E5.2.1) so it applies to the proposed exit access from the site into High Street and as the speed limit of High Street is less than 60 km/h Performance Criteria P3 of cl.E5.5.1 applies.

With a new access point proposed as the sole vehicle egress point where the existing CT Fish building stands at 70 High Street, the increase in traffic here will be 100%. A new outflow of traffic onto High Street will be created, right at the point of the current created pedestrian crossing opposite the Town Hall, and over a busy pedestrian footpath used by people to go to the bank, the Community centre, and surrounding shops. This will create a dangerous bottle neck particularly as High Street in this vicinity is already heavily used by vehicles accessing the Community centre and Bargain centre, the Town Hall, and nearby shops. This egress will

<p>intensify the congestion and will make this area dangerous to pedestrians particularly the elderly or less physically abled who do use the footpath and access buildings in this part of the town.</p> <p>This new access exit point cannot meet the Performance Criteria P3 of cl.E5.5 as it will not be safe and will unreasonably impact on the efficiency of the road due to the estimated increase in volume of traffic to be generated of 240 to 260 vehicle movements per day according to the previous TIA, and the fact that it will be across a busy and well utilised pedestrian way, even if the exit traffic is allowed to only proceed in one direction left onto High Street.</p> <p>Additionally there is the question of sight distances as per Table E5.1 Safe intersection sight distance. The Safe Intersection Sight Distance for a Vehicle speed of 50 km/h from this table is 80 metres and it is doubtful that for cars travelling along High Street that a sight distance of 80 metres would be achieved with this exit access. Also the DA does not demonstrate that the Sight Lines as per E5.6.4 (b) will be met by this proposed new access.</p>	
<p>4. Parking</p> <p>It is clear that the development will not provide the 5.6 car parking spaces required per 100m² of site area as required for swimming pools in Table E6.1 of the Parking and Access Code of the Scheme. The development proposes to provide only 36 parking spaces. As the floor area of the building is 1375 m² (ground floor) (Stage 1) the requirement is actually 77 car parking spaces and with a Stage 2 (first floor) area of 475 m² another 26.6 (27) car parking spaces are required, a total of 104 car parking spaces for this development.</p> <p>So, if the development does not provide either 77 or 104 car parking spaces then the development must comply with cl. E6.6.1 P1 of the Scheme, which provides:</p> <p>The number of onsite car parking spaces must be sufficient to meet the reasonable</p>	<p><i>It is expected that the car park will be adequate to cater for most normal daily use, with overflows only occurring during some peak times or at special events.</i></p> <p><i>An assessment against the provisions of the Code is provided below.</i></p>

needs of users, having regard to all of the following:

- (a) car parking demand;
- (b) the availability of onstreet and public car parking in the locality;
- (c) the availability and frequency of public transport within a 400m walking distance of the site;
- (d) the availability and likely use of other modes of transport;
- (e) the availability and suitability of alternative arrangements for car parking provision;
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
- (g) any car parking deficiency or surplus associated with the existing use of the land;
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;
- (k) any relevant parking plan for the area adopted by Council;
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;

As there are already issues with insufficient parking in this part of High Street due to heavy use of the Bargain Centre, Community Centre for meetings and community uses, and for shopping at the shops nearby this area of High Street is already at capacity for a large part of the day in terms of car parking. Church Street does have some street parking but once again there are times when the parking is full due to the proximity to the Health centre and Nursing Home. Overflow parking from the site into South Parade

<p>and Gay Streets is therefore highly likely, but bearing in mind that the Community Hall & Masonic clubs in the latter also use the on street parking. There is no public off street parking available in reasonable proximity to the Pool site.</p> <p>As Oatlands is a country town there is very limited public transport and none that services the town itself.</p> <p>The impact of having insufficient car parking spaces available at the Pool site will be surrounding streets congested by parking especially at times of peak demand such as events or carnivals at the pool and especially if these coincide with events at the Community Hall, the Community centre, the Health Centre or Nursing home. This will have a substantial negative impact on the safety and amenity of road users and residents in this area.</p> <p>The Scheme requirement of either 77 or 104 car parking spaces for a development of this size should not be foregone and so the development should not be permitted to proceed on this site as it is not able to meet the reasonable requirements of the Scheme on this matter.</p>	
<p>5. Negative impacts on the residential amenity and the right to quiet enjoyment of residences and residents in South Parade (4), High Street (2), Church Street (11) and Gay Street (3).</p> <p>(1) Noise</p> <p>It is unclear from the application documents whether or not the aquatic centre will comply with Acceptable Solution A1 to cl.21.3.2 which sets out the noise limits for emissions for developments in the General Business Zone, with emissions to be measured at the boundary of a Residential Zone. The application states that:</p> <p>The centre is to be detailed and constructed to a high degree of thermal efficiency in concert with compliance of the stated acoustic objectives. The key areas of scrutiny will be the plant room areas at the rear of the development, with a setback</p>	<p><i>Residential amenity of surrounding properties is considered in the proposal in a number of ways. The setbacks to residential boundaries are more generous than the planning scheme requires, with a minimum setback of 12m to the building.</i></p> <p><i>Fencing and landscaping has been designed to protect privacy and mitigate visual and noise impacts to neighbours.</i></p> <p><i>With regard to noise specifically, conditions are included in the recommendation to require a noise assessment of the plant and equipment prior to first use to ensure compliance with the planning scheme and for noise to be limited so that it does not cause an environmental nuisance, which is defined under the Environmental Management and Pollution Control Act 1993.</i></p>

of some 40 metres from the South Parade title boundary.

It may be noted that these criteria are to be incorporated in the detailed design brief to the services consultants for compliant specification of all plant and equipment.

While it may be possible for the detailed design brief for the development to require plant and equipment to comply with the limits in cl.21.3.2 A1, it is less clear whether the noise from the actual use of the pool and associated outdoor activity areas will comply with the noise limits. If these activities exceed the noise limits in the acceptable solution, in order to gain a permit, the development will need to satisfy Performance Criteria P1 of cl.21.3.2 which requires that “Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.”

Environmental harm is defined as “any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance”, and “environmental nuisance” is defined as “the emission, discharge, depositing or disturbance of a pollutant [which include noise] that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment”.

There is no information in the application that can assure the Council that the noise limits in cl.21.3.2 A1 will not be exceeded by the development.

There is no actual evidence provided to support the claim made in the DA on page 17 that this will be a ‘quiet building’.

The constant noise produced by the plant running 24 hours a day seven days a week is likely to produce an unacceptable level of constant background noise particularly in the context that this part of the town is very quiet most of the time and this never ending background noise is likely to “unreasonably interfere” with surrounding residents’ enjoyment of their properties. Constant noise is a known and established environmental stressor. Then there will also be the noise produced by the

significant increase in vehicle movements and associated noise such as the opening and closing of car doors and voices of many people in the car park as they make their way into & out of the building. Obviously this noise cannot be controlled by building measures such as insulation.

A Sport and Recreation facility on this site as proposed in this DA 2017- 104 will have an unacceptable detrimental impact on the lives of the people that live around this site due to the creation of “environmental nuisance” as defined in the Planning Scheme. The pool will be open most of the 365 days in a year, for long hours producing constant traffic in streets some of which currently have very light traffic; with its concomitant vehicle noise, as well as noise from the car park as people get in & out of their cars opening & closing or slamming doors, noise from people themselves. There will be noise from the facility itself with plant noise and when events are on or the centre is in peak use this is likely to be considerable and certainly well above the levels currently experienced by these residents. The Gay Street residences directly adjacent to the site will have a car park over their back fence and will be particularly impacted by a new public facility almost in their backyard.

There will also be an increase in light pollution in the area over which the residents will have no control.

To propose putting such a facility so close to so many residences if allowed is a very negative indictment of the Planning scheme.

The issue of amenity is one easily dismissed as being of no or little consequence especially when it is not in your backyard or close to, as in this case.

However, I do recall that Southern Midlands Council does take this matter seriously as recently there was an issue of a single camper using the Colebrook Park behind the History Room to camp the night, which was raised at a Council meeting and Council decided to take action to prevent such a recurrence in the interests of the residential amenity of the

<p>one house with a boundary adjacent to the chosen camping site and protect the residential amenity at that one residence into the future.</p> <p>How then, given all the lack of likely compliance with the Planning Scheme detailed above, can this Development be allowed to proceed on the proposed site when it will impact not just one household for one night or even the odd night in the tourist season, but many households, day and night, year after year after year ?</p> <p>The site chosen by the Council of the day for the current pool was a mistake but no doubt it was believed to be a great solution particularly given that the appreciation of heritage was limited at that time. However, in this day and age there is no excuse for poor judgement and decision making given the resources at the Council's disposal including the financial resources available to build this aquatic centre. This Council has an amazing opportunity to use proper foresight and good judgement to reject this proposed development on a site in the middle of the heritage town of Oatlands so designated in the SM Interim Planning Scheme 2015 as the 'Oatlands Township Precinct' by Southern Midlands Council itself ,and choose another site in Oatlands for a Sport and Recreation facility that will meet the 'emerging needs' of this community for the next fifty years.</p>	
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ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

General Business Zone

The site is located in the General Business Zone. The proposal is considered against the Zone purpose statements as follows:-

Zone Purpose Statement	OFFICER COMMENT
<p>21.1.1.1 To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.</p>	<p>The proposed Aquatic Centre will provide a quality amenity for the community located in the centre of Oatlands and serving the broader region.</p> <p>There will also be future opportunities for residential or other development on the remaining land.</p>

	Overall, the proposal will further the General Business Zone purpose.
<p>21.1.1.2 To ensure the rural service centres provide for the daily and weekly needs of the community.</p>	Provision of a modern Aquatic Centre in Oatlands will provide an opportunity for activity and recreation suitable for all ages that will benefit health and wellbeing of the local community and the broader region.
<p>21.1.1.3 To provide for a mix of retail and office based employment servicing the local area, the broader rural region and the tourism market, including at least one supermarket and a range of specialty shops.</p>	The Aquatic Centre will provide some opportunity for employment in Oatlands.
<p>21.1.1.4 To provide a safe, comfortable and pleasant environment for workers, residents and visitors through the provision of high quality urban spaces and urban design.</p>	The proposed Aquatic Centre has been designed by an architect to provide a modern, functional space with consideration of the streetscape and historic character of Oatlands. The proposal includes high quality public open spaces and a general improvement of the appearance of the site, compared to the use as the Council depot.

The proposal must satisfy the requirements of the following relevant use and development standards of the General Business Zone:

Use Standard		
21.3.1 Hours of Operation		
To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Hours of operation of a use within 50 m of a residential zone must be within:</p> <p>(a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 7.00 am to 9.00 pm Sundays and Public Holidays.</p> <p>except for office and administrative tasks.</p>	<p>P1 Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>	<p><i>The application form indicates that the operating hours of the Aquatic Centre will be 7am-9pm Monday to Saturday and 8am-8pm Sunday.</i></p> <p><i>The proposed operating hours comply with A1.</i></p>

Use Standard		
21.3.2 Noise		
To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</p> <p>(c) 65dB(A) (LAmax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	<p>P1</p> <p>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</p>	<p><i>The Aquatic Centre will be constructed to a high degree of thermal efficiency, assisting in the containment of noise within the building.</i></p> <p><i>The plant room is located within 50m of residential properties. A condition is included in the recommendation requiring noise emissions from the development to comply with A1.</i></p>

Use Standard		
21.3.3 External Lighting		
To ensure that external lighting does not have unreasonable impact on residential amenity on land within a residential zone.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>External lighting within 50 m of a residential zone must comply with all of the following:</p> <p>(a) be turned off between 11:00 pm and 6:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</p>	<p>P1</p> <p>External lighting within 50 m of a residential zone must not adversely affect the amenity of adjoining residential areas, having regard to all of the following:</p> <p>(a) level of illumination and duration of lighting;</p> <p>(b) distance to habitable rooms in an adjacent dwellings.</p>	<p><i>The proposed external lighting will be designed to minimise impacts to adjoining properties and will not operate between 11pm and 6am, in compliance with A1.</i></p>

Use Standard		
21.3.4 Commercial Vehicle Movements		
To ensure that commercial vehicle movements not have unreasonable impact on residential amenity on land within a residential zone.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of:</p> <p>(a) 6.00 am to 10.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 7.00 am to 9.00 pm Sundays and public holidays.</p>	<p>P1</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning</p>	<p><i>All commercial vehicle movements will occur within the specified hours, in compliance with A1.</i></p>

	<p>movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic.</p>	
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Development Standard

21.4.1 Building Height

To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Building height must be no more than:</p> <p>9 m.</p>	<p>P1</p> <p>Building height must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be compatible with the scale of nearby buildings;</p> <p>(c) not unreasonably overshadow adjacent public space;</p> <p>(d) allow for a transition in height between adjoining buildings, where appropriate;</p>	<p><i>The maximum height of the building above natural ground level including subfloor will be 8.4m – this will be for the Plant Room section of the building.</i></p> <p><i>The ridge of the building entrance from High Street will be 5.2m from ground floor level and the Stage 2 parapet will be 6.7m from ground floor level.</i></p> <p><i>The proposal complies with A1.</i></p>
<p>A2</p> <p>Building height within 10 m of a residential zone must be no more than 8.5 m.</p>	<p>P2</p> <p>Building height within 10 m of a residential zone must be compatible with the building height of existing buildings on adjoining lots in the residential zone.</p>	<p><i>No part of the building is within 10m of the residential zone and the height is less than 8.5m in any case.</i></p>

Development Standard		
21.4.2 Setback		
To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Building setback from frontage must be parallel to the frontage and must be no more than:</p> <p>nil m, if fronting High Street,</p> <p>3 m, if fronting any other street.</p>	<p>P1</p> <p>Building setback from frontage must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</p> <p>(c) enhance the characteristics of the site, adjoining lots and the streetscape;</p> <p>(d) provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created;</p> <p>(e) provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided the that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.</p>	<p><i>The building will be setback just over 20m from the High Street frontage and over 40m from the frontage to South Parade, easily complying with A1.</i></p>

<p>A2</p> <p>Building setback from a residential zone must be no less than:</p> <p>(a) 5 m;</p> <p>(b) half the height of the wall,</p> <p>whichever is the greater.</p>	<p>P2</p> <p>Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:</p> <p>(a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(b) overlooking and loss of privacy;</p> <p>(c) visual impact when viewed from adjoining lots,</p> <p>taking into account aspect and slope.</p>	<p><i>The site adjoins properties zoned General Residential on to the east and south.</i></p> <p><i>The proposed building will be setback 16m from the residential zone to the west of the site, 12m to the south west and over 15m to the east.</i></p> <p><i>This easily complies with A2.</i></p>
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<p>Development Standard</p>		
<p>21.4.3 Design</p>		
<p>To ensure that building design contributes positively to the streetscape, the amenity and safety of the public and adjoining land in a residential zone.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1</p> <p>Building design must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front facade no less than 40% of the surface area of the ground floor level facade;</p>	<p>P1</p> <p>Building design must enhance the streetscape by satisfying all of the following:</p> <p>(a) provide the main access to the building in a way that addresses the street or other public space boundary;</p> <p>(b) provide windows in the front facade in a way that enhances the streetscape and provides for passive surveillance of public spaces;</p> <p>(c)</p>	<p><i>Less than 40% of the front façade of the ground floor level is windows or doors. This does not comply with part (b) of A1, so assessment is against P1.</i></p> <p><i>The building is designed with the main access addressing the High Street frontage. The front doors and a section of the façade will be glazed.</i></p> <p><i>The building is highly articulated and the external finishes will be varied to provide visual interest and avoidance of large expanses of blank wall, particularly on the front elevation.</i></p> <p><i>Mechanical plant and equipment will largely be</i></p>

<p>(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade;</p> <p>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</p> <p>(g) not include security shutters over windows or doors with a frontage to a street or public place.</p>	<p>treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</p> <p>(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;</p> <p>(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;</p> <p>(f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;</p> <p>(g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</p> <p>(h) be consistent with any Desired Future Character Statements provided for the area.</p>	<p><i>contained in the plant room and adjoining yard, screened from public view.</i></p> <p><i>The design does not include any awnings or shutters.</i></p> <p><i>The zone does not include any Desired Future Character Statements.</i></p>
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<p>A2</p> <p>Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>P2</p> <p>No Performance Criteria.</p>	<p><i>The external materials will have a light reflectance value of less than 40 percent in compliance with A2.</i></p>
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<p>Development Standard 21.4.4 Passive Surveillance To ensure that building design provides for the safety of the public.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1</p> <p>Building design must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade;</p> <p>(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30 % of the surface area of the ground floor level facade;</p>	<p>P1</p> <p>Building design must provide for passive surveillance of public spaces by satisfying all of the following:</p> <p>(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;</p> <p>(b) locate windows to adequately overlook the street and adjoining public spaces;</p> <p>(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;</p> <p>(d) locate external lighting to illuminate any entrapment spaces around the building site;</p> <p>(e)</p>	<p><i>The front façade will have less than 40% glazing, which does not comply with A1 (b). Assessment against the performance criteria is required.</i></p> <p><i>The main entrance to the building addresses the High Street frontage and will be visible from the street and forecourt area.</i></p> <p><i>The design includes glazed doors and windows that will provide adequate visibility to the street and public spaces.</i></p> <p><i>External lighting will be provided in the car park and the exterior of the building as required.</i></p> <p><i>The area around the Aquatic Centre will have a high level of permeability and visibility, including the car park and public park and street.</i></p>

<p>(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</p> <p>(e) provide external lighting to illuminate car parking areas and pathways;</p> <p>(f) provide well-lit public access at the ground floor level from any external car park.</p>	<p>provide external lighting to illuminate car parking areas and pathways;</p> <p>(f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;</p> <p>(g) provide for sight lines to other buildings and public spaces.</p>	
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<p>Development Standard 21.4.5 Landscaping To ensure that a safe and attractive landscaping treatment enhances the appearance of the site and if relevant provides a visual break from land in a residential zone.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1</p> <p>Landscaping must be provided for sites for non-residential use along the frontage for at least 50% of the frontage width, except if front setback is less than 1 m in which case no landscaping is necessary.</p>	<p>P1</p> <p>Landscaping must be provided to satisfy all of the following:</p> <p>(a) enhance the appearance of the development;</p> <p>(b) provide a range of plant height and forms to create diversity, interest and amenity;</p> <p>(c) not create concealed entrapment spaces;</p> <p>(d) be consistent with any Desired Future Character Statements provided for the area.</p>	<p><i>Landscaping will be provided throughout the site to enhance the appearance of the development in accordance with the requirements of P1.</i></p>

<p>A2</p> <p>Along a boundary with a residential zone landscaping must be provided for a depth no less than:</p> <p>2 m.</p>	<p>P2</p> <p>Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zones land.</p>	<p><i>The landscaping plan includes plantings along residential boundaries where possible.</i></p>
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Development Standard

21.4.6 Outdoor Storage Area

To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Outdoor storage areas for non-residential uses must comply with all of the following:</p> <p>(a) be located behind the building line;</p> <p>(b) all goods and materials stored must be screened from public view;</p> <p>(c) not encroach upon car parking areas, driveways or landscaped areas..</p>	<p>P1</p> <p>Outdoor storage areas for non-residential uses must satisfy all of the following:</p> <p>(a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality;</p> <p>(b) not encroach upon car parking areas, driveways or landscaped areas.</p>	<p><i>Outdoor storage will be restricted to the yard outside the plant room, which is screened from public view in compliance with this standard.</i></p>

Development Standard		
21.4.7 Fencing		
To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Fencing must comply with all of the following:</p> <p>(a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;</p> <p>(b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;</p> <p>(c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.</p>	<p>P1</p> <p>Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to all of the following:</p> <p>(a) the height of the fence;</p> <p>(b) the degree of transparency of the fence;</p> <p>(c) the location and extent of the fence;</p> <p>(d) the design of the fence;</p> <p>(e) the fence materials and construction;</p> <p>(f) the nature of the use;</p> <p>(g) the characteristics of the site, the streetscape and the locality, including fences;</p> <p>(h) any Desired Future Character Statements provided for the area.</p>	<p><i>The proposal includes a variety of fencing as appropriate for the various boundaries, detailed on the landscaping plan. This includes:</i></p> <ul style="list-style-type: none"> • <i>NW carpark boundary - vertical custom orb galvanised fence to 1.8m;</i> • <i>Vehicular entry from South Parade – hardwood vertical board to 1.8m;</i> • <i>Plant yard – hardwood vertical board to 2.4m;</i> • <i>Outdoor area of Aquatic Centre – mix of hardwood fence topped with black cyclone wire to 3m and black cyclone wire full height to 3m.</i> <p><i>There will be no fences across the High Street or South Parade frontages.</i></p> <p><i>The fencing is considered to be suitable for the proposed use and development considering the safety and security requirements.</i></p> <p><i>Protecting the amenity of neighbouring properties and the streetscape have informed the various designs.</i></p>

Road and Railway Assets Code

The proposal must satisfy the requirements of the following relevant use and development standards of this code:

Use Standard		
E5.5.1 Existing road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A3</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p>P3</p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature and efficiency of the access or the junction;</p> <p>(d) the nature and category of the road;</p> <p>(e) the speed limit and traffic flow of the road;</p> <p>(f) any alternative access to a road;</p> <p>(g) the need for the use;</p> <p>(h) any traffic impact assessment; and</p> <p>(i) any written advice received from the road authority.</p>	<p><i>The proposal is expected to increase the number of vehicle movements to and from the site by more than 20% and more than 40 vehicle movements per day.</i></p> <p><i>The TIA completed for the 2013 development application indicated that the larger multipurpose aquatic and recreation centre could create an average of 8-12 trips into and out of the site per day, with a higher rate at peak times such as a school event. Supposing a 10 hour opening time, this would result in a total of up to 240 vehicle trips per day.</i></p> <p><i>The TIA states that the existing use of the Council works depot generates up to 80-90 vehicle movements per day, including a reasonable number of heavy vehicle movements.</i></p> <p><i>The current proposal is smaller and does not provide the range of uses that the 2013 design included, (eg tennis courts). Therefore the total traffic generation will be lower than assessed in the TIA, but will still be greater than the depot. The TIA concluded that the traffic generated by the previous, larger design could be safely accommodated by the surrounding streets so it can be assumed that this is the case for the current design.</i></p> <p><i>The current proposal adopts a one way traffic flow through the</i></p>

		<p><i>site, improving the safety within the car park and for vehicle movements to and from the site.</i></p> <p><i>The relocation of the depot will significantly reduce the number of heavy vehicle movements in the area, which is a positive outcome for the town centre.</i></p>
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Development Standard

E5.6.2 Road accesses and junctions

To ensure that the safety and efficiency of roads is not reduced by creation of new accesses and junctions.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A2</p> <p>No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p>P2</p> <p>For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority. 	<p><i>The proposal includes two accesses, providing separate entry and exit in compliance with A2.</i></p>

Parking and Access Code

The Parking and Access Code applies to all use and development. The proposal must satisfy the requirements of the following relevant use and development standards of this code:

Use Standard		
E6.6.1 Number of Car Parking Spaces		
To ensure that:		
(a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.		
(b) a use or development does not detract from the amenity of users or the locality by:		
(i) preventing regular parking overspill;		
(ii) minimising the impact of car parking on heritage and local character.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1.</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>	<p>P1</p> <p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <p>(a) car parking demand;</p> <p>(b) the availability of on-street and public car parking in the locality;</p> <p>(c) the availability and frequency of public transport within a 400m walking distance of the site;</p> <p>(d) the availability and likely use of other modes of transport;</p> <p>(e) the availability and suitability of alternative arrangements for car parking provision;</p> <p>(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</p> <p>(g) any car parking deficiency or surplus associated with the existing use of the land;</p> <p>(h) any credit which should be allowed for a car</p>	<p><i>Table E6.1 requires 5.6 car parking spaces per 100m² of site area for a public swimming pool.</i></p> <p><i>The total site area is approximately 2780m², resulting in an overall parking requirement of 156 spaces to comply with A1.</i></p> <p><i>The proposal includes a total of 36 car parking spaces, including 2 accessible spaces. This does not comply with A1.</i></p> <p><i>In regard to P1, the parking requirement in Table E6.1 is more suited to large swimming pool complexes that include outdoor pools and recreation spaces. In this case the proposal is for an indoor pool with only a small grassed area for ancillary use.</i></p> <p><i>The demand for parking can be managed to some extent by implementing a daily timetable of activities to spread use of the facility throughout the day.</i></p> <p><i>Overall it is considered that the proposed parking area will be sufficient to cater for normal daily use. Occasional large events are likely to require use of public street parking, which is</i></p>

	<p>parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</p> <p>(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</p> <p>(j) any verified prior payment of a financial contribution in lieu of parking for the land;</p> <p>(k) any relevant parking plan for the area adopted by Council;</p> <p>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</p>	<p><i>available on all streets surrounding the site.</i></p>
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A condition is included in the recommendation to require a parking plan to be prepared by a qualified engineer to ensure that all relevant design standards are satisfied.

Historic Heritage Code

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

In this case the subject land is located within the Oatlands Heritage Precinct.

Development Standards for Heritage Precincts

E13.8.2 Buildings and Works other than Demolition		
To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>No Acceptable Solution</p>	<p>P1</p> <p>Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.</p>	<p><i>Designing a new building that is of a large scale and for particular purpose to fit into a heritage townscape is certainly a challenge, recognised by all involved in the project.</i></p> <p><i>The architect indicates that the building has been designed to be deferential within the</i></p>

		<p><i>streetscape and minimally intrusive through siting, height form and material selection.</i></p> <p><i>The articulated façade and varied roof profile contribute to the design, avoiding the appearance of large blank walls or roof mass.</i></p> <p><i>The inclusion of open space and landscaping around the development will assist in softening the overall appearance.</i></p> <p><i>The building design aims to complement the historic character of Oatlands while also contributing a quality contemporary building that is fit for purpose, becoming part of the history of Oatlands.</i></p> <p><i>Overall it is considered that the proposed building is sited and designed appropriately so that any detriment to the historic cultural heritage significance is minimised.</i></p>
<p>A2</p> <p>No Acceptable Solution</p>	<p>P2</p> <p>Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.</p>	<p><i>The proposed building is consistent with the design criteria of the Oatlands Heritage Precinct (reproduced below).</i></p> <p><i>As discussed above, the scale and form of the building references and complements the heritage character of the area.</i></p> <p><i>The building addresses the principle frontage to High Street, provides a strong edge that is largely parallel to the street.</i></p> <p><i>The building does not visually dominate any Heritage Places.</i></p> <p><i>The external wall materials and roof form are also in accordance with the design criteria.</i></p>
<p>A3</p>	<p>P3</p>	<p><i>Not applicable. The proposal is for a new building.</i></p>

No Acceptable Solution	Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.	
A4 New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.	P4 New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.	<i>The proposal does not include frontage fences or gates.</i>

TABLE 13.2 - Oatlands Township Precinct

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

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

Design Criteria/Conservation Policy

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

- a) scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings should respect the principles of the Georgian architectural style dominant in the precinct, except if an addition to a heritage listed building of a non-dominant architectural style in which case consistency with that style is required;
- b) building setback from frontage must provide a strong edge to Main Street and be parallel to the street;
- c) buildings must address the street, unless at the rear of a site;
- d) buildings must not visually dominate the streetscape or buildings at places listed in Table.13.1
- e) architectural details and openings for windows and doors to visually prominent facades must respect the Georgian architectural style dominant in the precinct in terms of style, size, proportion and position;
- f) external wall building material must be any of the following:
 - i. sandstone of a colour matching that commonly found in Oatlands' buildings
 - ii. weatherboard (traditional profiles);

- iii. rendered, painted or lime wash brickwork;
 - iv. unpainted brick of a traditional form and colour laid with a traditional bond;
 - v. traditional Tasmanian vertical board (non-residential buildings only);
 - vi. corrugated profile steel cladding, painted/colorbond or galvanised iron (not 'zincalume' or similar) (outbuildings only);
- g) roof form and material must be consistent with the following:
- i. pitch between 30 and 40 degrees and hipped or gable if a major part of the building;
 - ii. pitch less than 30 degrees and skillion if a minor part of the building at the rear;
 - iii. avoidance of large unbroken expanses of roof and very long roof lines
 - iv. roof material either custom orb (corrugated profile) sheeting, timber shingles, and slate. Steel sheeting must be either traditional galvanised iron or painted;
 - v. guttering is rounded profile, with downpipes of circular cross-section:
- h) wall height sufficient to provide for lintels above doors and windows, with wall space above;
- i) outbuildings generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also approximate that of the primary building on the land;
- j) fences along frontages must be:
- a. (between 900mm and 1000mm high, with a maximum of 1200mm for posts;
 - b. (vertically articulated, (such as with dowel-and-rail, picket or palisade fences);
 - c. "semi-transparent" in appearance, that is, the distance between dowels or pickets, etc., must be such that the fence does not appear 'solid'.
- 2. Subdivision must satisfy the following criteria:**
- a) maintain and extend the existing recto-linear grid pattern of streets;
 - b) provide for a variety of lot sizes;
 - c) where appropriate off High Street provide a traditional 'soft edge' design approach for stormwater and footpath works.

CONCLUSION

The report has assessed a Development Application for use and development of an Aquatic Centre at 18 Church Street, 68 and 70 High Street, Oatlands.

Six (6) representations were made to Council raising concerns including viability and location of the project, amenity issues and impacts on the heritage values of the area. These concerns have been considered and are addressed above.

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

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

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2017/104) for an Aquatic Centre at 18 Church Street, Oatlands (CT46931/1), 68 High Street Oatlands (CT148205/1) & 70 High Street, Oatlands (CT41274/3), owned by Southern Midlands Council and that a permit be issued with the following conditions:

CONDITIONS

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the land Use Planning And Approvals Act 1993.
- 3) The development must proceed in the order of stages shown on the endorsed plans unless otherwise agreed in writing by Southern Midlands Council.
- 4) Prior to completion, all land titles that are the subject of this application shall be modified and/or adhered to wholly contain the development.

Hours of Operation

- 5) The use or development, including commercial vehicle movements such as deliveries, must only operate between the following hours:

Monday to Saturday	6:00 a.m. to 10:00 p.m.
Sunday and State-wide public holidays	7:00 a.m. to 9:00 p.m.

Amenity

- 6) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Council's Manager of Development and Environmental Services.
- 7) The developer/operator shall seek written approval from Council prior to the installation of any external CCTV or other security cameras and security lighting on the land. All external security devices shall be sympathetic to the amenity of neighbouring residents.

Environment

- 8) Prior to works commencing, the recommendations of the report *SMC Oatlands Works Depot Site History Report and Sampling Analysis and Quality Plan 2017* must be fully implemented to the satisfaction of the Environmental Health Officer.
- 9) Prior to first use of the development a noise assessment of the plant and equipment to be installed on the site must be submitted and any recommendations implemented to the satisfaction of the Council's Manager of Development and Environmental Services.

- 10) Noise emissions from the use or development must be managed to the degree necessary to ensure that an environmental nuisance is not caused.

Landscaping

- 11) The landscaping works must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's Development Assessment Committee within three (3) months of the first use of the development. All landscaping must continue to be maintained to the satisfaction of Council.

Parking and Access

- 12) At least thirty six (36) parking spaces must be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- 13) At least two (2) of the required parking space(s) must be provided for the use of people with disabilities as close as practicable to (a) suitable entrance(s) to the building. The parking space(s) must be signed and marked out to indicate that the space(s) is only for use by persons with disabilities and must be designed in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- 14) The areas set-aside for parking and associated access and turning must have:
 - a. A driveway access with a minimum 3 metres internal width and an average maximum longitudinal grade of 1 in 5 (20%) or, if the topography makes this impractical, an absolute maximum longitudinal grade of 1 in 4 (25%).
 - b. on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.
 - c. An all weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Development & Environmental Services.
 - d. Line-marking or some other means to show the parking spaces to the satisfaction of Council.
 - e. Drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.
- 15) The vehicle access from the carriageway of the road onto the subject land must be located and constructed using an uncoloured reinforced concrete pavement in accordance with the construction and sight distance standards shown on standard drawings SD 1003 and SD 1012 prepared by the IPWE Aust. (Tasmania Division) and to the satisfaction of Council's Manager of Development and Environmental Services.
- 16) A parking plan prepared and certified by a qualified civil engineer or other person approved by Council's Manager of Development and Environmental Services must be submitted to Council prior to or in conjunction with lodgement of a Building Application. The parking plan is to include:
 - pavement details,
 - design surface levels and drainage,
 - turning paths,
 - dimensions

and shall form part of the permit when approved.

- 17) All parking and associated turning, loading and unloading areas and access must be constructed in accordance with the approved parking plan.
- 18) The completed parking and associated turning, loading and unloading areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
- 19) All areas set-aside for parking and associated turning, loading and unloading areas and access must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Manager of Development and Environmental Services.
- 20) Car park lighting must be designed to ensure light pollution is minimised to the satisfaction of Council's Manager of Development and Environmental Services.

Services

- 21) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.
- 22) The developer is to provide a stormwater management plan, including detailed stormwater calculations, prior to, or in conjunction with, with the building plans for approval by Council's Manager of Development and Environmental Services. Any upgrading of downstream infrastructure identified in the report is to be undertaken at the developers cost.
- 23) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Councils Manager Development & Environmental Services.
- 24) The developer is to provide treatment to all stormwater from the site, including the reduction of gross pollutants and hydrocarbons using best practice environmental management, to the satisfaction of Council's General Manager.

Heritage

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

Taswater

- 26) Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P (2) (b) TasWater impose conditions on the permit as per Form PL05P (attached).

Protection of Water Quality

- 27) 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 Development and Environmental Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.
- 28) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Development and Environmental Services.

Construction Amenity

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

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.
- 30) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
 - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - b. The transportation of materials, goods and commodities to and from the land.
 - c. Obstruction of any public footway or highway.
 - d. Appearance of any building, works or materials.
 - e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 31) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 32) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manager of Works and Technical Services.

The following advice applies to this permit:

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

- C. Any containers located on site for construction purposes are to be removed at the completion of the project unless the necessary planning and building permit have been obtained by the developer/owner. Materials or goods stored in the open on the site shall be screened from view from people on adjoining properties, roads and reserves.
- D. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr D Marshall

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2017/104) for an Aquatic Centre at 18 Church Street, Oatlands (CT46931/1), 68 High Street Oatlands (CT148205/1) & 70 High Street, Oatlands (CT41274/3), owned by Southern Midlands Council and that a permit be issued with the following conditions:

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Amenity

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- 7) The developer/operator shall seek written approval from Council prior to the installation of any external CCTV or other security cameras and security lighting on the land. All external security devices shall be sympathetic to the amenity of neighbouring residents.

Environment

- 8) Prior to works commencing, the recommendations of the report *SMC Oatlands Works Depot Site History Report and Sampling Analysis and Quality Plan 2017* must be fully implemented to the satisfaction of the Environmental Health Officer.
- 9) Prior to first use of the development a noise assessment of the plant and equipment to be installed on the site must be submitted and any recommendations implemented to the satisfaction of the Council's Manager of Development and Environmental Services.
- 10) Noise emissions from the use or development must be managed to the degree necessary to ensure that an environmental nuisance is not caused.

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- 11) The landscaping works must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's Development Assessment Committee within three (3) months of the first use of the development. All landscaping must continue to be maintained to the satisfaction of Council.

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- 14) The areas set-aside for parking and associated access and turning must have:
 -
 - f. A driveway access with a minimum 3 metres internal width and an average maximum longitudinal grade of 1 in 5 (20%) or, if the topography makes this impractical, an absolute maximum longitudinal grade of 1 in 4 (25%).
 - g. on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.
 - h. An all weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Development & Environmental Services.
 - i. Line-marking or some other means to show the parking spaces to the satisfaction of Council.
 - j. Drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.

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- 19) All areas set-aside for parking and associated turning, loading and unloading areas and access must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Manager of Development and Environmental Services.
- 20) Car park lighting must be designed to ensure light pollution is minimised to the satisfaction of Council's Manager of Development and Environmental Services.

Services

- 21) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.
- 22) The developer is to provide a stormwater management plan, including detailed stormwater calculations, prior to, or in conjunction with, with the building plans for approval by Council's Manager of Development and Environmental Services. Any upgrading of downstream infrastructure identified in the report is to be undertaken at the developers cost.
- 23) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Councils Manager Development & Environmental Services.
- 24) The developer is to provide treatment to all stormwater from the site, including the reduction of gross pollutants and hydrocarbons using best practice environmental management, to the satisfaction of Council's General Manager.

Heritage

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

Taswater

- 26) Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P (2) (b) TasWater impose conditions on the permit as per Form PL05P (attached).

Protection of Water Quality

- 27) 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 Development and Environmental Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.
- 28) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Development and Environmental Services.

Construction Amenity

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

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Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

- 30) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - The transportation of materials, goods and commodities to and from the land.
 - Obstruction of any public footway or highway.
 - Appearance of any building, works or materials.
 - Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.

- 31) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 32) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

The following advice applies to this permit:

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 is required to be obtained prior to construction.
- C. Any containers located on site for construction purposes are to be removed at the completion of the project unless the necessary planning and building permit have been obtained by the developer/owner. Materials or goods stored in the open on the site shall be screened from view from people on adjoining properties, roads and reserves.
- D. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.

CARRIED

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

11.2 SUBDIVISIONS

Nil.

11.3 MUNICIPAL SEAL (Planning Authority)

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

Nil.

11.4 PLANNING (OTHER)

11.4.1 CONSIDERATION OF COMPLAINT: NOTICE OF SUSPECTED CONTRAVENTION OF THE PLANNING SCHEME PURSUANT TO SECTION 63B OF THE LAND USE PLANNING & APPROVALS ACT 1993: STORNOWAY QUARRY, MANGALORE

File: T3018898

Author: MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (DAVID CUNDALL)

Date: 5 DECEMBER 2017

Attachment:

Notice of Complaint

Decision of the Resource Management and Appeals Tribunal (RMPAT)

INTRODUCTION

Note: *The identity of the complainant has been kept confidential in this report.*

Council has received a formal notice of complaint from a member of the public against Stornoway Quarries Pty Ltd whom operate the quarry at 294 Black Brush Road, Mangalore. The notice was lodged by a person that lives in the Mangalore area.

The complainant alleges, in the notice, that Stornoway Quarries Pty Ltd have been operating the quarry in contravention of a permit issued under the *Land Use Planning and Approvals Act 1993*. The complainant alleges the following, that:

- a) Stornoway Quarries Pty Ltd are blasting and crushing gravel and have expanded the size of the quarry operations area beyond that allowed in the permit granted in 1993; and
- b) Such activities are associated with a permit issued in 2013 for an expanded quarry and such activities cannot commence until such time as a road upgrade has been completed on Black Brush Road.

The complaint is a formal notice pursuant to Section 63B of the *Land Use Planning and Approvals Act 1993*, and Council has 120 days, to advise the complainant if charges are to be laid in relation to the allegation or if enforcement action is to be undertaken by the Planning Authority.

Accordingly, Council, acting as the Planning Authority, must determine whether the complaint is justified.

BACKGROUND

A permit for a level 2 quarry was granted in 1993 to Hall Earth Moving for quarry operations at 294 Black Brush Road (also known as Mangalore Farm). The permit allowed for the extraction of up to 5,000 cubic metres of gravel per annum within a 3ha area.

In 2013 the quarry was sold to Stornoway Pty Ltd and a permit was later granted by Council for the expansion and intensification of the quarry to allow for up to 50,000 cubic metres

of material per annum. The permit was granted subsequent to an appeal at the Resource Management and Appeals Tribunal (RMPAT).

The complainant is alleging Stornoway have commenced the expansion of the quarry without having undertaken road works that must be completed before such an expansion can commence. The rationale for the conditions was to improve Black Brush Road to allow for increased heavy vehicle movements associated with the expanded quarry. The requirements to upgrade the road are specific conditions of the Permit. They conditions are:

Road upgrade

13. *The Applicant must pay a cash contribution of \$37,000 to Council, or has provided to Council works and materials to an equivalent value, for the upgrading of Blackbrush Rd referred to in condition 14.*
14. *The expanded operation of the quarry under this Permit must not commence unless and until Blackbrush Rd, between the quarry access road and the start of the sealed section of Blackbrush Road to the east, is upgraded to the following specifications at least:*
 - a. *8 m wide formation comprising 6m wide gravel pavement and 1 m wide side shoulders; and*
 - b. *Comply with Institute of Public Works Engineering Australia (Tasmanian Division)/LGAT standard drawing TSD-R01-v1 (Draft 2) Rural Roads Unsealed; and*
 - c. *Installation, alteration and/or relocation of any guideposts, fencing and any other existing infrastructure or services affected by the upgrade.*
 - d. *Removal of trees identified as necessary for roadworks or safety of users of Blackbrush Road.*

To date no amount of cash has been provided to Council and nor has the road works commenced. The quarry cannot expand beyond the 1993 permit until such time as the road works have been satisfactorily completed.

Stornoway Pty Ltd can however continue operating the quarry per the 1993 permit and can commence some works associated with the 2013 permit. However they cannot reach a threshold of expanding the quarry without having first completed the road works. Whether or not the quarry has expanded per the 2013 permit is the test and the crux of the complaint.

As further background, the same complainant lodged a complaint to Council and the Environmental Protection Authority (EPA) in regard to the same/similar matter in July 2017.

The matter was subsequently investigated by Council and the EPA but was found to have insufficient grounds for Council to take any further action. The quarry was found to be operating substantially in accordance with the 1993 permit and the quarry had not expanded per the 2013 permit. The conditions of the 2013 permit (relating to road works) had not come into effect.

The complainant was notified of the outcome but was not satisfied with the response. The complainant then lodged the complaint as a 63B Notice.

Per the attached Notice, the complainant has stated the lodging of the 63B Notice is a means of bringing the matter before the RMPAT to enact an ability to commence civil enforcement proceedings under Section 64.

PROVISIONS OF THE ACT

Under Section 63B of the Act, a person who suspects that another person has contravened a planning scheme may give notice in writing to the planning authority requesting that the planning authority advise whether it intends to issue an infringement notice or commence enforcement proceedings. The planning authority must determine the matter within 120 days.

If the planning authority determines that it will not issue an infringement notice or commence enforcement proceedings, then the person whom lodged the notice of complaint may then start 'civil enforcement proceedings' at the RMPAT under Section 64 of the Act.

This essentially involves an application to the Tribunal in which the Tribunal must first determine if the complainant has a proper interest in the matter and then conduct a hearing.

Typically the Tribunal, upon receiving an application under Section 64 would consider the minutes of the Council Decision on the matter. Accordingly this report may be used by the Tribunal to further consider the Section 64 Application.

Civil enforcement proceedings cannot commence until such time as Council has completed an investigation per the 63B Notice and notified the complainant of the outcome. Only then can a complainant apply to the RMPAT seeking an order, subject to a hearing, per Section 64 of the Act to:

- c) *require the respondent to refrain, either temporarily or permanently, from the act, or course of action, that constitutes the contravention of, or failure to comply with, this Part; and*
- d) *preclude, for a period specified by the Appeal Tribunal, the respondent from carrying out any use or development in relation to the land in respect of which the failure to comply or contravention relates; and*
- e) *require the respondent to make good the contravention or default in a manner, and within a period, specified by the Appeal Tribunal.*

THE COMPLAINT

In the notice, the complainant has described, in general terms, the alleged activities conducted on the land and has provided an aerial image dated 6th June 2017 with the quarry lease area digitally overlaid, and a copy of a decision of the Resource Management and Appeals Tribunal (RMPAT) in the decision of *R Barnes & J Price (130/13P); F & J Wessing (132/13P), M & S Lester (133/13P) and P & J Loney (134/13P) v Southern Midlands Council and Stornoway Projects Pty Ltd* (see the attached document).

The complainant alleges that the blasting and crushing of rock and the physical expansion of the quarry operations area cannot commence until such time as certain conditions of the 2013 permit have been met. The complainant would not provide the particulars of the offence, such as the dates of the alleged activities nor duration or regularity of such

activities. The complainant would not give particulars as to how these activities are in contravention of the Act or the permit.

The focus of the complaint is that such activities have allegedly occurred on the land and this constitutes an expansion of the quarry and therefore the conditions of Permit DA 2013/32 must be met. To reiterate, those conditions are:

Road upgrade

13. *The Applicant must pay a cash contribution of \$37,000 to Council, or has provided to Council works and materials to an equivalent value, for the upgrading of Blackbrush Rd referred to in condition 14.*
14. *The expanded operation of the quarry under this Permit must not commence unless and until Blackbrush Rd, between the quarry access road and the start of the sealed section of Blackbrush Road to the east, is upgraded to the following specifications at least:*
 - a. *8 m wide formation comprising 6m wide gravel pavement and 1 m wide side shoulders; and*
 - b. *Comply with Institute of Public Works Engineering Australia (Tasmanian Division)/LGAT standard drawing TSD-R01-v1 (Draft 2) Rural Roads Unsealed; and*
 - c. *Installation, alteration and/or relocation of any guideposts, fencing and any other existing infrastructure or services affected by the upgrade.*
 - d. *Removal of trees identified as necessary for roadworks or safety of users of Blackbrush Road.*

ASSESSMENT

5.1 Investigation process

Council Officers undertook the following tasks in investigating the complaint:

- Collated and researched all data and records available to Council
- Joint site visit with EPA Officers to the quarry
- Spoke with the quarry operator
- Spoke with the land owner
- Spoke with the previous quarry operator
- Consulted with the EPA
- Seek further details from the complainant
- Collated aerial imagery for past 4 years to establish footprint of quarry operations area
- Obtained data from www.thelist.tas.gov.au on the mining lease

The primary purpose of the investigation was to establish if the quarry had expanded such that the conditions regarding the road upgrade should have been met.

5.2 The Land

The land is a 970ha lot in the Rural Resource Zone. The land is accessed from Black Brush Road. The land contains open pasture, remnant vegetation, some outbuildings, internal tracks, the quarry, fencing, dam, minor waterways and other rural type improvements. The land is mostly used for grazing.

The quarry is approximately 3.7km from Black Brush Road via an internal road.

5.3 The Quarry

Crushing

It is evident that some crushing of material has occurred on the land.

At the time of the site visit a stockpile of crushed material was observed within the quarry operations area. In speaking with the current operator this was a trial run.

The 2013 permit clearly allows for crushing of material. A once off crushing of material does not constitute an expansion of the quarry.

The once off crushing of material does not require the quarry operator to undertake the road works required by condition 14 of the Permit DA 2013/32.

Quarry Expansion

An investigation of the size of the quarry operations area was undertaken to determine if the alleged earth works to the west of the former lease area constitute an expansion of the quarry. This was to determine if the area had “expanded”, per the 2013 permit, and potentially triggering condition 14 (and related road and access conditions) of the 2013 permit DA 2013/32.

To quantify if the quarry had expanded beyond the 3ha area approved for operations under the 1993 permit a site visit with the EPA was conducted and aerial photos over a 4 year period were used.

It was evident that some earthworks have been undertaken outside the original 3ha lease area to the western side of the lease sometime between 9/1/2016 and 26/9/2016 (as evident in Google aerial images and onsite visit).

These earthworks (outside of the original lease area) are nothing more than the levelling out of historic stockpiles of earthen mounds to make a flat area. The actual quarry operations area, ripping and stockpiling of material is clearly within the original mining lease area.

The earthworks outside of the original 3ha lease area are insubstantial and incidental to the quarry operation and the use of the land as a farm. The works are not of the magnitude for Council to consider the works to be an expansion of the quarry.

The earthworks do not require the quarry operator to undertake the road works required by condition 14 of the Permit DA 2013/32.

Extraction Limits

The Mineral Resource Tasmania (MRT) quarterly production returns show that the amounts extracted from the land are clearly under the 5,000m³ per annum.

The volume extracted does not require the quarry operator to undertake the road works required by condition 14 of the Permit DA 2013/32.

Blasting

There is no evidence of any blasting conducted on the land. The current quarry operator has explained that no drilling or blasting has taken place.

There is insufficient evidence of blasting having taken place. There is no substance to this allegation.

CONCLUSION

The focus of the investigation was to determine if the quarry has expanded such that the “road upgrade” conditions of the permit DA 2013/32 had been triggered requiring the quarry operator to undertake the road works.

The investigation reveals that the amounts extracted from the land are less than 5,000m³ per annum, there has been some earthworks outside of the 1993 lease area, crushing of material has occurred as a trial run only, and no blasting has occurred on the land.

For Council to consider works to be an expansion of the quarry, requiring the road upgrade, there would need to be evidence of regular crushing of material, an expansion of the quarry foot print, and most importantly an increase in the production limits. None of these activities have occurred to the degree necessary for the road upgrade.

The intent of the conditions which was to improve the road (and road safety) to allow for increased heavy vehicle movements associated with greater productions and cartage. Based on the MRT quarterly production returns there has been no increase in cartage.

Per the recommendation of this report Council will advise Stornoway that there has been no contravention of the Permit DA 2013/32 and that no charges be brought against Stornoway or any further enforcement proceedings.

The complainant will then be advised of this outcome.

RECOMMENDATION

THAT, in response to the Notice of suspected contravention of the Planning Scheme pursuant to Section 63B of the *Land Use Planning & Approvals Act 1993* pertaining to alleged expansion of the Quarry at 294 Black Brush Road in contravention of the permit DA 2013/32:

- (a) It be determined that there is no contravention of the Permit DA 2013/32;
- (b) No charges be brought against the operator of the quarry;
- (c) No planning infringement notice or planning enforcement notice be issued to the operator of the quarry;
- (d) The complainant be advised of the above and of their right to commence civil enforcement proceedings at the Resource Management & Planning Appeals Tribunal under Section 64 of the Act if they wish to take the matter further.

DECISION

Moved by Cllr E Batt, seconded by Deputy Mayor A Green

THAT, in response to the Notice of suspected contravention of the Planning Scheme pursuant to Section 63B of the *Land Use Planning & Approvals Act 1993* pertaining to alleged expansion of the Quarry at 294 Black Brush Road in contravention of the permit DA 2013/32:

- (a) It be determined that there is no contravention of the Permit DA 2013/32;**
- (b) No charges be brought against the operator of the quarry;**
- (c) No planning infringement notice or planning enforcement notice be issued to the operator of the quarry;**
- (d) The complainant be advised of the above and of their right to commence civil enforcement proceedings at the Resource Management & Planning Appeals Tribunal under Section 64 of the Act if they wish to take the matter further.**

CARRIED

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

ATTACHMENT
Agenda Item 11.4.1

Attachment 1: Notice of Complaint – 63B Notice and Council Response

Note: The personal details of the complainant and others have been omitted from the document

From: XXXXXXXXXXXX

Sent: Wednesday, 20 September 2017 4:14 PM

To: David Cundall

Cc: XXXXXXXXXXXX

Subject: Doc 123729 Re: Section 63B of the Land Use Planning and Approvals Act 1993 - non-compliance with planning permit conditions

Hi David

My s63B notice relates to 63(2) (highlight added) stated below. I am alleging that permit conditions have not been enforced, namely conditions 13 and 14. I must give Notice under 63(B)(1) to enact my ability to commence civil enforcement proceedings.

I see no need to answer your questions as you have already made Council's position clear that the permit has not been enacted. I simply need you to reiterate it for the purposes of my notice. I can then proceed with my civil enforcement action. I trust that this will not take the 120 days allowed for under the Act.

To be clear, my issue here is primarily with the EPA, if the permit has not been enacted as you say, as they consider that their PCE conditions are in effect and are regulating the activity accordingly. The EPA seems to not be aware that their PCE is not a permit, it is not enacted and cannot be acted upon until such time the permit itself (that issued by the planning authority) has been enacted. I am relying on your view that the permit has not been enacted, however the EPA may be at a contrary view, not that their view on the status of a land use planning permit is important as they have no power to decide that it is or is not 'enacted'. It does come *into effect* for fee charging purposes.

The difference of opinion between Council and the EPA needs resolution as both cannot be right in their assertions.

I simply seek resolution on this, and if the permit is found to have been enacted by the Tribunal, then the conditions must be satisfied (ie Conditions 13 and 14).

regards

XXXXXX

LAND USE PLANNING AND APPROVALS ACT 1993 - SECT 63

Division 4 - Offences, remedies, &c. 63. Obstruction of sealed schemes

(1)

(2) A person must not use land in a way, or undertake development or do any other act, that –

(a) is contrary to a State Policy or a planning scheme; or

(b) impedes or obstructs the execution of any such scheme; or

(c) constitutes a breach of a condition or restriction of a permit imposed by a planning authority pursuant to any such scheme or a determination of the Appeal Tribunal; or

(d) constitutes a breach of [section 60H\(2\)](#) or of a condition or restriction imposed under [section 60U](#), as amended, if at all, under [section 60X](#), on a special permit granted in relation to the land.

On Wed, Sep 20, 2017 at 11:03 AM, David Cundall <dcundall@southernmidlands.tas.gov.au> wrote:
Dear XXXX [et.al.](#),

I will respond, on behalf of the General Manager, to your email below.

Your allegation is essentially the same complaint, as that lodged with Council on the 30th August 2017 and that lodged with the EPA on the 1st July 2017 albeit you now suspect the quarry operator has undertaken blasting on the land.

As you are fully aware, Council and the EPA both investigated this matter and then provided you a response and a position on this matter. Albeit the blasting matter.

Can you please specify some further particulars of the contravention of 63(2) of the *Land Use Planning and Approvals Act 1993* ("the Act") in regard to the following:

- Can you please specify when the alleged blasting has occurred and specify how this is a contravention of 63(2) of the Act? Can you provide a date, time or persons involved.
- Per Council/EPA's previous investigation of the land, we found no material stockpiled outside of the original 3ha lease area (per 1993 permit/lease area). Can you please specify where this stockpiling is occurring and how this is a contravention of 63(2) of the Act?; also
- The earthworks that occurred outside of the original lease area (to the west/north west) are insubstantial works that are not considered an expansion of the quarry (per my email response dated 1st September 2017). Can you please quantify the degree to which these works are a contravention of Section 63(2) of the Act? I am unclear how this is a contravention of the Act.

I hope you can respond to my questions to assist Council Officers with the investigation.

Also, as previously requested, please find attached a copy of the 1992 permit and 1993 permit for the quarry for your consideration. The attached documents include the Development Applications, the Permits and record of the Council Reports.

In accordance with the Act, Council Officers will process the investigation within the 120 days and provide a response to your “notice of suspected contravention”.

Regards

David Cundall
Manager Development & Environmental Services
Southern Midlands Council
85 Main Street
KEMPTON Tas 7030
Ph: 03 62593011 **Fax:** 03 62591327
Email: dcundall@southernmidlands.tas.gov.au
Web: www.southernmidlands.tas.gov.au

From: XXXXX
Sent: Saturday, 16 September 2017 11:37 AM
To: Timothy Kirkwood
Cc: XXXXXXX
Subject: Section 63B of the Land Use Planning and Approvals Act 1993 - non-compliance with planning permit conditions

Dear Mr Kirkwood

Under Section 63B of the Land Use Planning and Approvals Act 1993 (63B. Notice of suspected contravention, &c., may be given) I write pursuant to subsection 1 of that section.

I suspect that the owners of the are in contravention of their planning permit conditions. That is to say, they are crushing material, conducting blasts, have moved into an area that is external to their active permit (see Figure 1 - note the stripping of soil and stockpiling of material in the area of lease not subject to their current permit Registration No 1309). Condition 13 and 14 have not been satisfied and as such the nature of the development described in the 2013-issued permit (including those of permit conditions from the EPA, being PCE 8842) cannot be enacted.

The permit was issued as a decision of the Tribunal, via a consent memorandum - see attached.

I am simply wanting the applicant to do what they agreed to do, or they should be forced to cease blasting, crushing and working outside their original lease.

I can advise that Mr David Cundall is aware of this matter who has already provided some opinions on the matter. I have escalated this to a s63B notice such that I can access the Tribunal process for a remedy.

On that basis, I request, pursuant to the Act, the planning authority to advise the person whether it is intended that –

(i) charges are to be laid in relation to the contravention or failure; or

(ii) an infringement notice under section 65A, or an enforcement notice under section 65C, is to be issued and served on a person in relation to the contravention or failure; and

request the planning authority to advise the person if, within 120 days after the notice is given to the planning authority –

(i) charges are laid against a person in relation to the contravention or failure; or

(ii) an infringement notice under section 65A, or an enforcement notice under section 65C, is issued and served on a person in relation to the contravention or failure.

I look forward to your reply, within the 120 day statutory time period.

Given your office has been aware of this matter, as too has the EPA, for some time I trust that your response would be in the next few weeks. I intend to enact s64 of the Act to seek remedy at the Tribunal if the regulatory authorities cannot or choose not to resolve this matter to my satisfaction.

Regards

XXXX

CITATION: R Barnes and J Price v. Southern Midlands Council and Stornoway Projects Pty Ltd
F and J Wessing v Southern Midlands Council and Stornoway Projects Pty Ltd
M and S Lester v Southern Midlands Council and Stornoway Projects Pty Ltd
P and J Looney v Southern Midlands Council and Stornoway Projects Pty Ltd
[2013] TASRMPAT 025B

PARTIES: Appellants – R Barnes and J Price, F and J Wessing, M and S Lester, P and J Looney
Respondents – Southern Midlands Council and Stornoway Projects Pty Ltd

ADDRESS: RA294 Black Brush Road, Mangalore

TITLE OF TRIBUNAL: Resource Management and Planning Appeal Tribunal

JURISDICTION: Planning Appeal

FILE NO/S: 130, 132, 133 and 134/13 P

DELIVERED ON: 27th November 2013

DELIVERED AT: Hobart

HEARING DATE: 5th November 2013

DECISION OF: GP Geason, Chairman

CATCHWORDS: Consent Decision

Planning appeal – Quarry – intensification of use – increase annual limit from 9,000 to 90,000 tonnes quarried material

REASONS FOR DECISION

1. This appeal relates to DA 2013/32. Agreement has been reached between the parties with respect to the resolution of appeal, and the terms of the agreement have been submitted to the Tribunal.
2. The Appeal Tribunal is satisfied that a decision in the terms agreed by the parties is an appropriate decision and is within its powers. Accordingly it will make a decision in those terms.

Decision

3. The decision of the Southern Midlands Council (the 'Council') in respect of DA 2013/32, is varied. A permit is granted subject to conditions appearing at the end of this decision.

Order

4. The Council is directed to issue a permit for DA 2013/32 within 14 days of this decision, subject to the conditions appearing at the end of this decision and marked as Part A and Part B.
5. It is further ordered that each party bear its own costs of the appeal.

Our Ref: T3018898
DA 2013/32

PLANNING PERMIT - PART A
Development Application DA 2013/32
Expansion of a Quarry Industry (Extractive)
294 Blackbrush Road Mangalore

Issued under the Land Use Planning and Approvals Act 1993

Council has issued this Permit, subject to the conditions set out below, for the development and use of the Expansion of a Quarry Industry (Extractive) at the land situated at 294 Blackbrush Road, Mangalore and described on Certificate of Title 158981/1 and submitted by Stornoway Projects Pty Ltd obo A C & S J Fisher.

This Permit will lapse after a period of two (2) years from the date on which it was granted if the use or development in respect of which it was granted has not substantially commenced within that period.

CONDITIONS

1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and reports and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of the letter accompanying this permit or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.
3. The person responsible for the activity must comply with the conditions contained in Part B, which the Board of the Environment Protection Authority (EPA) has required the Planning Authority to include in the permit, pursuant to section 25(5) of the *Environment Management and Pollution Control Act 1994*. Attached to this permit Part A is Permit Part B, including Schedules 1, 2 and 3 dated 18 September 2013.



4. The development must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by Southern Midlands Council.
5. Unless otherwise specified in this permit all works required by the *Mangalore Quarries Traffic Impact Assessment, March 2013 by Joanne Fisher (TIA)* and the *Mangalore Quarry Environmental Effects Report, May 2013* and *Mangalore Quarry Environmental Effects Report SUPPLEMENT, July 2013* in respect of access to the land must be completed to the satisfaction of Council's Municipal Engineer before the use commences.
6. The quarry shall be operated to ensure that no more than forty (40) vehicle movements are generated by the quarry operations in any one day.
7. Trucks shall not be scheduled to operate on Blackbrush Rd at the time of school bus operations. It is the responsibility of the Operator to determine any school operations on the cartage route and advise truck operators accordingly.

Existing services

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

Parking & access

9. The areas set-aside for parking and associated access and turning must have:-
 - a. A driveway access located over existing tracks or along natural contours to reduce visual impact through excavation and filling and erosion from water run-off with a minimum 4 metres internal width for up to 90.00 metres length
 - b. An all-weather pavement constructed and surfaced to the satisfaction of the Council.

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10. The vehicle access from the carriageway of the road onto the subject land must be located and constructed in accordance with the construction and sight distance standards shown on standard drawings SD 1009 and SD 1012 prepared by the IPWE Aust. (Tasmania Division) (attached) or otherwise as required of Standards Australia (2002): *Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Sydney and to the satisfaction of Council's Municipal Engineer.
11. The developer is to notify Council's Municipal Engineer at least 48 hours prior to works commencing in the road reservation.
12. The developer is to notify Council's Municipal Engineer within 24 hours of the completion of works for inspection. Access works shall be to the satisfaction of Council's Municipal Engineer.

Road upgrade

13. The Applicant must pay a cash contribution of \$37,000 to Council, or has provided to Council works and materials to an equivalent value, for the upgrading of Blackbrush Rd referred to in condition 14.
14. The expanded operation of the quarry under this Permit must not commence unless and until Blackbrush Rd, between the quarry access road and the start of the sealed section of Blackbrush Road to the east, is upgraded to the following specifications at least:
 - a. 8 m wide formation comprising 6m wide gravel pavement and 1 m wide side shoulders; and
 - b. Comply with Institute of Public Works Engineering Australia (Tasmanian Division)/LGAT standard drawing TSD-R01-v1 (Draft 2) Rural Roads Unsealed; and
 - c. Installation, alteration and/or relocation of any guideposts, fencing and any other existing infrastructure or services affected by the upgrade.
 - d. Removal of trees identified as necessary for roadworks or safety of users of Blackbrush Road.

WNC 95
[Signature]

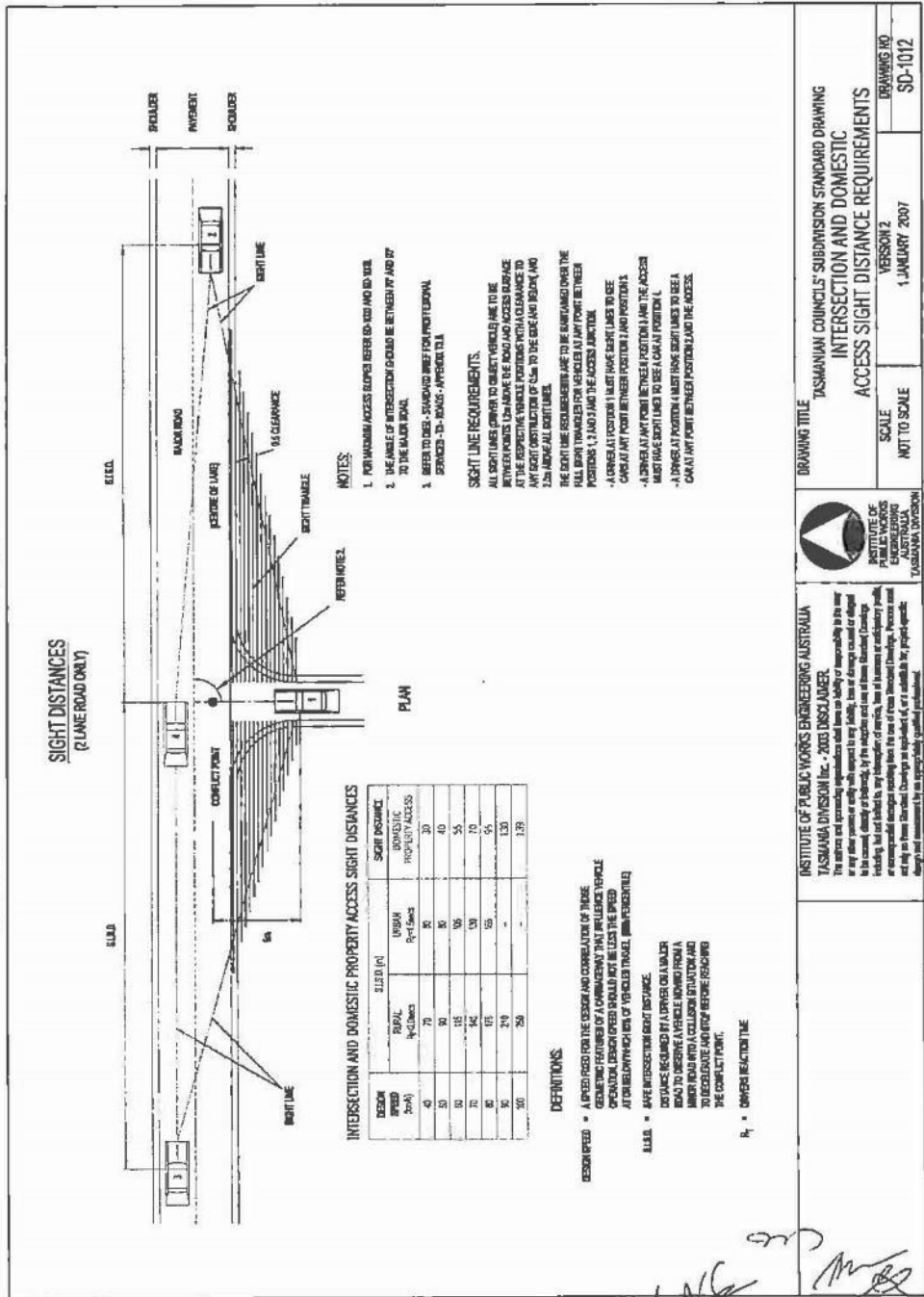
Advice to Accompany this Permit

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) The advisory signage to truck drivers, depicted in the application, should make clear reference to operating vehicles in consideration to the residential amenity of landowners along Blackbrush Rd i.e. use of engine brakes. The signage should also make reference to the School Bus Operation times pursuant to Condition 7 of this Permit (PART A).
- c) Signage associated with this development shall require separate approval unless otherwise exempt by the *Planning Scheme*.
- d) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

Dated this November 2013

David Cundall
Planning Officer
Oba Southern Midlands Council

Handwritten signature and initials, possibly 'CAF' and 'M'.



INTERSECTION AND DOMESTIC PROPERTY ACCESS SIGHT DISTANCES

DESIGN SPEED (km/h)	SIGHT DISTANCE (m)		SIGHT DISTANCE (m)
	RURAL 10-Classes	URBAN 10-Classes	
40	70	85	30
50	90	105	40
60	115	130	55
70	140	160	70
80	170	195	90
90	210	240	120
100	260	290	150

DEFINITIONS

- DESIGN SPEED** - A SPEED USED FOR THE DESIGN AND CALCULATION OF THOSE GEOMETRIC FEATURES OF A HIGHWAY THAT INFLUENCE VEHICLE OPERATIONAL DESIGN SPEED SHOULD NOT BE LESS THAN THE SPEED AT WHICH APPROXIMATELY 80% OF VEHICLES TRAVEL. (AS PER DEFINITION)
- SIGHT** - LINE OF SIGHT UNOBSCURED BY OBSTACLES OR VEHICLES ON THE ROAD TO OBSERVE A VEHICLE MOVING FROM A POINT ON THE ROAD INTO A COLLISION SITUATION AND TO DECELERATE AND STOP BEFORE REACHING THE COLLISION POINT.
- h_v** - DRIVER REACTION TIME

- NOTES:**
1. FOR DOMESTIC ACCESS ALWAYS REFER TO A10 AND A10.10.
 2. THE ANGLE OF INTERSECTION SHOULD BE BETWEEN 90° AND 120° TO THE MAJOR ROAD.
 3. REFER TO DES - STANDARD UNIT FOR INTERSECTION SIGHT DISTANCES - TO - ROAD - APPENDIX 11.1

SIGHT LINE REQUIREMENTS

- ALL SIGHT LINES SHOULD TO SUBJECT VEHICLES TO BE BETWEEN POINTS 1.5m ABOVE THE ROAD AND ACCESS SURFACE AT THE RESPECTIVE VEHICLE POSITIONS WITH A CLEARANCE TO ANY OBSTACLE OF 5m TO THE GROUND SURFACE AND 1.5m ABOVE ALL SIGHT LINES.
- THE SIGHT LINE REQUIREMENTS ARE TO BE MAINTAINED OVER THE FULL SIGHT TRIANGLE FOR VEHICLES AT ANY POINT BETWEEN POSITIONS 1, 2 AND 3 AND THE ACCESS JUNCTION.
- A CORNER AT POSITION 1 MUST HAVE SIGHT LINES TO BE CLEAR AT ANY POINT BETWEEN POSITIONS 2 AND POSITIONS 3.
 - A CORNER AT ANY POINT BETWEEN POSITION 1 AND THE ACCESS MUST HAVE SIGHT LINES TO BE CLEAR AT POSITION 1.
 - A CORNER AT POSITION 4 MUST HAVE SIGHT LINES TO BE CLEAR AT ANY POINT BETWEEN POSITION 1 AND THE ACCESS.

INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA

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DRAWING TITLE TASMANIAN COUNCIL'S SUBDIVISION STANDARD DRAWING
 INTERSECTION AND DOMESTIC
 ACCESS SIGHT DISTANCE REQUIREMENTS

SCALE 1:1000

VERSION 2 1 JANUARY 2007

DRAWING NO SD-1012

PCE8842 (r1)

1/17

**PERMIT PART B
PERMIT CONDITIONS - ENVIRONMENTAL No. 8842**

Issued under the *Environmental Management and Pollution Control Act 1994*

Applicant: STORNOWAY QUARRIES PTY LTD
ACN 009 505 186
C/- BDO (TAS) PTY LTD, LEVEL 8, 85 MACQUARIE ST
HOBART TAS 7000

Activity: The operation of a gravel pit (ACTIVITY TYPE: Quarries)
MANGALORE QUARRY,
MANGALORE TAS 7030

The above activity has been assessed as a level 2 activity under the *Environmental Management and Pollution Control Act 1994* under delegation from the Board of the Environment Protection Authority.

Acting under Section 25(5)(a)(i) of the EMPCA, the Board of the Environment Protection Authority has required that this Permit Part B be included in any Permit granted under the *Land Use Planning and Approvals Act 1993* with respect to the above activity.

Municipality: SOUTHERN MIDLANDS
Permit Application Reference: 2013/32
EPA file reference: 225785

Date conditions approved:

18-SEP-2013

Signed:

DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY



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DEFINITIONS

Unless the contrary appears, words and expressions used in this Permit Part B have the meaning given to them in Schedule 1 of this Permit and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Permit Part B, the EMPCA prevails to the extent of the inconsistency.

ENVIRONMENTAL CONDITIONS

The person responsible for the activity must comply with the conditions contained in Schedule 2 of this Permit Part B.

INFORMATION

Attention is drawn to Schedule 3, which contains important additional information.

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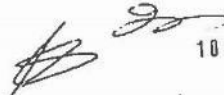

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Attachments

Attachment 1: The Land (modified: 17/09/2013 13:57)..... 1 page
Attachment 2: Commitments (modified: 12/09/2013 16:56)..... 3 pages

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Schedule 1: Definitions

In this Permit Part B:-

Aboriginal Relic has the meaning described in section 2(3) of the *Aboriginal Relics Act 1975*.

Activity means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

Best Practice Environmental Management or 'BPEM' has the meaning described in Section 4 of EMPCA.

Construction means activities associated with the construction phase of the activity, including but not limited to, activities associated with the clearance of vegetation, site works to create a level site, rock breaking, installation of fences and other infrastructure whether on land or in water.

Director means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a person authorised in writing by the Director to exercise a power or function on the Director's behalf.

Environmental Harm and Material Environmental Harm and Serious Environmental Harm each have the meanings ascribed to them in Section 5 of EMPCA.

Environmental Nuisance and Pollutant each have the meanings ascribed to them in Section 3 of EMPCA.

Environmentally Hazardous Material means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils, waste and chemicals.

Noise Sensitive Premises means residences and residential zones (whether occupied or not), schools, hospitals, caravan parks and similar land uses involving the presence of individual people for extended periods, except in the course of their employment or for recreation.

Person Responsible is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

Stormwater means water traversing the surface of the land as a result of rainfall.

Swift Parrot Or Wedge-Tailed Eagle Nesting Season means the period August to January inclusive.

Tasmanian Noise Measurement Procedures Manual means the Noise Measurement Procedures Manual dated July 2004 issued by the Director of Environmental Management in accordance with regulation 25 of the *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004* and includes any subsequent versions of the document.

The Land means the land on which the activity to which this document relates may be carried out, and includes: buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land. The Land falls within the area defined by:

- 1 Mining leases 1947P/M and 1497P/M; and
- 2 as further delineated at Attachment 1.

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Schedule 2: Conditions

Maximum Quantities

Q1 Regulatory limits

- 1 The activity must not exceed the following limits (annual fees are derived from these figures):
 - 1.1 50,000 cubic metres per year of product produced.

General

G1 Access to and awareness of conditions and associated documents

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on The Land, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

G2 Incident response

If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

G3 No changes without approval

- 1 The following changes, if they may cause or increase the emission of a pollutant which may cause material or serious environmental harm or environmental nuisance, must only take place in relation to the activity if such changes have been approved in writing by the EPA Board following its assessment of an application for a permit under the *Land Use Planning and Approvals Act 1993*, or approved in writing by the Director:
 - 1.1 a change to a process used in the course of carrying out the activity; or
 - 1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity; or
 - 1.3 a change in the quantity or characteristics of materials used in the course of carrying out the activity.

G4 Change of responsibility

If the person who is or was responsible for the activity ceases to be responsible for the activity, they must notify the Director in accordance with Section 45 of the EMPCA.

G5 Change of ownership

If the person responsible for the activity is not the owner of The Land upon which the activity is carried out and the owner of The Land changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change, the person responsible must notify the Director in writing of the change of ownership.

G6 Commitments

The activity must be carried out in accordance with the commitments contained in Attachment 2 unless otherwise specified in these conditions or unless otherwise approved in writing by the Director.

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G7 Blast Management Plan:

- 1 Within six months of the date on which these conditions take effect, or by a date specified in writing by the Director, a blast management plan that applies to all blasts on The Land must be submitted to the Director for approval. This requirement will be deemed to be satisfied only when the Director indicates in writing that the submitted document adequately addresses the requirements of this condition to his or her satisfaction.
- 2 The plan must be prepared in accordance with any guidelines provided by the Director.
- 3 Without limitation, the plan must include details of the following:
 - 3.1 name and qualifications of the blasting contractor(s);
 - 3.2 location(s) of all intended blasts;
 - 3.3 likely impacts of blasting beyond the boundary of The Land and how these will be mitigated;
 - 3.4 typical blast design, including drill hole configuration, stemming height, explosive type(s) and initiation systems;
 - 3.5 typical blast procedure, including how incidents will be reported and who must be notified about blasts;
 - 3.6 blast risk assessment, showing how risks to sensitive receptors beyond the boundary of The Land will be managed;
 - 3.7 monitoring program for air blast overpressure and ground vibrations;
 - 3.8 a table containing all of the major commitments made in the plan;
 - 3.9 an implementation timetable for key aspects of the plan; and
 - 3.10 a reporting program to regularly advise the Director of the results of the plan.
- 4 The person responsible must implement and act in accordance with the approved plan.
- 5 In the event that the Director, by notice in writing to the person responsible, either approves a minor variation to the approved plan or approves a new plan in substitution for the plan originally approved, the person responsible must implement and act in accordance with the varied plan or the new plan, as the case may be.

Atmospheric

- A1 **Covering of vehicles**
Vehicles carrying loads containing material which may blow or spill must be equipped with effective control measures to prevent the escape of the materials from the vehicles when they leave The Land or travel on public roads. Effective control measures may include tarpaulins and load dampening.
- A2 **Dust emissions from traffic areas**
Dust emissions from areas of The Land used by vehicles must be limited or controlled by dampening or by other effective measures.
- A3 **Control of dust emissions**
Dust emissions from The Land must be controlled to the extent necessary to prevent environmental nuisance.

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Blasting**B1 Blasting times**

Blasting on The Land must take place only between the hours of 1000 hours and 1600 hours Monday to Friday. Blasting must not take place on Saturdays, Sundays or public holidays unless prior written approval of the Director has been obtained.

B2 Blasting - noise and vibration limits

- 1 Blasting on The Land must be carried out in accordance with blasting best practice environmental management (BPEM) principles, and must be carried out such that, when measured at the curtilage of any residence (or other noise sensitive premises) in other occupation or ownership, airblast overpressure and ground vibration comply with the following:
 - 1.1 for 95% of blasts, airblast overpressure must not exceed 115dB (Lin Peak);
 - 1.2 airblast overpressure must not exceed 120dB (Lin Peak);
 - 1.3 for 95% of blasts ground vibration must not exceed 5mm/sec peak particle velocity; and
 - 1.4 ground vibration must not exceed 10mm/sec peak particle velocity.
- 2 All measurements of airblast overpressure and peak particle velocity must be carried out in accordance with the methods set down in *Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration*, Australian and New Zealand Environment Council, September 1990.

Decommissioning And Rehabilitation**DC1 Notification of cessation**

Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

DC2 Stockpiling of surface soil

Prior to commencement of extractive activities on any portion of The Land all surface soils must be removed and stockpiled for later use in rehabilitation of The Land. Topsoil must be kept separate from other overburden and protected from erosion or other disturbance.

DC3 Progressive rehabilitation

Worked out or disused sections of The Land must be rehabilitated concurrently with extractive activities on other sections of The Land. Progressive rehabilitation must be carried out in accordance with the relevant provisions of the *Quarry Code of Practice*, unless otherwise approved in writing by the Director. The maximum disturbed area of land which may remain, at any time, without rehabilitation is five hectares.

DC4 Temporary suspension of activity

- 1 Within 30 days of becoming aware of any event or decision which is likely to give rise to the temporary suspension of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to suspend or has suspended.
- 2 During temporary suspension of the activity:
 - 2.1 The Land must be managed and monitored by the person responsible for the activity to ensure that emissions from The Land do not cause serious environmental harm, material environmental harm or environmental nuisance; and

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2.2 If required by the Director, the person responsible must prepare and implement a Care and Maintenance Plan to the satisfaction of the Director.

- 3 Unless otherwise approved in writing by the Director, if the activity on The Land has substantially ceased for 2 years or more, rehabilitation of The Land must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.

DC5 DRP requirements

Unless otherwise approved in writing by the Director, a draft Decommissioning and Rehabilitation Plan (DRP) for the activity must be submitted for approval to the Director within 60 days of the Director being notified of the planned cessation of the activity or by a date specified in writing by the Director. The DRP must be prepared in accordance with any guidelines provided by the Director.

Effluent Disposal

E1 Perimeter drains

- 1 Perimeter cut-off drains must be constructed at strategic locations on The Land to prevent surface run-off from entering the area used or disturbed in carrying out the activity. All reasonable measures must be implemented to ensure that sediment transported along these drains remains on The Land. Such measures may include provision of strategically located sediment fences, appropriately sized and maintained sediment settling ponds, vegetated swales, detention basins and other measures designed and operated in accordance with the principles of Water Sensitive Urban Design.
- 2 Drains must have sufficient capacity to contain run-off that could reasonably be expected to arise during a 1 in 20 year rainfall event. Maintenance activities must be undertaken regularly to ensure that this capacity does not diminish.

E2 Stormwater

- 1 Polluted stormwater that will be discharged from The Land must be collected and treated prior to discharge to the extent necessary to prevent serious or material environmental harm, or environmental nuisance.
- 2 Notwithstanding the above, all stormwater that is discharged from The Land must not carry pollutants such as sediment, oil and grease in quantities or concentrations that are likely to degrade the visual quality of any receiving waters outside the Land.
- 3 All reasonable measures must be implemented to ensure that solids entrained in stormwater are retained on The Land. Such measures may include appropriately sized and maintained sediment settling ponds or detention basins.
- 4 Stormwater discharged in accordance with this condition must not be directed to sewer without the approval of the operator of the sewerage system.

E3 Maintenance of settling ponds

Sediment settling ponds must be periodically cleaned out to ensure that the pond design capacity is maintained. Sediment removed during this cleaning must be securely deposited such that sediment will not be transported off The Land by surface run-off.

Flora And Fauna

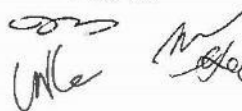
FF1 Planting and care of *Eucalyptus globulus* and *pulchella* forest

- 1 Unless otherwise approved in writing by the Director, within three years of the date on which these conditions take effect the person responsible must:

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- 1.1 Establish and maintain a mixed planting of at least two hectares of local provenance *Eucalyptus globulus* and *pulchella* forest in a location approved in writing by the Director; and
- 1.2 For the life of the activity limit the loss or damage to the planting referred to in 1.1 above from the actions of wildlife, climate, weeds and disease.
- FF2 Removal of dry blue gum forest**
- 1 Unless otherwise approved in writing by the Director:
- 1.1 Not more than 1ha of *Eucalyptus globulus* forest on The Land may be removed over the life of the activity; and
- 1.2 Not more than 0.3ha of *Eucalyptus globulus* forest on The Land may be removed over a period of 15 years from the date on which these conditions take effect.
- FF3 Retention of dry blue gum forest**
- Unless otherwise approved in writing by the Director, dry blue gum forest as denoted in Attachment 1 must not be disturbed or damaged.
- FF4 Swift parrot and wedge-tailed eagle surveys**
- 1 If vegetation clearing is to be undertaken during the Swift parrot or Wedge-tailed eagle nesting season(s), pre-clearance surveys must be conducted in the week prior to vegetation clearing for each stage commencing, to identify any occupied Swift parrot or Wedge-tailed eagle nests.
- 1.1 the person(s) conducting the survey must be appropriately qualified in the identification of the species and its habitat;
- 1.2 the survey must be carried out to the satisfaction of the Director; and
- 1.3 a report outlining the findings of the survey must be submitted to the Director within 10 working days of completing the survey.
- 2 If the report identifies a nest or nests, a temporary 50 metre buffer will be established around the nest(s) during the vegetation clearing operations. Only after the nest(s) have been confirmed to be vacated will the vegetation clearing be completed.
- FF5 Weed and Disease Management Plan**
- 1 Within two months of the date on which these conditions take effect, or by a date specified in writing by the Director, a Weed and Disease Management Plan for the activity must be submitted to the Director.
- 2 The Weed and Disease Management Plan must include, as a minimum:
- 2.1 the results of a weed and disease survey;
- 2.2 mapping of infestations prior to intensification of use of the activity;
- 2.3 washdown procedures and measures;
- 2.4 the location of washdown areas;
- 2.5 provisions for regular weed surveys;
- 2.6 measures to keep The Land substantially free of weeds and minimise the risk of weeds and disease being spread, particularly through the transport of products; and
- 2.7 a timetable for the implementation of measures included in the plan.
- 3 The Weed and Disease Management Plan must be prepared and implemented to the satisfaction of the Director.

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FF6 Washdown Guidelines

Prior to entering the land, machinery must be washed in accordance with the DPIWE (2004) *Tasmanian Washdown Guidelines for Weed and Disease Control, Machinery, Vehicles & Equipment*, Edition 1, or any subsequent revisions of that document.

Hazardous Substances**H1 Storage and handling of hazardous materials**

Unless otherwise approved in writing by the Director, environmentally hazardous material held on The Land, including chemicals, fuels and oils, must be located within impervious bunded areas or spill trays which are designed to contain at least 110% of the total volume of material.

H2 Spill kits

Spill kits appropriate for the types and volumes of materials handled on The Land must be kept in appropriate locations to assist with the containment of spill environmentally hazardous materials.

Noise Control**N1 Noise emission limits**

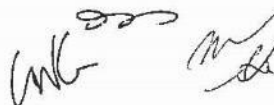
- 1 Noise emissions from the activity when measured at any noise sensitive premises in other ownership and expressed as the equivalent continuous A-weighted sound pressure level must not exceed:
 - 1.1 45 dB(A) between 0800 hours and 1800 hours (Day time); and
 - 1.2 40 dB(A) between 1800 hours and 2200 hours (Evening time); and
 - 1.3 35 dB(A) between 2200 hours and 0800 hours (Night time).
- 2 Where the combined level of noise from the activity and the normal ambient noise exceeds the noise levels stated above, this condition will not be considered to be breached unless the noise emissions from the activity are audible and exceed the ambient noise levels by at least 5 dB(A).
- 3 The time interval over which noise levels are averaged must be 10 minutes or an alternative time interval specified in writing by the Director.
- 4 Measured noise levels must be adjusted for tonality, impulsiveness, modulation and low frequency in accordance with the Tasmanian Noise Measurement Procedures Manual.
- 5 All methods of measurement must be in accordance with the Tasmanian Noise Measurement Procedures Manual.

N2 Operating hours

- 1 Unless otherwise approved by the Director, activities associated with the extraction of rock, gravel, sand, clay or minerals, and loading of product, and screening/crushing must not be undertaken outside the hours of 0700 hours to 1900 hours on weekdays and 0800 hours to 1600 hours on Saturdays.
- 2 Notwithstanding the above paragraph, activities must not be carried out on public holidays that are observed Statewide (Easter Tuesday excepted).

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Schedule 3: Information

Legal Obligations**LO1 Notification of Incidents under section 32 of EMPCA**

- 1 A person responsible for an activity that is not a level 2 activity or a level 3 activity must notify the relevant Council, as soon as reasonably practicable but not later than 24 hours, after becoming aware of the release of a pollutant occurring as the result of any incident in relation to that activity, including an emergency, accident or malfunction, if this release causes or may cause an environmental nuisance.
- 2 A person responsible for an activity that is a level 2 activity or a level 3 activity must notify the Director, as soon as reasonably practicable but not later than 24 hours, after becoming aware of the release of a pollutant occurring as a result of any incident in relation to that activity, including an emergency, accident or malfunction, if this release causes or may cause an environmental nuisance.
- 3 A person responsible for an environmentally relevant activity must notify the Director, as soon as reasonably practicable but not later than 24 hours, after becoming aware of the release of a pollutant occurring as a result of any incident in relation to that activity, including an emergency, accident or malfunction, if this release causes or may cause serious or material environmental harm.
- 4 The Director can be notified by telephoning 1800 005 171 (a 24-hour emergency telephone number).
- 5 Follow up reports can be emailed.
- 6 Any notification given by a person in compliance with this section is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).
- 7 A person is required to notify the relevant Council or the Director of an incident despite the fact that to do so might incriminate the person or make the person liable to a penalty.
- 8 Any notification referred to in subsection (1), (2) or (3) must include details of the incident, its nature, the circumstances in which it occurred and any action that has been taken to deal with it.
- 9 For the purposes of subsections (1), (2) and (3):
 - 9.1 a person is not required to notify the relevant Council of an incident if the person has reasonable grounds for believing that the incident has already come to the notice of the Council
 - 9.2 a person is not required to notify the Director of an incident if the person has reasonable grounds for believing that the incident has already come to the notice of the Director;

LO2 EMPCA

The activity must be conducted in accordance with the requirements of the *Environmental Management and Pollution Control Act 1994* and Regulations thereunder. The conditions of this document must not be construed as an exemption from any of those requirements.

LO3 Storage and handling of Dangerous Goods, Explosives and dangerous substances

- 1 The storage, handling and transport of dangerous goods, explosives and dangerous substances must comply with the requirements of relevant State Acts and any regulations thereunder, including:

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- 1.1 *Work Health and Safety Act 2012* and subordinate regulations;
- 1.2 *Explosives Act 2012* and subordinate regulations; and
- 1.3 *Dangerous Goods (Road and Rail Transport) Act 2010* and subordinate regulations.

L04 Aboriginal relics requirements

- 1 The *Aboriginal Relics Act 1975*, provides legislative protection to Aboriginal heritage sites in Tasmania regardless of site type, condition, size or land tenure. Section 14(1) of the Act states that; Except as otherwise provided in this Act, no person shall, otherwise than in accordance with the terms of a permit granted by the Minister on the recommendation of the Director of National Parks and Wildlife:
 - 1.1 destroy, damage, deface, conceal or otherwise interfere with a relic;
 - 1.2 make a copy or replica of a carving or engraving that is a relic by rubbing, tracing, casting or other means that involve direct contact with the carving or engraving;
 - 1.3 remove a relic from the place where it is found or abandoned;
 - 1.4 sell or offer or expose for sale, exchange, or otherwise dispose of a relic or any other object that so nearly resembles a relic as to be likely to deceive or be capable of being mistaken for a relic;
 - 1.5 take a relic, or permit a relic to be taken, out of this State; or
 - 1.6 cause an excavation to be made or any other work to be carried out on Crown land for the purpose of searching for a relic.
- 2 If a relic is suspected and/or identified during works then works must cease immediately and the Tasmanian Aboriginal Land and Sea Council and the Aboriginal Heritage Tasmania be contacted for advice before work can continue. In the event that damage to an Aboriginal heritage site is unavoidable a permit under section 14 of the *Aboriginal Relics Act 1975* must be applied for. The Minister may refuse an application for a permit, where the characteristics of the relics are considered to warrant their preservation.
- 3 Anyone finding an Aboriginal relic is required under section 10 of the Act to report that finding as soon as practicable to the Director of National Parks and Wildlife or an authorized officer under the *Aboriginal Relics Act 1975*. It is sufficient to report the finding of a relic to Aboriginal Heritage Tasmania to fulfil the requirements of section 10 of the Act.

Other Information

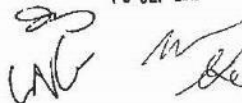
O11 Waste management hierarchy

- 1 Wastes should be managed in accordance with the following hierarchy of waste management:
 - 1.1 waste should be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;
 - 1.2 waste should be re-used or recycled to the maximum extent that is practicable; and
 - 1.3 waste that cannot be re-used or recycled must be disposed of at a waste depot site or treatment facility that has been approved in writing by the relevant planning authority or the Director to receive such waste, or otherwise in a manner approved in writing by the Director.

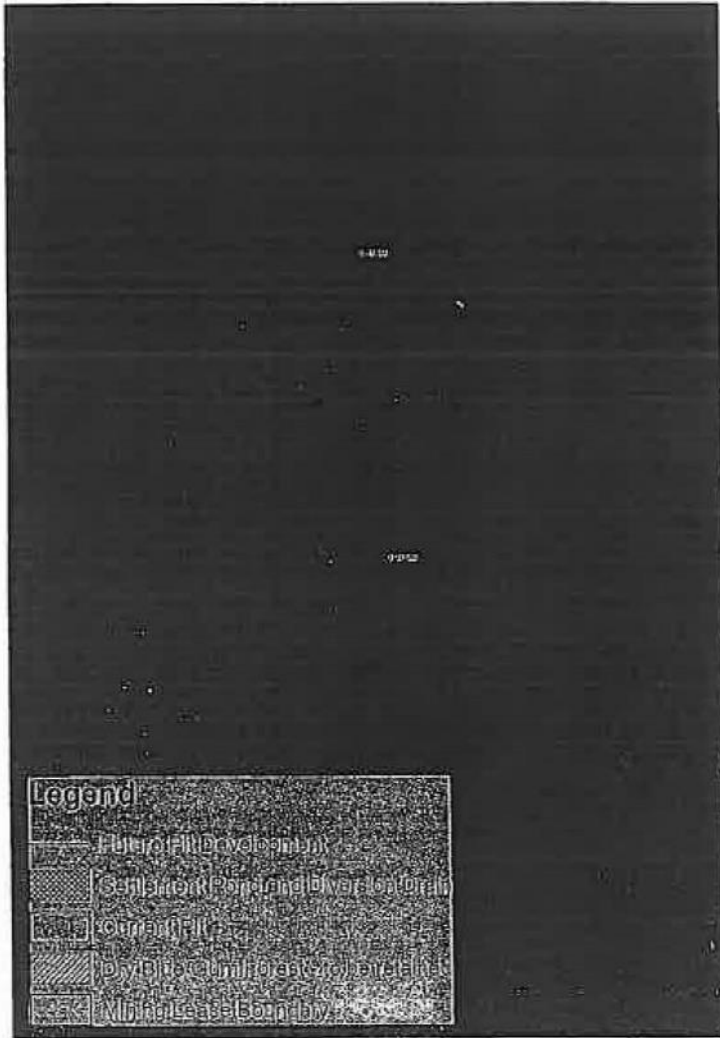
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Attachment 1: The Land



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Attachment 2

Condition G6

**TABLE OF COMMITMENTS BY APPLICANT – STORNOWAY PROJECTS PTY
LTD MANGALORE QUARRY**

Commitment type	Detail	When
Biodiversity & conservation		
2	Stornoway will protect the larger remnant blue gum forest area (1ha) and areas of native vegetation to the south west of the quarry from disturbance.	At all times
3	Stornoway will ensure that adjacent threatened flora habitat is identified and flagged to prevent accidental impacts	Prior to commencement of operations
4	Stornoway will align the extended stormwater diversion drain such that there is minimal impact on the remnant forest.	Prior to commencement of operations
5	Stornoway will ensure effective stockpiling of top soil and sub soil for use in rehabilitation.	At all times
6	Stornoway will maximise potential fauna habitat by spreading logs and woody debris on the site.	At all times
8	Stornoway will monitor the surrounding bushland for signs of water stress such as tree decline and seek further expert advice if needed.	At all times
10	Stornoway will maintain and protect the habitat of native fauna by retaining habitat logs, ensuring the cessation of firewood removal and practicing active weed control.	At all times
10(a)	Pre-clearance surveys will be conducted to identify and protect swift parrot nests before any tree clearing is undertaken and ensure that any tree clearing is only undertaken outside of swift parrot breeding season.	Prior to clearing of vegetation
10(b)	A wedge-tailed eagle habitat survey will be conducted prior to any quarrying activity.	Prior to commencement of operations
10(c)	The Forest Practices Authority will be consulted prior to any tree clearing.	Ongoing
10(d)	Where any blue gums are removed, replacement blue gums will be planted outside the development area.	Ongoing

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Attachment 2		Condition G6
Commitment type (AND)	Detail	When
Weed management		
7	In conjunction with the landholder, Stornoway will develop and implement a weed management program, including an annual plan for herbicide treatment of rosette weeds ie. thistles, wild mignonette and mulleins, as well as a hygiene plan to limited the translocation of weeds both within and from the quarry site to other locations.	Ongoing
9	Stornoway will establish operating procedures for machinery and equipment wash down to prevent weed and pathogen spread within the quarry site, as well as to and from the quarry site.	Prior to commencement of operations
Liquid effluent, stormwater and water quality		
11	Stornoway will maintain an operational floor minimum of 1 metre below outer perimeter levels to prevent excessive run off and to act as primary settlement.	At all times
12	Stornoway will extend the stormwater diversion drain to ensure capture of all stormwater run-off such that there is minimal impact on the remnant dry blue gum forest.	In conjunction with quarry development
13	Stornoway will enlarge the existing silt pond to ensure sufficient retention capacity for the increased volume of stormwater run-off.	In conjunction with quarry development
14	Excess stormwater will drain from the pond down an existing stormwater drainage channel, filtering through established grasses and reeds.	At all times
17	Liquid waste will be carted off site for disposal in a licensed disposal facility.	At all times
Air emissions		
15	Dust will be managed by the use of dust suppression systems during crushing operations.	At all times
16	Operations will cease in extreme weather conditions.	Ongoing
Solid wastes		
18	Domestic waste will be removed to an approved waste recycling/disposal site.	Ongoing

[Handwritten signature]

18 SEP 2013
[Handwritten signature]

Attachment 2		Condition G6
Commitment type & no.	Detail	When
Noise		
1	Hours of operation will be limited to 7am to 7pm Monday to Friday and 8am to 4pm Saturday.	At all times
19	Stornoway will notify residents prior to blasting and reduce or avoid blasting if weather conditions are unfavourable.	Ongoing
19(a)	Stornoway will prepare and submit a <i>Blast Management Plan</i> for EPA approval prior to blasting.	Prior to first blast
Traffic		
20	Stornoway will move the junction of the quarry access road and Black Brush Rd approximately 400m to the west to ensure compliant sight distances and avoidance of adjacent residential entrances.	Prior to commencement of operations
21	Stornoway will route all truck traffic to the east along Black Brush Rd to the Midlands Hwy to avoid use of the Black Brush Rd and Elderelle Rd junction.	Ongoing DELETED
22	Grading will be undertaken along the unsealed section of Black Brush Rd between Mounford Dr and the proposed quarry access road to improve pavement shape and obtain a minimum 6m pavement width.	Prior to commencement of operations
23	Truck warning signs will be installed along Black Brush Rd.	Prior to commencement of operations
Hazardous substances		
24	No hazardous substances will be stored on-site.	At all times
Decommissioning and rehabilitation		
25	Stornoway will not disturb or have open more than 5ha at the quarry at any one time.	At all times
26	Stornoway will conduct full rehabilitation on ultimate site closure.	At site closure

10 SEP 2013

12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

12.1 Roads

Strategic Plan Reference – Page 14

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

12.1.1 DUST SUPPRESSANT (APPLICATION OF A ROAD SEAL) – POLICY DEVELOPMENT

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 6 DECEMBER 2017

Attachment:

Draft Dust Suppressant (Application of a Road Seal) Policy

ISSUE

Adoption of draft Policy entitled 'Dust Suppressant (Application of a Road Seal)'.

BACKGROUND

Councillors are fully aware of the complaints that are received relating to excess dust from unsealed roads that impact on residential use, including domestic water storages.

Over many years, various treatments and applications have been used and trialled in an attempt to address these concerns. Basically, it has been concluded that the only realistic option to effectively overcome the concerns is the application of a seal, the design of which would vary depending on a number of circumstances including topography; traffic volume; etc. etc.

An amount of \$20,000 has been included as a general allocation in the 2017/18 Budget to enable projects to be undertaken on a priority basis.

DETAIL

Council, at its last meeting, considered draft criteria that could form the basis of a Policy to assess whether a seal treatment can be applied.

The criteria (as amended) have been included in the attached draft Policy which is now submitted for formal adoption.

Human Resources & Financial Implications – An amount of \$20,000 has been included as a general allocation in the 2017/18 Budget to enable projects to be undertaken on a priority or 'first in' basis.

Community Consultation & Public Relations Implications – To be considered.

Policy Implications – Policy development.

Priority - Implementation Time Frame – N/A

RECOMMENDATION

THAT the draft Policy entitled ‘Dust Suppressant (Application of a Road Seal)’ be considered with the intention of final adoption at the January 2018 Council Meeting.

DECISION

Moved by Clr R Campbell, seconded by Clr D Marshall

THAT the draft Policy entitled ‘Dust Suppressant (Application of a Road Seal)’ be considered with the intention of final adoption at the January 2018 Council Meeting.

CARRIED

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

ATTACHMENT
Agenda Item 12.1.1



Council Policy
**DUST SUPPRESSANT (APPLICATION OF A ROAD SEAL)
POLICY**

Approved by: Council
Approved date: ~~XXXX~~ DRAFT
Review date: ~~XXXX~~

1. PURPOSE

Management and handling of complaints relating to excessive dust from unsealed roads impacting on residential use and/or domestic water storages.

2. OBJECTIVE

The objective of this Policy is to provide a consistent policy framework that can be used to assess whether a road seal is to be applied to address concerns relating to excessive dust from unsealed roads which is adversely impacting on residential use and/or domestic water storages.

3. SCOPE

Recognising that Council has responsibility for approximately 613 kilometres of unsealed roads, it is extremely difficult to assess the number of potential requests that may be received for such treatment.

It follows that some form of assessment criteria / process is essential in order to assess whether a seal treatment can be applied. Despite such criteria, it must still be acknowledged that a seal can only be applied if there is an available budget. Eligible requests will therefore still need to be managed based on available budget and be undertaken on a 'first in' basis.

4. POLICY

The following criteria are to be used as the basis for assessing whether a road seal is to be applied as a dust suppressant:

1. The House/Building must be within approximately 30 metres of the roadway;
2. The house/building roof is the only supply of domestic water for the dwelling (drinking water);
3. The traffic volume should not be less than 30 vehicle movements per day;
4. Confirmed that a dust issue exists based on the type of gravel;
5. Evidence that there is a dust nuisance.

Other considerations:

6. Other mitigating circumstances
7. Are there are other practical engineering solution(s)
8. There is an available annual allocation within the budget.
9. Application of a public interest test.
10. Assessment to include consideration of the number of properties that will benefit



Council Policy
**DUST SUPPRESSANT (APPLICATION OF A ROAD SEAL)
POLICY**

Approved by: Council
Approved date: ~~XXXX~~ DRAFT
Review date: ~~XXXX~~

5. LEGISLATION

Not applicable.

6. RELATED DOCUMENTS

Financial Year Budget Estimates.

7. DOCUMENT ADMINISTRATION

This Instruction is a managed document and is to be reviewed every 4 years or as directed by the General Manager.

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

12.2 Bridges

Strategic Plan Reference – Page 14

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

Nil.

12.3 Walkways, Cycle ways and Trails

Strategic Plan Reference – Page 14

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

Nil.

12.4 Lighting

Strategic Plan Reference – Page 14

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

Nil.

12.5 Buildings

Strategic Plan Reference – Page 15

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

Nil.

12.6 Sewers

Strategic Plan Reference – Page 15

1.6.1 Increase the capacity of access to reticulated sewerage services.

Nil.

12.7 Water

Strategic Plan Reference – Page 15

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

Nil.

12.8 Irrigation

Strategic Plan Reference – Page 15

1.8.1 Increase access to irrigation water within the municipality.

Nil.

12.9 Drainage

Strategic Plan Reference – Page 16

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

Nil.

12.10 Waste

Strategic Plan Reference – Page 17

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

Nil.

12.11 Information, Communication Technology

Strategic Plan Reference – Page 17

1.11.1 Improve access to modern communications infrastructure.

Nil.

Jack Lyall (Manager, Works & Technical Services) entered the meeting at 2.57 p.m.

12.12 Officer Reports – Works & Technical Services (Engineering)

12.12.1 MANAGER - WORKS & TECHNICAL SERVICES REPORT

Author: MANAGER WORKS & TECHNICAL SERVICES (JACK LYALL)

Date: 7 DECEMBER 2017

ROADS PROGRAM

Maintenance grading is continuing. One grader is working in the Stonehenge and Buckland Road areas. The other grader has been repairing storm damage in the Colebrook area.

Road drainage is being undertaken on East Bagdad Road in readiness for a re-seal.

Woodsdale Road patching has ceased at present due to the recent heavy rains of 130-160mm.

Roadside mowing has commenced in the Broadmarsh/Elderslie area, also in Mangalore, Bagdad and Campania areas.

Roadside mowing has been completed in the Tunbridge area, Glen Morey Road, Bowhill Road, Interlaken Road and Stonor Road.

General maintenance is continuing in other areas.

Road Traffic Counter

The Road Traffic Counter has recently been located on Rhyndaston Road. The traffic counter is now installed on Woodsdale Road (Whitefoord end).

WASTE MANAGEMENT PROGRAM

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

The Manager – Works & Technical Services raised the issue of Tasrail accessing the property adjacent to the Colebrook Recreation Ground for storage of materials.

QUESTIONS WITHOUT NOTICE TO MANAGER, WORKS & TECHNICAL SERVICES

Clr Campbell – expressed appreciation to Council staff for repairing section of Lower Marshes Road (as raised at previous meeting).

Clr Campbell – raised concern regarding the condition of the property (i.e. long grass and untidy) where the Mud walls are situated. It was advised that the Parks and Wildlife Service are responsible for this site.

Clr Campbell – when will the 'Wool Press' be relocated to the Historical Society? It was advised that it is due for completion in late January 2018.

Clr Campbell – near the boundary with Central Highlands Council on Lower Marshes Road the side of roadway is infested with a variety of weeds.

Clr Marshall – expressed appreciation to Council staff for repairing culverts in Brown Mountain Road/Hungry Flats Road area so quickly after heavy rainfall.

Clr Batt – timeline for works to commence on Blackbrush Road? Advised that works are to commence approximately February/March 2018.

Clr Marshall – notification that the turn off at Brown Mountain Road is overgrown near the crest, requires attention.

Mayor Bisdee OAM – advised that the road repair material on Woodsdale Road (below football ground) has lifted since recent heavy rainfalls.

Mayor Bisdee OAM – any progress on Swan Street footpath? The meeting was informed that there is general agreement to proceed with the project as TasWater has not identified prior replacement of its pipeline in that vicinity as being a priority project.

Mayor Bisdee OAM – questioned the colour of the cladding on the wool press shelter. It was advised that the roof will be heritage red similar to the Historical Society building roof colour, and the base would be a cream colour.

RECOMMENDATION

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

DECISION

Moved by Clr R Campbell, seconded by Clr D Fish

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

CARRIED

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

Jack Lyall (Manager, Works & Technical Services) left the meeting at 3.13 p.m.

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

13.1 Residential

Strategic Plan Reference – Page 18

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

Nil.

13.2 Tourism

Strategic Plan Reference – Page 19

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

Nil.

13.3 Safety

Strategic Plan Reference – Page 31

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

Nil.

13.4 Business

Strategic Plan Reference – Page 20

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

2.3.1b Increase employment within the municipality.

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

Nil.

13.5 Industry

Strategic Plan Reference – Page 21

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

Nil.

13.6 Integration

Strategic Plan Reference – Page 21

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

2.5.2 The Bagdad Bypass and the integration of development.

Nil.

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

14.1 Heritage

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. |

14.1.1 HERITAGE PROJECT PROGRAM REPORT

Nil due to officer being on leave.

14.2 Natural

Strategic Plan Reference – Page 23/24

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

14.2.1 LANDCARE UNIT – GENERAL REPORT

Author: NRM PROGRAMS MANAGER (MARIA WEEDING)

Date: 5 DECEMBER 2017

ISSUE

Southern Midlands Landcare Unit Monthly Report.

DETAIL

- The Dulverton Foreshore toilet block upgrade is now completed – as of Tuesday 28th November 2017.
- The *Welcome to Oatlands* signage that have been discussed and considered over some considerable time are finally in the process of being manufactured. The signs should be up within the next week or two. This will complete a long process that was originally commenced by Damian Mackey working with the community re the design, information and locations for the four signs.
- Helen Geard has again been busy analysing and producing traffic flow reports relating to the data from Council's road traffic counter.
- Since the last Landcare Unit report to Council, the Interlaken Stock Reserve block has been auctioned. There were several interested parties bidding and the land eventually sold for \$141,000 to a neighbouring landholder.
- A meeting of the Kempton Streetscape Group was held on Tuesday 5th December 2017. Discussion took place on the proposed new fence for the Recreation Ground and the 'Gymkhana' paddock. A design, and the details of gates and pedestrian entrances and quotes for the supply and installation was discussed at length by the community members at the meeting. A Planning Application will need to be sought to progress to the next step, which will involve plans etc being advertised for the wider community to comment on.
- A Lake Dulverton & Callington Park Management Committee meeting was held on the 27th November 2017. See minutes (separate to this report).
- An enquiry was made with the a Senior Botanist with the Parks and Wildlife Service as to the brown 'weed' like plant in the front section of Lake Dulverton. This follows on from the Lake Dulverton meeting and another recent enquiry on 'weeds' in general regarding the Lake. The brown semi submerged plant is a native aquatic plant, most likely to be **Myriophyllum salsugineum** (lake watermilfoil). (not a weed). We have also been advised that records of this plant species have been recorded in other water bodies in the district since the 1970's. It would most likely have come into the Lake Dulverton via water birds travelling between locations.

- The new Weeds Officer Sandy Leighton has been very busy and the following is a summary of activities from November to 5th December 2017. It is more detailed report on the understanding that this is what was requested by Council following their last meeting. (*Details provided by S Leighton*).
- Creating and populating a data base with location details, landholders, postal addresses and phone numbers weed specific databases for Southern Midlands Council high priority weeds - Spanish heath, boneseed, saffron thistle, cotton thistle, nodding thistle, Paterson's curse, pampas grass, Chilean needle grass, African lovegrass in order to assess the problem and formulate some solutions.
- Digital maps have now been produced for each priority weed using these databases, with ground-truthing underway.
- Road surveys for high priority declared weeds detected new locations of Spanish heath, Paterson's curse, pampas grass, cotton thistle and boneseed.
- 5 Public enquiries for weeds including gorse, saffron thistle & pampas grass.
- Letters sent to 3 landholders requiring them to destroy Pampas grass detected on their property.
- Contact and farm visits with 3 key landholders re: various declared thistles, their control and locations across the municipality.
- Database and letter compiled for saffron, nodding and cotton thistle with letters to be sent to over 30 properties from Tunbridge, Woodbury, York Plains, Andover, Jericho to Lower Marshes in order to facilitate 1:1 mapping and discussions on landholder control success to date.
- Looking at holding a workshop/ field day in Jan/ Feb 2018 to facilitate landholder discussion, with potential DPIPWE input on control advice.
- Field trip with Dr John Ireson & Richard Holloway, TIA/ DPIPWE visiting biological control sites in the municipality for broom, gorse, cotton thistle and Paterson's curse agents to assess their establishment and spread. The gorse soft-shoot moth and the Paterson's curse crown and root boring weevils are well established and spreading at a site near Melton Mowbray. Cotton thistle agents stem-boring and seed head weevils are established near Lower Marshes whilst the broom gall mite is well established and spreading around Lake Dulverton where it is actively killing plants. There is good potential to facilitate future redistribution of agents to Southern Midlands landholders, especially those who have rough terrain and hard to access areas including remnant native vegetation.
- Potential to hold biocontrol field days for collection of gorse and English broom agents in partnership with TIA/ DPIPWE.
- Weed awareness article in SMC November Newsletter – positive feedback received from 6 people to date.
- Initial discussions with SMC Senior Planner re: high priority weeds, hygiene and the DA process.
- Discussions with key organisations regarding Chilean needle grass and African lovegrass infestations/ distribution and control in the southern midlands.
- Ground truthing and assessing this season's Paterson's curse infestations across the municipality. Individual property visits planned for December to follow up on letters sent to 122 potentially affected landholders in early October.

RECOMMENDATION

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

DECISION

Moved by Clr R Campbell, seconded by Clr D Fish

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

CARRIED

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

14.3 Cultural

Strategic Plan Reference – Page 24

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

Nil.

14.4 Regulatory (Other than Planning Authority Agenda Items)

Strategic Plan Reference – Page 25

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

Nil.

14.5 Climate Change

Strategic Plan Reference – Page 25

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

Nil.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)

15.1 Community Health and Wellbeing

Strategic Plan Reference – Page 26

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

Nil.

15.2 Youth

Strategic Plan Reference – Page 26

4.2.1 Increase the retention of young people in the municipality.

Nil.

15.3 Seniors

Strategic Plan Reference – Page 27

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

Nil.

15.4 Children and Families

Strategic Plan Reference – Page 27

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

Nil.

15.5 Volunteers

Strategic Plan Reference – Page 27

4.5.1 Encourage community members to volunteer.

Nil.

15.6 Access

Strategic Plan Reference – Page 28

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

Nil.

15.7 Public Health

Strategic Plan Reference – Page 28

4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

15.8 Recreation

Strategic Plan Reference – Page 29

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

Nil.

15.9 Education

Strategic Plan Reference – Page 29

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

15.9.1 BAGDAD PRIMARY SCHOOL – VEHICLE PARKING AND TRAFFIC CONGESTION IN SCHOOL PRECINCT

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 5 DECEMBER 2017

Attachment:

B & J Wilson and T & P Barham – letter dated 10th November 2017

Bagdad Primary School Association – letter dated 14th November 2017

Site Map – showing Bagdad Primary School property and adjoining properties

ISSUE

1. To inform Council of the offer made by B & J Wilson and T & P Barham in their letter dated 10th November 2017; and
2. Council to consider and endorse the proposed course of action.

BACKGROUND

The Bagdad Primary School is situated in School Road, Bagdad. The issue of parking in School Road and traffic congestion, particularly in the peak morning and afternoon periods, has been a significant issue for many years. A number of on-site meetings have been held in the past with representatives from the School and the Department of Education with respect to this issue.

Whilst a number of improvements have been undertaken in School Road, it has always been identified that the most appropriate and long-term solution is to acquire land on the southern boundary of the school property for the purpose of constructing an off-road car park and designated bus area.

DETAIL

In reference to the attached letter, the Barham and Wilson families, who own the adjoining land (refer attached map showing Tittle boundaries) have offered the land to Council in anticipation that Council would fund and project manage the construction of this infrastructure. The Bagdad Primary School Association has also written in support of the proposal.

Whilst this is an extremely charitable and generous offer, the question arises as to the extent that Council should become involved in the project. This statement is made on the basis that the car park and bus facility is clearly a Department of Education responsibility and given the current number of students (and anticipated growth) at the School, there is certainly a need to pursue a long-term solution.

The purpose of this report is to initially alert Council to this proposal, and in the first instance, seek Council approval to advance discussions and negotiations with the relevant parties (i.e. Department of Education, Bagdad Primary School and the property owners) with the aim of facilitating an outcome that is acceptable to all parties and can be progressed as a matter of priority.

At this stage it is certainly not possible to even consider providing an estimated cost of construction as the actual size of the carpark (and hence land requirements) cannot be reasonably determined without knowledge of forecasted student numbers; and no precise knowledge of bus and vehicle movement numbers. In addition, the final design and layout will require considerable engineering expertise.

Human Resources & Financial Implications – Refer above detail.

Community Consultation & Public Relations Implications – From a school community perspective, this has been a significant issue for many years. This does provide an opportunity for Council to become involved, initially in a facilitation role, to progress a solution.

Policy Implications – N/A

Priority - Implementation Time Frame – N/A

RECOMMENDATION

THAT:

- a) Council acknowledge the extremely charitable and generous offer;
- b) In the first instance, Council seek to facilitate a communication process that brings together representatives from the Department of Education, Bagdad Primary School (and the School Association) and the property owners; and
- c) A further report, including recommendations, be provided to Council following these initial discussions.

DECISION

Moved by Clr R Campbell, seconded by Clr E Batt

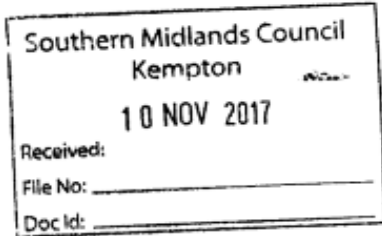
THAT

- a) Council acknowledge the extremely charitable and generous offer;
- b) In the first instance, Council seek to facilitate a communication process that brings together representatives from the Department of Education, Bagdad Primary School (and the School Association) and the property owners; and
- c) A further report, including recommendations, be provided to Council following these initial discussions.

CARRIED

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

ATTACHMENT
Agenda Item 15.9.1



Bob and Joan Wilson
45 Eddington Rd
Bagdad 7030

Tony and Pam Barham
School Rd
Bagdad 7030

Southern Midlands Council
PO Box 21
Oatlands

10-11-17

Vehicle Parking and Traffic Congestion at Bagdad School Precinct

Mayor Mr. Tony Bisdee OA

And Councillors

Dear Councillors,

For many years local residents and members of the School Community have expressed great concern at the ever growing traffic congestion and associated problems in and around the Bagdad Primary School precinct.

Parking, traffic flow and the real danger of accidents causing injury are increasing issues each year.

Many site meetings and discussions have been organised for some years now but no easy solution seems evident .

The core issue to resolving this problem is available space or land.

The Barham and Wilson Families have discussed the potential to make land available adjacent to the school for the establishment of a car park / bus park facility. This offer to the Southern Midlands Council is made in the anticipation that Council fund and project manage the establishment of the facility.

We look forward to meeting with Council representatives to further discuss the offer of a suitable area of land.

Yours Faithfully,


R.T. WILSON



**Bagdad Primary School
Association**

School Road Bagdad 7030
Ph (03) 6268 6127 Fax (03) 6268 6536
Email Bagdad.Primary@education.tas.gov.au



14/11/17

Southern Midlands Council

Mayor Mr Tony Bisdee OA

Councillors

Dear Councillors

The School Association wish to add a voice to Mr & Mrs Wilson and Mr & Mrs Barham.

In past years we have had a problem with parking along School Road, especially when we have our Running Carnival, Cross Country or other family orientated programs.

With our School receiving more Students the parking is getting worse, so much so that cars are actually parking in the bus zone at pick up and drop off time. Now and again we have the local Police do a drive through or just sit and make sure drivers are doing the right thing but they can't be there all the time.

Recently I have written to Council requesting if we could get some blackberry bushes cut back because they are overgrown and cars are having to park further onto the road making it hard for the bus to get passed the cars.

The other problem is when the buses are doing the pick up after School the students have to actually walk in front of the buses to get to the doors in the middle of the road, if the bus isn't blocking the whole road we have had a couple of impatient drivers beep their horns and go around the bus putting the children at risk.

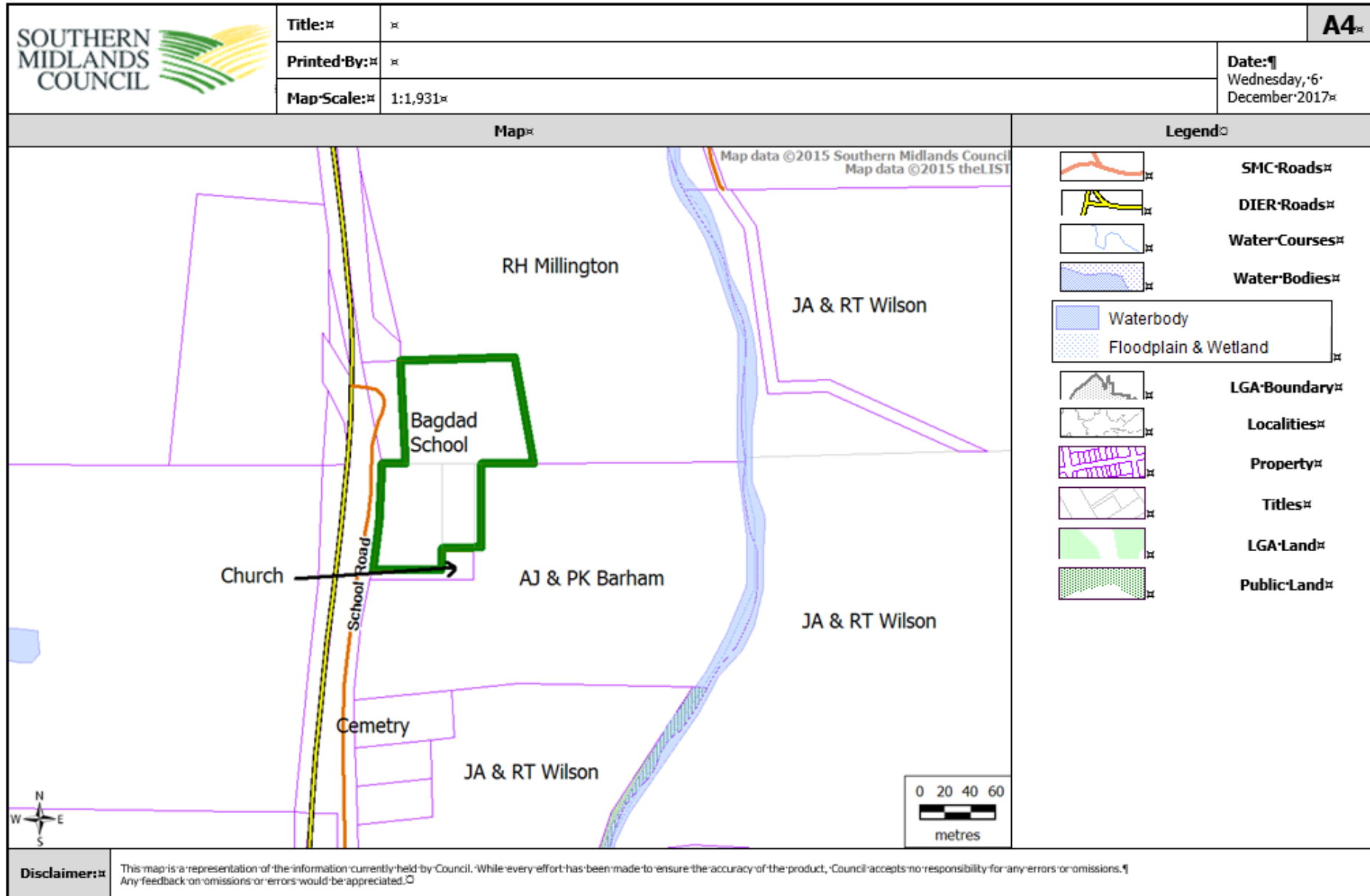
With the land from the Wilsons and Barhams it will take a lot of pressure off School Road and make School drop off and School pick up a lot safer and a tragedy won't have to happen to get something done.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "S. Breen".

Sharon Breen

President
Bagdad Primary School Association



15.10 Animals

Strategic Plan Reference – Page 29

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

15.10.1 ANIMAL MANAGEMENT REPORT

Author: ANIMAL MANAGEMENT/COMPLIANCE OFFICER (HELEN BRYANT)

Date: 5 DECEMBER 2017

Attachment:

Animal Management Statement – November - December 2017

ISSUE

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

The purpose of the report is twofold:

1. To inform Council and the Community of infringements issued by Council Officers in relation to Animal Management for the period November to December 2017; *and*
2. Provide a brief summary of actions and duties undertaken by Council Officers in relation to animal management.

This in turn informs the community of the requirements and expectations of the Council to uphold and enforce the relevant legislation. This reminds Council and the community of the importance of responsible ownership of animals.

The infringements detailed in this report were all issued under the *Dog Control Act 2000*.

Resource Sharing

Southern Midlands Council currently provide Animal Management services to the Central Highlands Council through resource sharing arrangements. Jobs of note are itemised in the enclosed statement.

INFRINGEMENT DETAILS

24 October 2017
WOODSDALE ROAD, LEVENDALE

Two dogs witnessed wandering at large and attacking sheep in Woodsdale Road, Levensdale area. Two lambs injured and later euthanased, Infringements issued.

24 October 2017
ALEXANDER CIRCLE, CAMPANIA

A dog wandering at large in the Alexander Circle, Campania area, attacked and injured another dog. Veterinary attention required for injured dog. Infringements issued.

13 November 2017
REEVE STREET, CAMPANIA

A dog wandering at large in Reeves Street, Campania area, attacked another dog causing serious injuries. Veterinary attention required for injured dog, dog euthanased due to seriousness of injuries. Infringements issued.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Clr D Fish, seconded by Deputy Mayor A Green

THAT the information be received.

CARRIED

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

ATTACHMENT
Agenda Item 15.10.1

**SOUTHERN MIDLANDS COUNCIL
MONTHLY ANIMAL MANAGEMENT STATEMENT
November - December 2017**

DOG IMPOUNDS	RECLAIMED	ADOPTED	EUTHANISED
4	3	1	0
OTHER IMPOUNDS	RECLAIMED	ADOPTED	EUTHANISED
0	0	0	1

JOBS ATTENDED July 2017 – August 2017:

DOGS AT LARGE	DOG ATTACKS	DOG BARKING	DOG GENERAL	NEW KENNEL INSPECT	WELFARE	STOCK	OTHER
10	6	3	3	2	1	10	3
Central Highlands	Central Highlands	Central Highlands 1					

REGISTERED DOGS: 1682
INFRINGEMENTS ISSUED: 3

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

16.1 Retention

Strategic Plan Reference – Page 30

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 Improvement

Strategic Plan Reference – Page 32

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

Nil.

17.2 Sustainability

Strategic Plan Reference – Page 33 & 34

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

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

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 7 DECEMBER 2017

ISSUE

Due to the extended absence of the Administrator of the Common Services Joint Venture, the Joint Venture updates for the months of October, November and December 2017 will be provided at the January 2018 Council meeting.

RECOMMENDATION

THAT the information be received.

RESOLVED that the information be received.

17.2.2 SOUTH CENTRAL SUB-REGION COLLABORATION STRATEGY – STANDING ITEM

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 7 DECEMBER 2017

ISSUE

Standing Item to enable:

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

BACKGROUND

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

DETAIL

The Sub-Region Group has now met on six occasions. The last meeting was held on 4th December 2017 however the Minutes are not yet available from that meeting.

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

Community Consultation & Public Relations Implications – Nil

Policy Implications – N/A

Priority - Implementation Time Frame – Ongoing.

RECOMMENDATION

THAT the information be received.

RESOLVED that the information be received.

17.2.3 COUNCIL COMMITTEES – COUNCILLOR MEMBERSHIP

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 7 DECEMBER 2017

Attachment:

Correspondence from Cllr B Campbell dated 6th December 2017

ISSUE

The attached correspondence has been received from Cllr Bob Campbell in regard to his membership on the following committees of Council.

- Oatlands Aquatic Centre Committee (Proxy)
- Tunnack Recreation Ground Management Committee (Proxy)

Cllr Campbell wishes to relinquish his position on the following committees and requests that an alternative replacement be nominated as soon as possible.

General Manager's Comments:

Oatlands Aquatic Centre Committee – this is not a formal Committee of Council. The Committee, which is chaired by Mayor Bisdee OAM, is viewed as a working group that primarily consists of community representatives. It was established for the purpose of providing feedback and input into the concept design plans being prepared by the Project Architect (Rick Bzowy). No decision has been made, or consideration even given to the long-term role (if any) of the Committee. In light of this, the appointment of a replacement proxy may not be warranted.

Tunnack Recreation Ground Management Committee – this is a formal Special Committee of Council which is responsible for the management and operation of the Tunnack Recreation Ground (also known as the Blue Haven Retreat). It is the home of the 'Blue Gum Rovers'. One of the main reasons for the Committee is to ensure that there is local representation and local knowledge available to assist with the development and maintenance of the property. It should be noted that the majority of works are undertaken on a voluntary basis by the Blue Gum Rovers (who are represented on the Council Committee). It is generally accepted that the Committee only meets on an 'as-required' basis should any issues arise or direction is sought. Council's current representative is Mayor Bisdee OAM.

RECOMMENDATION

THAT Council:

- a) appoint a replacement proxy representative to the Tunnack Recreation Ground Management Committee; and
- b) consider the need to appoint a replacement proxy representative to the Oatlands Aquatic Centre Committee / Working Group.

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr D Marshall

THAT Council:

- a) appoint Cllr E Batt as the replacement proxy representative to the Tunnack Recreation Ground Management Committee; and
- b) confirm that a replacement proxy representative to the Oatlands Aquatic Centre Committee / Working Group is not required.

CARRIED

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

ATTACHMENT

Agenda Item 17.2.3

Re Committees Southern Midlands Council / Tim Kirkwood

Councillor Campbell wishes to relinquish his position on the following committees:

- a/ Oatlands Aquatic Centre Committee (proxy).
- b/ Tunnack Recreation Ground Management Committee.

As a councillor one can no longer do justice for the people re the current time and position hence it is better hand the position on to another councillor (*sooner not later*).

Yours,



Councillor Bob Campbell

Dated this day Wednesday the sixth day December 2017

17.2.4 COMMUNITY SHED OATLANDS – COMMITTEE MEMBERSHIP

Author: DEPUTY GENERAL MANAGER / MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (ANDREW BENSON)

Date: 7 DECEMBER 2017

Attachment(s):

*Memorandum of Understanding
Community Shed Oatlands - Structure*

BACKGROUND

The Community Shed Oatlands operates as a s24 Committee under the *Local Government Act 1993*. This means that it is a Committee made up of Elected Members plus Community/Special Members. The Community Shed Oatlands operates under a Memorandum of Understanding with Council.

Committee Membership:

Chairman (SMC Councillor)	Clr Fish
Proxy for Chairman (SMC Councillor)	Clr Campbell

Community Representatives

Oatlands District High School Rep	Mary-Ann Orchard
Rural Alive & Well Inc Rep	Darren Thurlow
SM Rural Primary Health Service Rep	vacant
Tasmanian Police Rep	Sgt Rob Cooke
General Community Member Rep	Eleanor Bjorksten

Southern Midlands Council

Deputy General Manager	Andrew Benson
Community Development Officer	Michelle Webster

DETAIL

Over the last two meetings there has not been a quorum, this is due to

1. The SM Rural Primary Health Rep position not being filled as that organisation does not now exist;
2. The Rural Alive & Well (RAW) Rep (Darren Thurlow) is not available on many occasions due to workload commitments; and
3. The Tasmania Police Rep (Sgt Rob Cooke) is not available on many occasions due to workload commitments.

This is a little frustrating when the Committee is trying to transact business eg change of bank account signatories and no quorum is available to make the decisions.

It is acknowledged that both the Tasmania Police and RAW reps are valuable contributors to the activities of the Committee and the Shed, with it also providing a valuable linkage to the broader Community for both of these officers. We value their membership and understand the pressures on them to deliver their primary role in the Community. The Shed will always be secondary in that respect. Therefore the only way to be able to

conduct the business of the Shed Committee is to add more members and reduce the quorum.

Human Resources & Financial Implications – Nil.

Community Consultation & Public Relations Implications - These matters are supported by the Committee.

Policy Implications – Nil.

Priority - Implementation Time Frame - Implement the decision as soon as possible.

RECOMMENDATION

That Council

1. Note the Report;
2. Reduce the existing quorum from four to three Members and document it in the Memorandum of Understanding;
3. The vacancy for RPHS be changed to, Membership by a Health Service, therefore recommend Tracey Turale Health Promotion Coordinator Central Highlands & Southern Midlands be appointed to that position;
4. An additional Community Rep position be established with the person taking up that person being Penny Duggan.

DECISION

Moved by Clr R Campbell, seconded by Clr D Fish

THAT Council:

1. **Note the Report;**
2. **Reduce the existing quorum from four to three Members and document it in the Memorandum of Understanding;**
3. **The vacancy for RPHS be changed to, Membership by a Health Service, therefore recommend Tracey Turale Health Promotion Coordinator Central Highlands & Southern Midlands be appointed to that position;**
4. **An additional Community Rep position be established with the person taking up that person being Penny Duggan.**

CARRIED

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

ATTACHMENT

Agenda Item 17.2.4



**MEMORANDUM OF UNDERSTANDING
BETWEEN**

Southern Midlands Council

&

**Community Shed - Oatlands
Management Committee**

Prepared by

Community & Corporate Development
a business unit of the Southern Midlands Council



June 2016



This Memorandum of Understanding is the revision of the inaugural MOU established on the 23rd day of July 2008

BETWEEN the Southern Midlands Council and the Community Shed - Oatlands Management Committee.

This memorandum is effective from 1st July 2016 and outlines the ongoing arrangements for the effective management of Council owned property by the Management Committee and shall be subject to review in five years then at every five year interval.

Community Shed Oatlands Committee Management Committee

Committee Membership

Chairman (SMC Councillor)

Proxy for Chairman (SMC Councillor)

Community Representatives

Oatlands District High School Rep

Rural Alive & Well Inc Rep

SM Rural Primary Health Service Rep

Tasmanian Police Rep

General Community Member Rep

SMC Community Development Officer

Facility Description

The building and surrounding land at Glenelg Street Oatlands (refer Appendix C).

Building Maintenance Program

The Council and the Management Committee agree that a building maintenance program shall be determined by the Council in consultation with the Management Committee for any Council expenditure on maintenance requirements for the facility. The normal Maintenance Responsibilities for Council buildings is attached as Appendix D.

Council Responsibilities

Council will:

1. Allow the Management Committee to manage and maintain the facility without undue interference.
2. Undertake to keep current insurance protection on the building and Council owned contents (where applicable), including public liability insurance.
3. Agree to support and auspice the Management Committee to undertake any maintenance projects that are listed in the annual building maintenance program for the facility.
4. Agree to be fair and reasonable on any issues under dispute.
5. Provide reasonable notice of any changes it intends to make in respect of management or operational changes for the facility.



Management Committee Responsibilities

The Management Committee will:

1. Maintain the facility in good repair to the satisfaction of the Council;
2. Ensure that the committee conducts its business in accordance with council's requirements. (see Appendices A and B);
3. Report any damage to the facility to Council;
4. Obtain written approval from Council before undertaking any capital improvements to the facility;
5. Allow Council representatives to enter and inspect the condition of the facility at all reasonable times;
6. Only allow usage of the facility for authorised activities. Any other activities/special events must be referred to Council for approval;
7. All end of year financial records (as at 30 June) are to be made available to Council for audit purposes by 31 July each year in a format required by Council;
8. Prohibit the consumption of alcohol within the facility unless the Committee/hirer has obtained a liquor permit (if alcohol is to be sold) or the permission of Council or an approved officer (General Manager) has been obtained (if alcohol is to be consumed);
9. Keep the interior and exterior of the facility and all fixtures and fittings of whatsoever kind or nature and all paint works and interior decorating and all windows, pipes, drains (excluding main drains) and other water sanitary apparatus and all electrical appliances in and upon the premises in good and tenable state of repair and condition (fair wear and tear and damage by fire and storm excepted);
10. Pay for any materials associated with minor maintenance of the facility;
11. Ensure all contractors and service providers utilised by the Management Committee have a current public liability insurance policy for a minimum amount of \$10 million dollars;
12. Provide Council with all original documentation for Goods and Services Tax reporting purposes;
13. Allow Council to undertake a risk assessment of the facility at least every six months in accordance with the procedures and forms adopted by Council;
14. Ensure all volunteers (who are not committee members) sign the SMC Volunteer Register before commencing volunteer duties;
15. Ensure that all external signage is submitted to Council and to be approved by the Manager Development & Environmental Services prior to erecting;
16. Ensure that the premises are kept in a neat and tidy condition at all times;
17. Ensure that all noise, dust, fumes, smell and other pollutants emitted from the property in general are not to cause annoyance to owners / occupiers in the vicinity and shall comply with the Environmental Management and Pollution Control Act 1994;
18. Ensure that all materials or goods stored in the open on the site shall be screened from view from people on adjoining properties, roads and reserves to the satisfaction of the Manager Development & Environmental Services;



19. Ensure that the loading and unloading of vehicles and the storage of vehicles or materials shall be contained within the property boundaries and not on part of any road reserve or adjoining land;
20. The hours of operation shall be agreed and approved from time to time by the Manager Development & Environmental Services. In the first instance the Management Committee shall write to the Manager Development & Environmental Services and set out the desired opening/operating hours/days for approval. If any hours/days are beyond normal working hours/time due consideration of the neighbouring residents is required to be taken into account. Further any complaints raised by neighbouring residents shall be communicated to the Manager Development & Environmental Services as a matter of urgency and an investigation shall be undertaken by the Manager Development & Environmental Services.

Breach of the Memorandum

The Council and Management Committee agree that in the event of a significant and continuing breach that it shall be lawful for Council to assume responsibility for the facility and the funds held by the Management Committee.

Cancellation of the Memorandum

The Council and the Management Committee agree that if either party wishes to cancel this memorandum they shall give written notification to the other party at least three months in advance and that upon cancellation Council shall assume responsibility for the facility

Dispute Resolution

Any dispute between the parties to the terms of this memorandum or the performance of the parties pursuant to the memorandum will be resolved by negotiations or if this fails it will be mediated by an independent professional mediator.



Signatures

Signed by the General Manager of the Southern Midlands Council, under delegated authority

A handwritten signature in blue ink, appearing to read 'T F Kirkwood'.

General Manager T F Kirkwood Date 8th June 2016

in the presence of

A handwritten signature in blue ink, appearing to read 'A T Benson'.

Witness A T Benson Date 8th June 2016

Signed on behalf of the Community Shed - Oatlands Management Committee

A handwritten signature in blue ink, appearing to read 'D. J. Fish'.

Chairman Clr Don Fish Date 8th June 2016

A handwritten signature in blue ink, appearing to read 'K Woodward'.

Committee Member Kelly Woodward Date 8th June 2016



Appendix A Requirements for Management Committees

Council is required to ensure that committees that operate under its auspice operate in accordance with the following procedures in managing their affairs:

1. An annual meeting is to be conducted no later than 30th September each year. Council is to be given at least 21 days notice of such to enable the date thereof to be included with its normal Saturday advertising. The Management Committee shall also place such notice on a community noticeboard were available and/or local shop/business where community notices are regularly displayed or if no such localities are available then in a prominent position at the facility. The business for the annual meeting shall include:
 - Adoption of the Audited Financial Statement for the previous financial year.
 - Appointment of Office Bearers. As a minimum the annual meeting needs to appoint a Chairman, Deputy Chairman and Secretary/Treasurer and two (2) other members.

2. After the annual meeting the committee is to inform Council by no later than 31 October of the names of all committee members so that Council can formalise the appointment of the committee.

Also every new committee member needs to complete a Member / Volunteer Information Form and a signed copy is to be returned to Council by 31 October each year. This will ensure each committee member is registered for insurance purposes whilst undertaking duties on behalf of the Management Committee.

3. The committee is to meet at times determined by the Committee, (not exceeding three months). The business for each ordinary meeting shall include:
 - Confirmation of minutes from the previous meeting.
 - Approval of any accounts for payment.
 - Presentation of the financial statement for the year to date.

A quorum for an ordinary meeting is a simple majority of members. Each Committee member has one vote and resolutions are to be decided on a simple majority.

4. Committee members are responsible for ensuring that any pecuniary interest they have in a matter is declared and that they leave the meeting whilst this matter is discussed by the committee. Pecuniary interest is defined by the Local Government Act 1993.
5. Minutes of all ordinary and annual meetings are to be kept and a copy of these minutes is to be provided to Council prior to the next regular meeting along with the financial records. The President is to sign the minutes after they have been confirmed.
6. The committee may appoint new members to the committee as it sees fit. New members will need to complete the Volunteer Information Form and return this to Council as soon as possible.
7. The resignation of a committee member becomes effective upon being provided in writing to the Secretary or President.



8. The Management Committee and all volunteers are bound by all legal/legislative requirements, including Council Workplace Health & Safety Policies, Risk Management Policies/Procedures as well as other related Council policies.
9. The committee shall undertake its financial operations in accordance with the procedures set out in Appendix B



Appendix B Financial Operations of Management Committees

These procedures have been prepared to assist Management Committees auspiced by Council in meeting their financial obligations.

It is intended that these are the minimum requirements and apply to all Management Committees auspiced by Council.

It is the responsibility of every Management Committee (as per the MOU) to ensure the funds of the committee are secure by employing basic risk management practices in operating committee accounts i.e. by ensuring that:

1. Proper accounting procedures are in place
2. Proper reporting processes are in place
3. The annual audit is conducted in a timely manner
4. Risk Management procedures are in place

In order to meet these requirements committee's should ensure the following:

1. Regular meetings and financial reporting

- 1.1. Minute books are to show that meetings have been held at least every three months as per your MOU.
- 1.2. A Treasurers Report (Financial Statement for the year to date) is to be presented at each committee meeting, and as a minimum should comprise of:
 - o Receipts and expenditure for the period,
 - o A reconciliation back to the bank statement balance
 - o Bank statement verifying the bank balance
- 1.3. The minutes of the meeting are to record that the above reports were tabled and endorsed by the committee. The Chairman is to sign both the Treasurer's Report and the Bank statement.

2. Audit of financial accounts

- 2.1. The following financial records are required to be kept and submitted for audit:
 - Committee's Cash Book (Receipts & Payments) with transactions recorded in Council's standard format
 - All banks statements for the year for all accounts held by the committee, including investment accounts.
 - Documentation such as original Tax Invoices and Receipts verifying all transactions for the year
 - All cheque and deposit books used during the year
 - Reconciliations for any petty cash used throughout the year
- 2.2 The financial records for audit are to be received by Council no later than the 31st July.
- 2.3 Also to be sent in with the financial records for audit are:
 - Minute books



- All completed forms, copies of hirers Public Liability Insurance and Casual Insurance Forms for the year
- Committee meeting Treasurers Reports signed by Chairman

3 Reporting of audited financial statements

3.1 The Treasurer should submit the audited "Statement of Receipts and Payments" and the audit report to the AGM, which is to be held as soon as possible after the audit is completed.

3.2 All copies of the "Statement of Receipts and Payments" must be signed, one is kept with the committee's records and one is to be sent back to council as soon as possible after signing.

4 Risk Management

4.1 Cheques must be signed by two signatories. These signatories should not be partners and where possible not members of the same immediate family.

4.2 Accounts should be presented to meetings for approval prior to payment if possible or confirmed at the very next meeting where prior authorization is not possible.

4.3 Surplus funds e.g. funds over and above short term (i.e. 3-6 months) operating requirements should be invested in a term deposit or other interest bearing investment account.

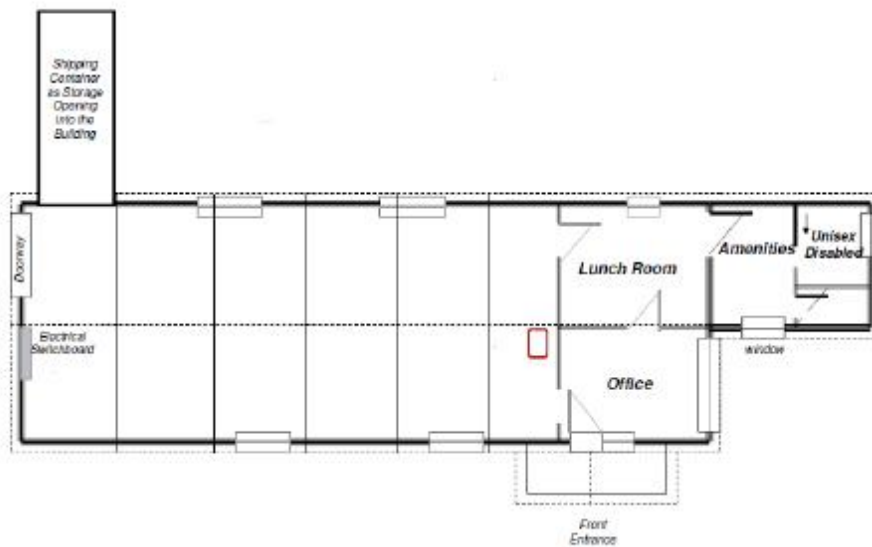
4.4 Council's corporate bank is the preferred bank for Management Committee cheque accounts. Approval must be sought from Council's Finance Officer for operating a bank account including investments with any other financial institution.



Appendix C Site / Building Plan



Site Plan



Building Plan



Appendix D Maintenance Responsibilities

The Committee will be responsible for all minor repairs, cleaning and maintenance. Major repairs and maintenance will be carried out by Council.

ITEM	COMMITTEE'S RESPONSIBILITY	COUNCIL'S RESPONSIBILITY
1. Heating Fixtures	Payment of all gas and electricity bills, servicing, replacing and repairing when required.	No responsibility.
2. Building Alterations	For determining and documenting the specific needs of the building relating to any requests to Council for building alterations.	For assessing all requests submitted and if approved by Council, ensuring satisfactory completion of work by the responsible parties.
3. Curtains and Blinds	Regular cleaning and repair.	No responsibility.
4. Ceiling	Repairs due to foreseeable misuse.	Major repair and/or replacement due to structural faults, age etc.
5. Doors (including cupboard doors and door fittings).	Regular cleaning and repair of internal doors due to foreseeable misuse.	Replacement due to age or structural fault. Repairs on all external doors.
6. Electrical wiring and fittings in buildings	Repair and replacement due to foreseeable misuse.	All building wiring from main supply to and including the switchboard, power points, switches and light fittings.
7. Fire Extinguishers	To fill when discharged.	For annual maintenance and replacement due to age.
8. Floor surfaces and coverings	All regular cleaning and maintenance.	No responsibility.
9. Glass	To keep clean and replace internal breakages.	To replace externally when breakage occurs due to vandalism.
10. Vandalism	No external responsibility.	Removal of graffiti from external areas and other associated grounds work - as determined by Council.
11. Keys, Locks	Responsible for keys issued by Council.	Purchase, install and maintain all locks.
12. Training Lights	Total responsibility for purchase, installation, utility costs, repairs and maintenance.	No responsibility.
13. Security System	Purchase, installation, service and maintenance. To be compatible to Council's Master Key System.	No responsibility.
14. Light Globes and fittings (external)	No responsibility	For replacement and maintenance when required.
15. Light Globes (internal)	Replacement	Repair faulty fittings.
16. Plumbing and Fixtures	Cost of internal repairs due to foreseeable misuse, and any add-on fixtures not standard within the building.	Repair and renewal of all plumbing fixtures.

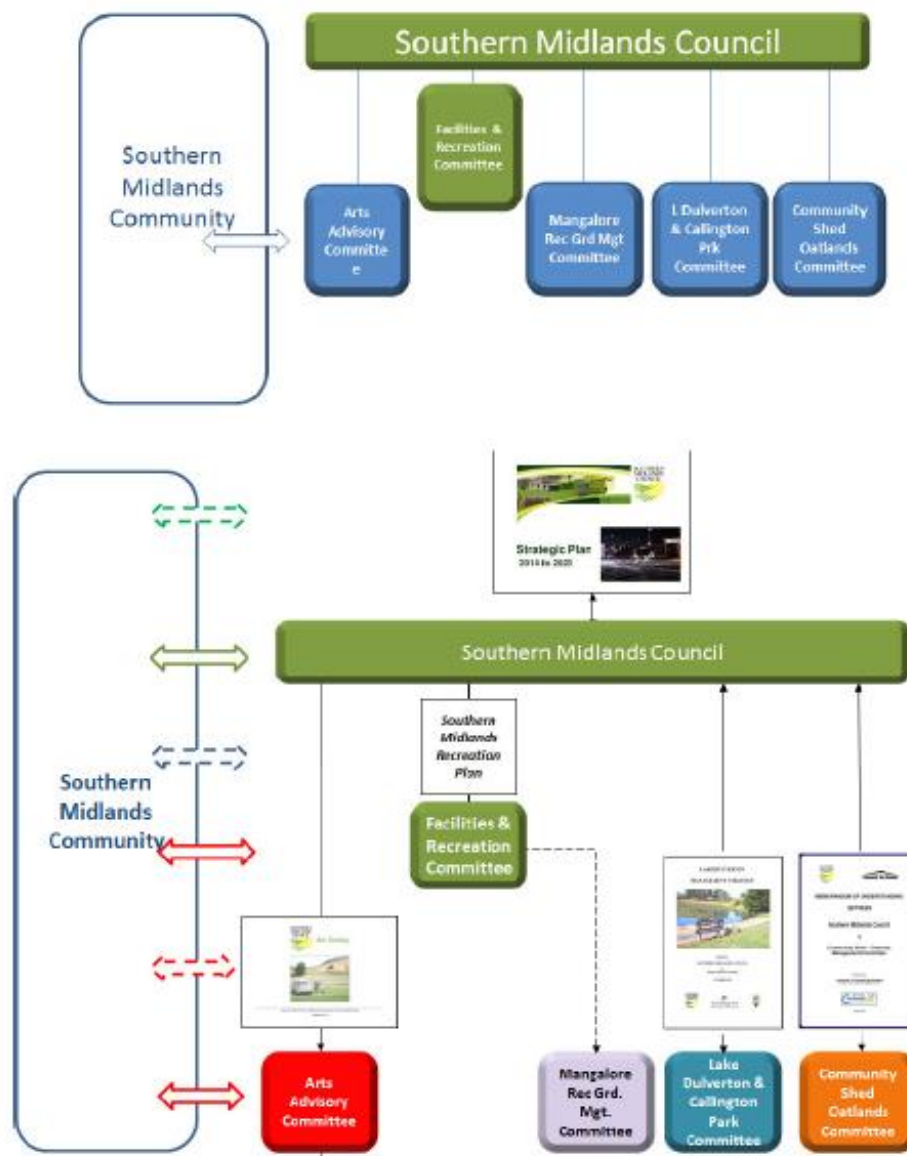


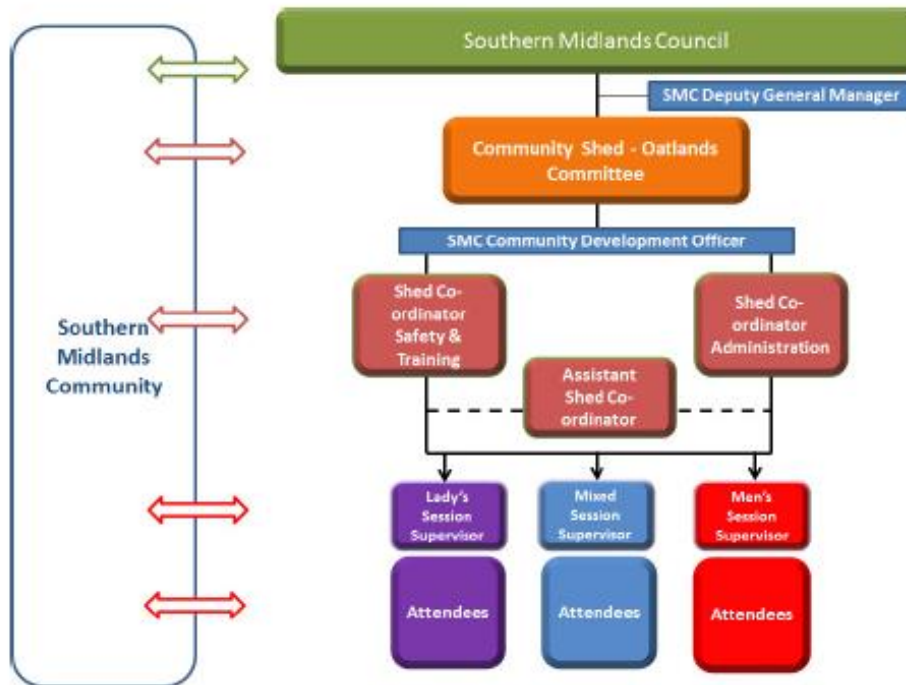
17. Plumbing waste pipes and drains	Keep them clear of foreign objects, mud etc and clear if blocked by these materials.	General maintenance.
18. Other permanent fixtures	Regular cleaning of all fixtures and repair/or replace if due to foreseeable misuse.	No responsibility.
19. Hygiene	To keep all areas in a clean and hygienic state.	No responsibility.
20. Painting	Internal painting if damaged through foreseeable misuse.	Internal and external painting on as needed basis.
21. Roofs	No responsibility.	All maintenance and repair as required.
22. Skylights	No responsibility.	All maintenance and repair as required.
23. Walls	Regular cleaning and repair if damaged through foreseeable misuse of internal walls.	Structural maintenance.
24. Building External	No responsibility.	General maintenance.
25. Food Handling areas and equipment	To comply with the relevant Health Acts and maintain such equipment required under the Health Act.	No responsibility.



Appendix E Community Shed Oatlands Framework and Structure

Community Shed Oatlands *What / Who are We ? Where do we fit?*





Community Engagement & Sustainability in the Southern Midlands



Community & Corporate Development
a commitment of Southern Midlands Council
Assisting in Building Opportunity & Sustainability
in the Southern Midlands



Community Shed Oatlands

Presented to the Committee

by

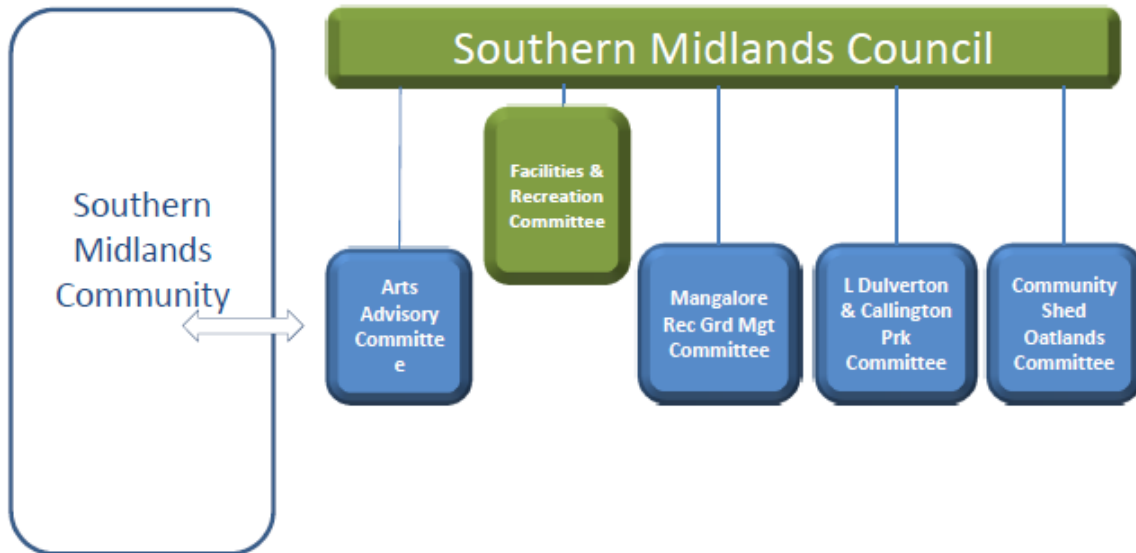
Andrew Benson

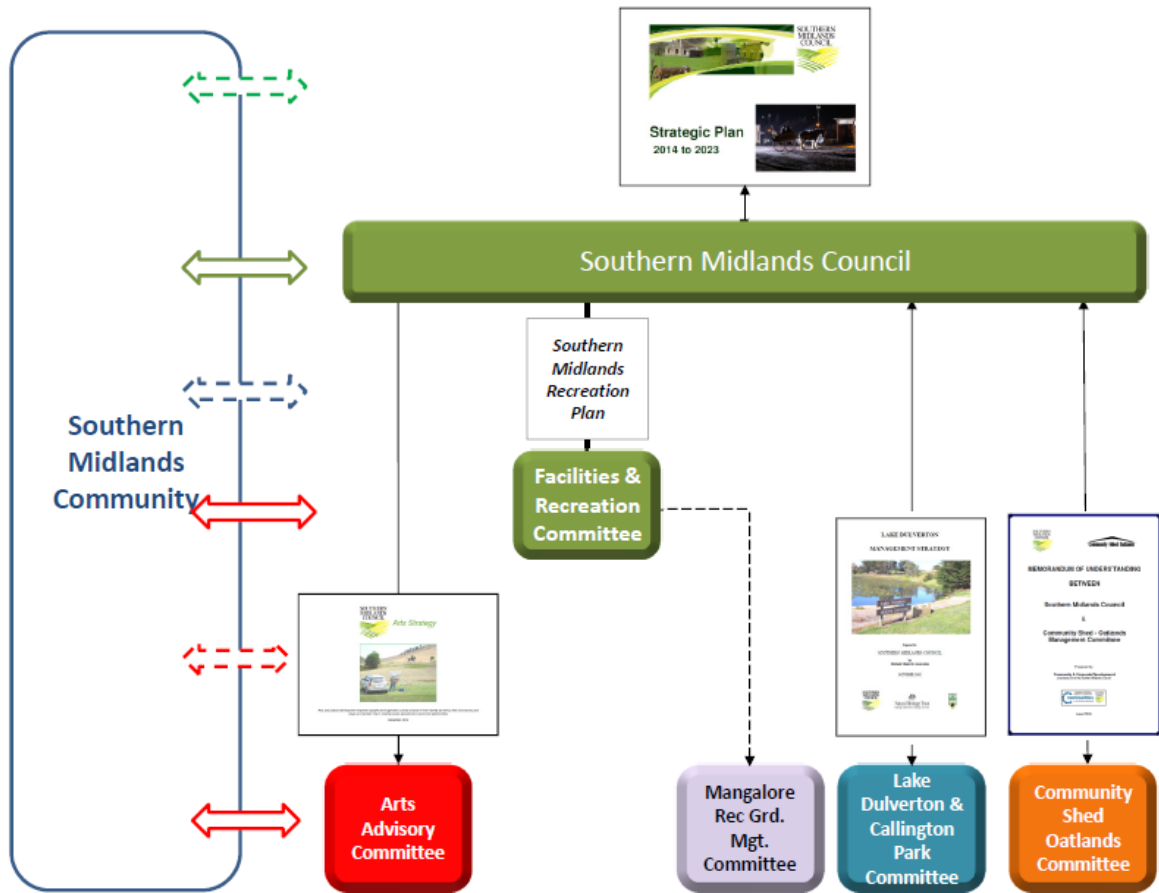
Deputy General Manager

October 2017

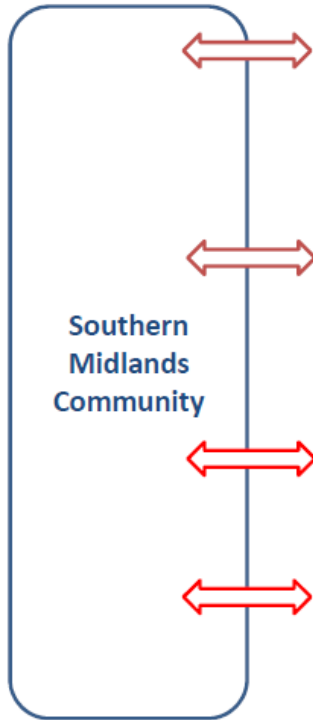
Community Shed Oatlands

What / Who are We ? Where do we fit?

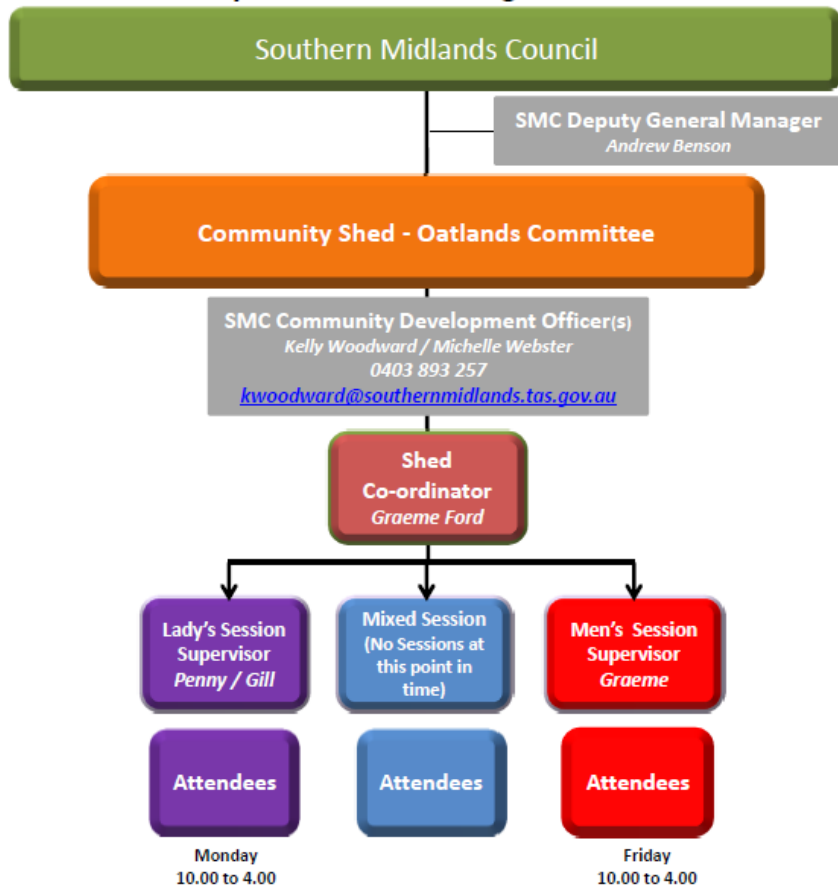




October 2017



Community Shed Oatlands – Organisation Structure





Community Engagement & Sustainability in the Southern Midlands



Community & Corporate Development
a business unit of Southern Midlands Council
*Assisting in Building Capacity & Sustainability
in the Southern Midlands*

Public Question Time (3.30 p.m.)

Ten (10) members of the public were in attendance during Public Question Time.

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

Mayor A E Bisdee OAM then invited questions from members of the public in attendance.

John Hay – Green Ponds Progress Association

Question regarding correspondence sent to Council in relation to a request for a community bus.

The General Manager advised that this item will be considered and a report put to the January 2018 Council meeting.

Question regarding the grandstand at Kempton Recreation Ground and maintenance required.

The General Manager advised that these works will be assessed as part of the maintenance program.

Question regarding dogs on the Kempton Recreation Ground.

The General Manager advised that additional signage is to be erected advising that dogs are not permitted on the playing surface within the Recreation Ground property.

Robert Chapman - Oatlands

Question regarding the Mill site and is it fully closed? Is there public access to the granary/interpretation building etc.?

The Mayor advised that the Visitor Centre/Mill Cafe is now permanently closed but milling operations are continuing as normal. The General Manager further advised that the granary building and toilets are open to the public on the days Mill/packing staff are on-site.

Question regarding the Aquatic Centre development and following research on other Councils that run local pools, the general conclusion is that Council's run pools at a loss. What will be the rate burden?

The General Manager advised that Council are yet to determine the final running expenses for the new aquatic centre development and this will be considered in full detail in the new-year. It was further indicated that basically all Council pools, including community halls, recreation grounds and similar community infrastructure incur a loss. This is based on the recognition that these are community services generally provided and funded by local government services.

Rowena McDougall - Baden

Question as to why Council have a planning scheme with special provisions, specifically in regard to the Oatlands Aquatic Centre development which will have eco ply that does not comply with the heritage code.

Ms McDougall advised that she is struggling to understand the logic, common sense and the equity. Where do Council draw the line, I thought a planning scheme applied to every proponent equally? It appears to be applied to everyone else but not applied to a Council development.

The Mayor advised that the development has been fully assessed and it is considered appropriate. The General Manager commented that the development application has now been approved by Council and any subsequent debate or discussion should take place through the appeal process that is available to respondents.

Jayne Paterson - Oatlands

Circulated a handout to Councillors showing how the Aquatic Centre plant room will look from South Parade.

Question regarding the Building Assets Schedule and the property shown as 'Works-Oatlands – South Parade, Oatlands – use as Administration'. Believes this is used by the community car for the RSL. Is this a sweetheart deal with the RSL and are they paying any rent to Council?

The General Manager advised that this building is used to house the Oatlands RSL Sub-Branch transport vehicle. It was confirmed that no rental is charged recognising the community benefit.

Asking the question on behalf of someone else - is the Council in the process of acquiring 9 Barrack Street?

The General Manager advised that 9 Barrack Street is the Police residence property that adjoins the Oatlands Gaolers residence. Whilst Council is not purchasing the entire property, consideration is to be given to purchasing a small section along the rear boundary (approx. 130 m2) which is presently fenced within the Gaol property. Setback of the fence was done a number of years ago with consent from Tas Police however given that the property is likely to be sold, it is appropriate that the boundary be formally adjusted between the two properties.

Margaret Headlam - Tunbridge

Following closure of the Mill café, what decisions did you make as to where people will go and where are they directed to and how it is explained that it is closed?

It was advised that signage and information notices have been placed on the doors at the Visitor Centre. Council has also had communications with all business operators that wish to stock Council tourism related brochures. In addition, the Oatlands Newsagency has introduced a 'visitor information' service and will be operating consistent with being a 'white i' service.

Craig Williams- Rekuna

The intersection at the end of Tea Tree Road (Department of State Growth Road) is a hazard when turning right into Tea Tree Road (travelling from Campania to Richmond). The left hand side needs to be made 'no parking' and a sealed section to turn into Tea Tree Road.

Issue to be referred to the Department of State Growth for consideration.

Blackbrush Road / Banticks Road junction – when turning into Bantick's Road there is a steep drop off section. This causes vehicles to cut the corner. Would Council consider sealing a short section and linemarking the junction?

Location to be assessed.

When are the trees on 1384 Tea Tree Road getting planted? It is a month past the due date and nothing has happened.

David Cundall (Manager Development & Environment Services) advised that the Landowner has been put on notice, majority of the trees are dead. Council will action.

Question regarding containers located on the same site and the \$318.00 fine for 17 containers. Is this fine per day, per container etc?

It was advised that Council will provide a written response.

Terry Loftus – Southern Midlands Regional News

A Media Enquiry was submitted on the 16th November requesting a number of Council documents, when will these be made available?

The General Manager advised that some of the documents requested have been previously provided to Southern Midlands Regional News.

Glenda Pengelly - Tunbridge

Expressed her appreciation to Mayor Bisdee regarding his assistance with Telstra to try and rectify the problems being experienced in the Tunbridge area.

Advice that a deceleration lane is required when departing Tunbridge (southern entrance). It is very dangerous trying to pull out onto the highway.

Issue to be referred to the Department of State Growth for consideration.

Mrs Pengelly informed the meeting that she has volunteered as a visitor guide for Oatlands by registering her details on a particular website (specific details not available).

Advice of a fire hazard at the end of Victoria Street, Tunbridge (Crown land) - high grass and this fire hazard needs attention.

Council will investigate and action.

Advice that Northern Midlands Council will pay Southern Midlands Council to maintain an area near the Tunbridge bridge.

Craig Williams – Rekuna

Questioned why residents in the Rekuna / Tea Tree area don't have a roadside collection service?

The General Manager advised that a cost can be obtained from Council's Contractor to provide the service in this location. A survey of residents will then be undertaken to confirm that ratepayers in this location are prepared to pay the additional annual charge. The outcomes of the survey will be used as the basis for determining whether the service will be introduced.

*The meeting was adjourned for a short break at 4.06 p.m.
The meeting reconvened at 4.22 p.m.*

17.2.5 SOUTHERN MIDLANDS COMMUNITY SMALL GRANTS 2017/18

Author: DEPUTY GENERAL MANAGER / MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (ANDREW BENSON)

Date: 7 DECEMBER 2017

ISSUE

Council has conducted a Community Small Grants program since 2008. The main aim of the program is to streamline and condense the many requests for financial support received from various community groups, charitable organisations and service providers throughout the year. The program has proven to be very popular with all the target groups and excellent goodwill is gleaned from the successful grant recipients. Additional kudos has been obtained in recent years by having large “grant cheques” presented at the Australia Day function in January. It is noted that decisions in respect of the granting of funds to these applicants is made by the Facilities & Recreation Committee, with a recommendation to Council to adopt the Committee’s recommendation.

In 2017 the timeline of calling for applications along with the assessment process is detailed below;

Advertisement in “Mercury”	Saturday 29 th July 2017
Grant applications open	Monday 31 st July 2017
Grant applications close	Monday 28 th August 2017 (4.00pm)
Confirmation letter acknowledging receipt of applications	Wednesday 30 th August 2017
Facilities & Recreation Committee Agenda closes	Thursday 7 th September 2017
Facilities & Recreation Committee meeting [For assessment of applications] 10 am start time	Thursday 14 th September 2017
Full Council meeting Agenda closes	Thursday 21 st September 2017
Full Council meeting – Oatlands [To consider recommendations from the Facilities & Recreation Committee]	Wednesday 27 th September 2017
Successful / Unsuccessful letters to grant applicants	Week commencing 2 nd October 2017

The process for the SM Community Grants Program 2017 was reported to Council at the September 2017 Council meeting and the allocation of funds as assessed and recommended by the Facilities & Recreation Committee was approved by Council. The next tranche of the process is to formally recognise the successful grant applicants at the SMC Australia Day ceremony with announcements and the presentation of “the Big Cheque” to the organisation’s representative.

The following matrix provides a summary of the successful applicants, and it should be noted that every organisation that submitted an application was the beneficiary of a funding allocation.

SUMMARY

SMC Community Small Grants 2017 (GST inclusive)

Item	Group/Club	Auspiced by	Project	Registered for GST	GST on the "Sought" Amount	GST on the "Will Accept" amount	Project Cost	Grant Sought	Will Accept	Recommend to be Approved by Council	Priority (1 = highest)
1	Colebrook Progress Assn		Youth Group Activites	No			\$ 2,929.00	\$ 2,800.00	\$ 2,000.00	\$ 2,800.00	1
2	Broadmarsh Elderslie Progress Assn		Heating for the Broadmarsh Hall	No			\$ 3,350.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	2
3	Elderslie Golf Club		Pump and associated equipment	Yes	\$ 273.00	\$ 272.73	\$ 4,745.00	\$ 3,000.00	\$ 3,000.00	\$ 2,727.00	3
4	Oatlands Golf Club		Club house repairs	No			\$ 4,430.00	\$ 3,000.00	\$ 2,000.00	\$ 3,000.00	4
5	Brighton & Green Ponds RSL		Installing service hatch at the RSL / Hall	No			\$ 3,513.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	5
6	Oatlands District Historical Society		Replacment of the front windows	Yes	\$ 273.00	\$ 255.82	\$ 3,250.00	\$ 3,000.00	\$ 2,814.00	\$ 2,727.00	6
7	Oatlands Ex Service & Community Club		New floor coverings	Yes	\$ 273.00	\$ 181.82	\$ 3,575.00	\$ 3,000.00	\$ 2,000.00	\$ 2,727.00	7
8	Oatlands Community Assn		Website portal development	No			\$ 5,683.00	\$ 2,693.00	\$ 1,795.00	\$ 2,693.00	8
9	Elderslie Golf Club		Automated External Defibrillator (AED)	Yes	\$ -	\$ -	\$ 2,850.00	\$ 2,850.00	\$ 1,995.00	\$ 2,850.00	9
10	Colebrook Progress Assn		Coffee machine for the Colebrook Hall	No			\$ 2,673.00	\$ 2,673.00	\$ 2,560.00	\$ 2,673.00	10
11	Stepping Stone Equine Hoof Care	OCA	Horse care workshop	No			\$ 5,020.00	\$ 3,000.00	\$ 2,800.00	\$ 1,000.00	11
				Totals	\$ 819.00	\$ 710.36	\$ 42,018.00	\$ 32,016.00	\$ 26,964.00	\$ 29,197.00	

It is noted that where an organisation is registered for GST, they are able to claim back their GST component of the grant and therefore their eligible GST has been deducted from the grant payment request as shown in the "Recommended to be Approved" column.

In summary the SM Community Small Grant Program 2017 was conducted in a professional manner and there are eleven Community groups in the Southern Midlands that are now able to add additional value to their respective Communities because Council recognises the importance of the work that they do and are willing to support that effort.

DETAIL

Alas, a problem has arisen. On Thursday 30th November 2017 a document came across the Deputy General Manager's (DGM) desk. It was a Grant Application for the SM Community Small Grants Program 2017 from the Levensdale Hall Committee Inc. It was noted that the Council receipt date stamp on the document was 22nd August 2017 (well within the receipting period for the Program's Grant Applications). Upon investigation, it is understood that the document had been "tangled up" in Council's electronic records management system and never arrived at the DGM's desk with the other applications. It is the DGM's view that "tangled up" could very well be an "infinity based" technical term and given the recent upgrade of the InfoXpert records management system and its transition to the Magic records management system, this document could have been "parked" waiting for its dispatch to the DGM. As an aside it is confirmed that there appears to be no other correspondence in that same category of "tangled up" in the RMS.

The Levensdale Hall Committee application was for repairs and sanding of the Hall floors based on a quotation for \$5920.00.

In Council's Application form there are two questions about the funding request amount.

Question One
"What is the Grant Amount Requested?"

and to assist Council with funding allocation a further question is asked

Question Two
"Council may not be able to fund the full amount requested .Please advise the minimum amount that would still allow the project to continue \$ _____"

The Levensdale Application had the following two responses to those questions

Question One - \$3,000
Question Two - \$1,500

What do we do about the Levensdale Application?

Following discussions with the Chairman of the Facilities & Recreation Committee, Cllr Don Fish, along with his fellow Committee Members, Cllr Edwin Batt and Cllr Tony Bantick it was agreed that a report be prepared for Council's consideration, with a recommendation from the Members of the Facilities & Recreation Committee that the sum of \$1,500.00 be granted to the Levensdale Hall Committee for their project.

It is noted that there was an under-spend on the SM Community Small Grant Program 2017 budget of \$803.00. Therefore to make up the \$1,500 for the Levensdale grant payment would require an additional \$697.00. These additional funds could be drawn from the Facilities & Recreation Committee maintenance budget, or be an accrued payment against next year's budget allocation for the 2018 SM Community Small Grants Program or from the general Council budget.

Human Resources & Financial Implications - It is confirmed that the system failure has been checked and advice received that no other correspondence during that period is unaccounted for.

Part of the funding for this expenditure is included in the 2017/2018 SM Community Small Grants Program budget and part will be required from another funding source with Council.

Community Consultation & Public Relations Implications - Include this application in the award session for grant recipients for the next Australia Day event.

Policy Implications – Nil.

Priority - Implementation Time Frame - Implement the decision by advising the Applicant as soon as possible.

RECOMMENDATION

That Council

1. Note the Report; and
2. Agree to fund the grant application under the SM Community Small Grants Program 2017 from the Levensdale Hall Committee Inc. for \$1,500.00, given:
 - a. the Application arrived at Council within the application receipting period;
 - b. the Application complies with all of the categories and requirements of the Grant Program; and
 - c. this would have been a high ranking Application under the Council's scoring assessment process which would have seen the project being funded under normal circumstances; and
3. Agree that the extra over non budgeted funding of \$697.00 be drawn from the Facilitates & Recreation Committee 2017/18 maintenance budget.

DECISION

Moved by Clr A Bantick, seconded by Clr R Campbell

THAT Council

1. **Note the Report; and**
2. **Agree to fund the grant application under the SM Community Small Grants Program 2017 from the Levensdale Hall Committee Inc. for \$1,500.00, given:**
 - a. **the Application arrived at Council within the application receipting period;**
 - b. **the Application complies with all of the categories and requirements of the Grant Program; and**
 - c. **this would have been a high ranking Application under the Council's scoring assessment process which would have seen the project being funded under normal circumstances; and**
3. **Agree that the extra over non budgeted funding of \$697.00 be drawn from the Facilitates & Recreation Committee 2017/18 maintenance budget**

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A Bantick	√	

Clr E Batt	√	
Clr R Campbell	√	
Clr DF Fish	√	
Clr D Marshall	√	

17.2.6 LEASE RENEWAL – MIDLANDS MEMORIAL COMMUNITY CENTRE – 68 HIGH STREET, OATLANDS

Author: DEPUTY GENERAL MANAGER / MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (ANDREW BENSON)

Date: 7 DECEMBER 2017

Enclosure:
Draft Lease

BACKGROUND

Following the redevelopment of the former Oatlands Library at 68 High Street Oatlands in 2011, there was a commercial lease negotiated with the former occupying organisation (Midlands Initiative for Local Enterprise Inc – MILE). That lease commenced in January 2012 for a three year period and was then subsequently extended for another three years, which ends on the 31st December 2017.

As Council are aware the organisation known as MILE has undergone significant change along with a name change during the last six months. The new entity is now called the Oatlands Community Association Inc. Council would recall that at the June 2017 Council meeting and at subsequent Council meetings the Oatlands Community Associate Inc. has put a view that they wish to continue the lease of the building but with some changes to the lease arrangements.

DETAIL

The General Manager and the Deputy General Manager met with the President of the Oatlands Community Association Inc. and worked through the current lease with the proposed changes marked up in the enclosed, proposed lease document representing the changes that were negotiated during that meeting. In general terms these changes amount to Council covering the outgoings of utilities, rates and taxes, including water, sewer, rates and land tax, for the building plus the charge of a “pepper corn” rental, in lieu of Council providing an annual grant to the organisation. The Association would be responsible for power, telephone and extra over waste management charges. The new lease would be for an initial one year period with a further two year option.

Human Resources & Financial Implications – The rental charged for the MILE/OCA building under the original lease agreement was \$4,160.00pa. It is noted that MILE/OCA paid all outgoings as well under that original lease agreement. The 2017/18 Council Rates and Charges amount to \$2,038. TasWater Charges for 2017/18 amount to \$961 for the full year.

Council did provide an Annual Grant to MILE of \$7,000.

As such the new Lease Agreement relationship is that no grant will be provided by Council, a rental of \$1pa will be received from OCA and in respect of “outgoings”, only extra over the normal service usages would be recovered by Council. Therefore the financial relationship now between SMC & OCA is effectively cost neutral.

Community Consultation & Public Relations Implications - The OCA continues to provide services to the local Community through the Midlands Memorial Community Centre.

Policy Implications – Nil.

Priority - Implementation Time Frame - Implement the decision as soon as possible.

RECOMMENDATION

That Council

1. Note the Report; and
2. Agree to enter into a one year lease agreement with the Oatlands Community Association Inc, with an option of a further two years as detailed with the enclosed proposed lease agreement.

DECISION

Moved by Clr D Marshall, seconded by Clr R Campbell

THAT Council:

1. **Note the Report; and**
2. **Agree to enter into a one year lease agreement with the Oatlands Community Association Inc, with an option of a further three years as detailed with the enclosed proposed lease agreement.**

CARRIED

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

17.2.7 POLICY REVIEW – HUMAN RESOURCE MANAGEMENT – RECRUITMENT POLICY & PROCEDURES AND SELECTION POLICY & PROCEDURES

Author: DEPUTY GENERAL MANAGER (ANDREW BENSON)

Date: 7 DECEMBER 2017

Attachment:

Draft Version 2 Recruitment Policy & Procedures

Draft Version 2 Selection Policy & Procedures

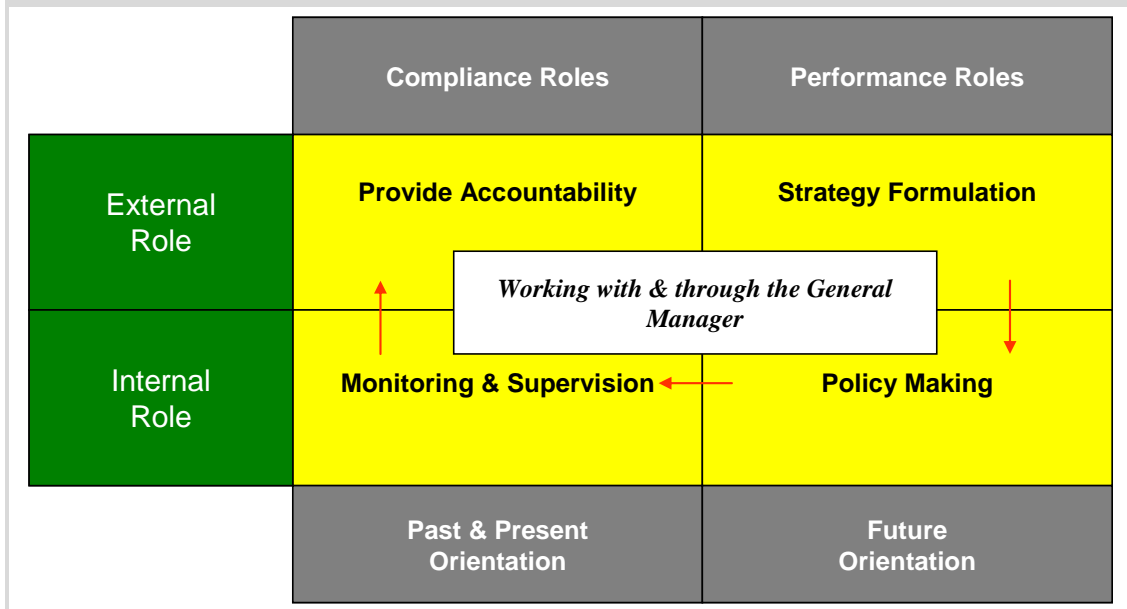
ISSUE

Good business practice demands that Council has a robust set of human resource management policies and procedures. These documents require regular review and endorsement by Council.

BACKGROUND

FRAMEWORK FOR ANALYSING COUNCIL’S GOVERNANCE FUNCTION

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



DETAIL

The attached, version 2 of the Recruitment Policy & Procedures along with version 2 of the Selection Policy & Procedures will replace the existing versions.

The two documents that these revised versions replace have been long standing policies that have kept Council in tune with good practice for many years. Previously there were three documents in this suite of policies, Recruitment, Selection and Casual Employment. The Casual Employment Policy has been encapsulated within the Recruitment Policy, with the addition of some *best practice* components to provide greater clarity and transparency.

These two documents were presented to the Audit Committee for their consideration and input at the November 2017 meeting. There were some questions from Committee Members, along with general discussions in relation to Human Resource matters more generally. The documents were subsequently approved by the Audit Committee for consideration by Council.

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

CONCLUSION

The draft version 2 Recruitment Policy & Procedures as well as version 2 of the Selection Policy & Procedures is commended to Council for its consideration.

RECOMMENDATION

THAT Council

1. Receive and note the report; and
2. Consider draft version 2 of the Recruitment Policy & Procedures for adoption at the January 2018 Council meeting; and
3. Consider draft version 2 of the Selection Policy & Procedures for adoption at the January 2018 Council meeting.

DECISION

Moved by Cllr E Batt, seconded by Cllr D Marshall

THAT Council:

- 1. Receive and note the report; and**
- 2. Consider draft version 2 of the Recruitment Policy & Procedures for adoption at the January 2018 Council meeting; and**
- 3. Consider draft version 2 of the Selection Policy & Procedures for adoption at the January 2018 Council meeting.**

CARRIED

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

Clr R Campbell left the meeting at 4.35 p.m.

ATTACHMENT
Agenda Item 17.2.7



Council Policy
RECRUITMENT POLICY & PROCEDURE

Approved by: Council
Approved date: DRAFT
Review date: Insert date

1. PURPOSE

The aim of this policy is to ensure the process for recruitment and selection is based upon the principles of merit, equal employment opportunity and confidentiality.

Council is committed to ensuring recruitment and selection of prospective employees is in accordance with Section 63 of the *Local Government Act 1993* and any other relevant employment legislation, in that:

The General Manager of a Council may:

- *Appoint persons as employees of the Council;*
- *Allocated duties to employees;*
- *Control and direct employees; and*
- *Suspend or dismiss employees*

Effective employee selection and the subsequent management of employees is critical to the success of the Council and the provision of services to the community. This success depends on Council's ability to identify, attract, retain and develop employees.

Council is committed to an effective and professional method of selecting employees that is consistent with its organisational values.

Council aims to attract and appoint skilled and motivated employees who aim to meet agreed objectives and performance improvement goals.

This policy and procedures refers to both permanent and permanent part-time positions in all levels of the organisation (excluding the General Manager), managerial positions are dealt with as per these procedures, as are casual positions.

2. POLICY

1. Council will attract, retain and motivate the highest calibre of employees to promote and develop the Council to a leadership position within Local Government.
2. Council will attract employees with competence, technical, customer focused and teamwork skills who support the core values and direction of the Council and who have the aptitude for future development.
3. Recruitment of employees will be merit based.
4. Council will adhere to anti-discrimination guidelines & legislation.
5. Vacant positions will be filled through internal and discretionary external recruiting subject to the suitability of the applicant when measured against the selection criteria.
6. An accurate and up-to-date position description and selection criteria, will be available at the time of advertising the position.



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7. To attract and retain skilled employees the Council will endeavour to pay salaries competitive with those paid by other employers in the industry and in applicable markets, in accordance with the relevant Awards
8. Permanent or permanent part-time vacancies will be advertised internally for a minimum of 5 working days. Internal advertising will ensure that all staff (indoor and external sites) are advised of the vacancy.
9. For temporary positions, consideration will be given to enhancing the experience and career advancement of existing Council staff.
10. For casual positions consideration of applicants from the "Casual Employment Register" within the Information Management System should be utilised.
 - When drawing on the Casual Employment Register, Managers shall ensure that the availability of the Register is regularly (eg annually) advertised to transparently provide opportunities to access employment opportunities. The advertisement could advise that applicants will only be considered if they are on the Casual Employment Register.
 - The allocation of work to individual employees on the Casual Register may also need consideration – if there are 5 persons on the register but only 1 is getting most of the work that may raise issues unless there are valid and defensible reasons.
 - Another alternative would be to use a labour hire firm for casual positions. This is an arm's length arrangement that would avoid real or potential conflicts of interest.
11. Council will consider relocation expenses for new employees.
12. Confidentiality is maintained throughout the recruitment process.
13. Communication with applicants will be prompt and informative.

RECRUITMENT PROCEDURES

3. RECRUITMENT GUIDELINES

Staff must follow these detailed procedures to save Council the uncertainty about the terms and conditions of employment of employees. This may then avoid unnecessary inflexibilities in the workforce and expensive litigation.

3.1 Vacancy/Position Occurs

When a vacant position exists within the organisation the Department Manager is responsible for the fulfilment of the position in a timely fashion and in accordance with this policy and procedures and in consultation with the General Manager.

For a Department Manager position, the General Manager is responsible for the fulfilment of the position. The General Manager shall be responsible in regard to the membership of the interview/selection panel for Managerial positions.



Council Policy
RECRUITMENT POLICY & PROCEDURE

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In respect of other positions, the Department Manager is required to assess the position that has become available and in doing so needs to resolve the following issues:-

1. How will the position contribute to Council's efforts to meet its business goals?
2. What particular skills, abilities and attitudes will be required to deliver that contribution?
3. How do we find the person who will most effectively fit the role?
4. Is the position within approved labour strength numbers for the program?
5. How can the position be improved to be more effective for customers and the organisation?
6. Could other positions assume some or all of the tasks performed?
7. Has the position been budgeted for during this financial year?
8. How will the position be funded?
9. Has there been a high turnover in this position or program. If so why?
10. What can be learnt from the previous employee's performance regarding the effectiveness of the position?
11. What would be the consequences of not filling this position?
12. Could/has technology affected this position?
13. Is there a current position description and selection criteria for the vacancy?
14. Who has the authority for recruitment of this position?

3.2 Job Needs Analysis

To assist in finding the best candidate for the position a Job Needs Analysis may be undertaken to identify the essential preferred job requirements. In completing these requirements, Managers must be mindful of the relevant anti-discrimination legislation. This will assist in the review of the relevant position description.

3.3 Position Description Analysis & Evaluation

1. An appropriate position/job description shall be written or re-appraised for all positions and approved by the General Manager before vacancies of any positions are advertised and filled.
2. The position description must accurately reflect the tasks being undertaken and the changing strategies and objectives of Council's Strategic Plan and must include the following:-
 - a. Position Description ID.
 - b. Position Title
 - c. Award Stream
 - d. Award Level



Council Policy
RECRUITMENT POLICY & PROCEDURE

Approved by:
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Review date:

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- e. Award Grade
- f. Department Name
- g. Location
- h. Position Objectives
- i. Key responsibility Areas
- j. Organisational Relationships
- k. Accountability & Extent of Authority
- l. Judgement & Decision Making
- m. Specialist Skills & Knowledge
- n. Management Skills
- o. Interpersonal Skills
- p. Qualifications & Experience
- q. Performance Standards
- r. Multiskilling

3. Points to consider when evaluating or developing a position description:-

Does the position description describe:-

- a. the overall purpose of function of the position - the what, how and why it is done?
- b. the organisational structure?
- c. employee responsibility and authority?
- d. source and destination of the work?

Is this position description as factual and concise as possible?

- a. can it be easily understood?
- b. is job terminology standardised for uniformity and clarity?
- c. does it avoid making two statements where one more carefully worded statement would cover the subject?
- d. are job responsibilities consolidated wherever possible?
- e. have unnecessary words been eliminated?
- f. is the language clear enough to eliminate any confusion about the job function?
- g. are there any trivial facts that can be eliminated?

Does this position description provide an accurate picture of the position?

- a. would the responsibilities and value of the position be better understood if the responsibilities and duties were listed in order of performance or in order of importance?
- b. are there unusual features of the job eg. remoteness, physical requirements?

Is this position description well organised?



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- a. is every responsibility included in the priority order?
- b. do the responsibilities listed provide a step by step breakdown of the position?
- c. does each statement relate to an end result or clear objective that must be accomplished?

Does the position description describe the Council's hierarchy?

- a. what is the general supervisory order in the program?
- b. who is the employee's immediate supervisor?
- c. does the immediate supervisor have responsibility for appraising performance?

Can this position description serve as a guide in recruitment, training and promoting?

- a. will the unfamiliar reader understand the scope of the position?
- b. if there are minimum requisites in areas are they stated?
 - formal education
 - on the job experience
 - training
 - skills

Can this position description serve as a position evaluation tool?

- a. are there standards for matching people and the position for;
 - recruitment purposes
 - performance review purposes
 - salary analysis purposes
- b. is there a basis for wage and salary comparison?

4. Position descriptions shall be periodically reviewed in consultation with the affected existing officer and this process may form part of the "Development Review Process".

5. The following statement shall be included in every position description

"Note: As part of any recruitment for this position, Council will require the applicant to undertake a Vocation Assessment (for operational positions) prior to interview. Council will require the applicant to undertake a Criminal Records Check, , Physical fitness/medical test (fit for position medical), and may require a Working with Children Check, drug or alcohol test, relevant skill test, machine competency test prior to appointment. It is a condition of employment with SMC that all applicants agree to this requirement before appointment."



Council Policy
RECRUITMENT POLICY & PROCEDURE

Approved by: Council
Approved date: DRAFT
Review date: Insert date

3.4 Advertising

The purpose of these procedural guidelines is to ensure that, in any external advertising, there is a consistency of format and information content. The aim of advertising is to send the recruitment message, that a vacancy exists, to the attention of as many of the most suitable and appropriate target audience as possible and motivate and persuade them to apply for the position. It is also an opportunity for Council to create a specific corporate image.

The advertisement is also subject to anti-discrimination legislation therefore the wording and descriptions should be gender neutral and non-discriminatory.

The advertisement is a public statement and constitutes an invitation to interested parties to apply for the position. The advertisement will have an outline of the requirement of the position and the award level. This will become one of the fundamental terms of the employment contract and it cannot be changed after the employment contract has been formed.

1. Prior to placing the recruitment advertisement the General Manager must have received the reviewed position description and selection criteria for the position.
2. The General Manager must check the advertisement in relation to the accuracy of all aspects of the terms and conditions of the position.
3. Positions may be advertised internally, externally or simultaneously whichever is considered appropriate by the General Manager in consultation with the Department Manager.
4. The extent and coverage of the advertising must be authorised by the General Manager.
5. A minimum of 10 days shall be provided for the submission of applications from the date of the first advertisement.
6. The position description and related information must be available on the Council website on the day that the advertisement appears in the newspaper.
7. All terminology used should be gender neutral.
8. Advertisement should state that all applications be addressed to the General Manager

3.5 Receipt of Applications

Applications received are to be kept totally confidential and as soon as received they are to be directed to the Information Management Officer for recording in the Information Management System.

1. The position advertisement will clearly state how applications are to be lodged with the organisation. The preferred option is by electronic mail addressed to mail@southernmidlands.tas.gov.au for the General Manager.
2. Applications will be entered on the Information Management System (as per guidelines).



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3. Applications will be placed on the relevant file.
4. Applications will be directed to the Human Resources Manager for acknowledgment of receipt.
5. At the closing date for receipt of applications, the applicants are sorted alphabetically by the Human Resources Manager for the pre-interview discussions with the Selection Panel, where the shortlisting of candidates is undertaken.
6. A list is typed and applications are copied for the interview panel and marked "Confidential".

4 DOCUMENT ADMINISTRATION

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

This document is Version 2 effective XX-XX-XXXX. The document is maintained by the General Manager's Unit for the Southern Midlands Council.



Council Policy
SELECTION POLICY & PROCEDURES

Approved by:
Approved date:
Review date:

Council
DRAFT
Insert date

1. PURPOSE

The Southern Midlands Councils aim is to select an applicant from within or outside the organisation that can fill the existing position or projected job openings. Individuals will be thoroughly screened against carefully developed position specifications, be able learn their job tasks readily, are productive, and generally adjustable to jobs with minimum difficulty, maintain and deliver a high standard of customer service.

Equal Employment Opportunity and Discrimination guidelines and legislation will be adhered to at all times. The selection process should provide reliable and valid information as possible about the applicant in order that their qualifications may be carefully matched with person specifications and Councils objectives.

This policy and procedures refers to both permanent and permanent part-time positions in all levels of the organisation (excluding the General Manager), managerial positions are dealt with as per these procedures, as are casual positions.

2. POLICY STATEMENT

1. Selection of employees will be merit based.
2. Council will adhere to anti-discrimination guidelines and legislation.
3. The selection panel will consist of people who are competent to select the best person for the position.
4. All applicants for positions will be assessed on the basis of a common set of selection criteria and questions. The selection criteria will be derived from the position description.
5. Applicants who are interviewed will be assessed in writing against the selection criteria and written notes will be kept on a confidential application file.
6. All applicants interviewed will be graded in relation to selection criteria using an agreed technique.
7. Reference checks will be conducted by the interview panel against the selection criteria.
8. The final selection of the person to fill the position rests with the General Manager and Department Manager in that particular program, subject to the applicant/applicants being assessed as medically capable of performing the duties of the position without danger to themselves or other persons.
9. The interview panel will be available to counsel any internal applicants who are unsuccessful in being selected and who request to discuss their non-selection.
10. Confidentiality will be maintained through the selection process.
11. The selection process is managed in a timely manner.



Council Policy
SELECTION POLICY & PROCEDURES

Approved by:
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SELECTION PROCEDURES

3. GUIDELINES

3.1 Selection Criteria

The selection criteria for each position allows each application to see how they will be judged, and provides the interview panel with a clear outline of the requirements for good performance in the position. The selection criteria will facilitate a systematic approach to selecting the best applicant for the position.

1. The selection criteria should be derived from the position description.

They should identify:-

- Essential and desirable experience/qualifications
 - Personal abilities
 - Specific capacities in relation to the position
 - Technical skills
 - Competency level of skill
2. The use of selection methods such as the following may be used where deemed relevant to the position and that will produce a valid and reliable result. It should enable applicants to demonstrate technical, planning and monitoring abilities.
 - Vocational Assessments
 - Technical expertise
 - Competence Standards Level - test against these
 3. A list of skills and qualifications which are mandatory, or essential to the job being done properly, and which are desirable but not essential should be specified and selected against.
 4. Prioritise and weight all selection criteria.

3.2 Short listing written applicants

1. Each applicant is to be compared to the written selection criteria.
2. A copy of the applicants and selection criteria will be distributed to all panel members, with instructions that only those criteria are to be used to screen applicants.
3. A short list of no more than 5-10 applicants is used depending on the position.
4. If an applicant's application is below standard it can be rejected.
5. Applicants who were not short listed are advised in writing that they are unsuccessful.
6. Two references from each applicant should be checked by telephone call and responses documented.



Council Policy
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Approved by:
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4. SELECTION/INTERVIEW PANEL

4.1 The Panel

1. The selection panel will be well balanced.
2. The selection panel will consist of 3 members.
3. The selection panel members will have skills and training in interviewing and selection procedures and EEO principles and practices.
4. The selection panel must not have a pecuniary interest in any of the applicants being interviewed.
5. If a selection panel members has a pecuniary interest it must be declared prior to being appointed to the Panel.

4.2 Panels Tasks

1. The Panel must appoint a responsible member/chairperson for the interview process.
2. Responsible Officer/Chairperson to arrange for interview technique training to any Panel member who may need to update their skills.
3. Design measures to assess applicants against the selection criteria.
4. Short listing of applicants (see above).
5. Panel to check references against selection criteria (as above).
6. Design of questions that are relevant and which will provide reliable and measurable information against the selection criteria.
7. Questions should cover each of the selection criteria's
8. Determine who will ask which questions.
9. Responsible Officer/Chairperson to provide interview details to the Human Resources Manager to forward to Applicants.
10. Responsible Officer/Chairperson to arrange room in an informal design.
11. Responsible Officer/Chairperson to welcome and introduce applicant being interviewed to Panel.
12. Responsible Officer/Chairperson to advise applicant of the format of how the interview will be conducted.
13. Undertake the interview.
14. Responsible Officer/Chairperson to conclude and close interview with applicant and advice of notification procedures.
15. Selection Panel determines preferred applicant for the position.
16. Selection report/interview details are completed.



Council Policy
SELECTION POLICY & PROCEDURES

Approved by:	Council
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5. ORGANISING THE INTERVIEW

5.1 Applicants

1. Applicants are notified that they are required for an interview either by telephone or in writing at least 5 days prior to the interview date (depending upon time constraints).
2. The applicant should be given the following information:-
 - What they need to bring to the interview,
 - The date, time and venue of the interview,
 - The names of members on the Interview Panel and their Positions,
 - The name of the contact person and telephone number if they need to contact someone in relation to the interview,
 - Expected length of interview,
 - Any testing techniques that will be undertaken.
3. Applicants interview details will be confirmed in writing (depending upon time constraints).

6. INTERVIEW QUESTIONING

1. The Human Resources Manager will provide "Explanatory Notes" to the Panel to guide their candidate enquires during the interview process. The same questions shall be asked of each candidate, although further exploration to seek clarification will be required in many cases.
2. Encourage the applicant to talk, your objective is to learn as much about them as possible.
3. Use open questions to encourage conversation.
4. Use of behavioural questions or scenarios may be helpful.
5. Questions must be relevant to the position and provide information that can be assessed as relevant, reliable and measurable against the selection criteria.
6. EEO policies and principles must be considered.
7. Questions must not breach any Legislation eg EEO, Discrimination Act etc.
8. Applicants can be given an opportunity to make a short presentation on their application.
9. Allow sufficient time for answers.

7. SELECTION OF APPLICANT

1. Once the interviews are concluded the Panel is to then evaluate and decide on the most suitable applicant for the position, based on the Panel member's assessment of the applicants against the selection criteria.
2. The Panel must document their recommendation.
3. The Panel's decision is referred to the General Manager for final approval or otherwise.
4. The position Supervisor is to contact the successful applicant verbally and offer them the position and is to advise the applicant of the organisations Pre-Employment Medical Policy.



Council Policy
SELECTION POLICY & PROCEDURES

Approved by: Council
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5. Applicant is advised in writing of the offer (see Item 8).
If successful applicant declines/refuses the offer the second choice applicant is advised as above or if there is not second choice the position is re-advertised.
7. Once the position has been filled unsuccessful interviewed applicants are advised in writing.
8. Responsible Officer/Chairperson returns File with interview results included to the Information Management Officer for filing and a new Personnel File is created with the successful applicants details transferred to the file.
9. Department Manager is to be notified of the appointment.

8. LETTER OF OFFER

1. All new employees will be sent two (2) copies of their letter of offer. Attached to this letter will be the position description and policies by which they are to work under.
2. No new employee is to commence work unless they have signed and dated the copy of their letter of offer, the position description for the position and returned it to the General Manager within the specified time indicated.
3. It must state the frequency and nature of performance reviews including when and how these will occur and the length of the probation period.
4. It must state that the employee will be expected to vary their duties during the course of the employment as directed by their supervising officer.
5. It must state that the employee is bound by the organisations policies and procedures as part of they employment and can be varied at any time.
6. It must include a section for the new employee to sign and date the letter.
7. It must include the Award under which the employee will be paid and the Level and salary amount, Superannuation Requirements, Hours of duty (include any on-call or roster details).
8. Name of Supervisor and/or Officer the new employee must meet on arrival.
9. The letter of offer must be signed by the General Manager.
10. Copy of letter to the Supervisor/Department Manager, Paymaster and Personnel File.

8. INDUCTION

Applicants must be forwarded the necessary documentation prior to commencement so that new employees may commence immediately in the organisations Induction Program. (See Induction Policy).

9. INTERNAL APPLICANTS

The above policy and procedure also includes the selection of applicants from within the organisation.



Council Policy
SELECTION POLICY & PROCEDURES

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10. DOCUMENT ADMINISTRATION

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17.2.8 TABLING OF DOCUMENTS

This is to be a standing item on the Agenda.

Tabling of documents that don't necessarily require any specific action(s).

Nil.

17.3 FINANCES

Strategic Plan Reference – Page 34 & 35

6.3.1	Communities finances will be managed responsibly to enhance the wellbeing of residence.
6.3.2	Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation.
6.3.3	Council's finance position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses.
6.3.4	Resources will be allocated to those activities that generate community benefit.

17.3.1 MONTHLY FINANCIAL STATEMENT (NOVEMBER 2017)

Author: FINANCE OFFICER (COURTNEY PENNICOTT)

Date: 7 DECEMBER 2017

ISSUE

Refer enclosed Report incorporating the following: -

- Statement of Comprehensive Income – 1st July 2017 to 30th November 2017 (including Notes)
- Current Expenditure Estimates – as at 30th November 2017
- Capital Expenditure Estimates (*refer to enclosed report detailing the individual capital projects*) – as at 30th November 2017
- Cash Flow Statement – November 2017
- Rates & Charges – 1st December 2017

Note: Expenditure figures provided are for the period 1st July 2017 to 30th November 2017 – 42% of the period.

CURRENT EXPENDITURE ESTIMATES (OPERATING BUDGET)

Strategic Theme - Infrastructure

Nil.

Strategic Theme – Growth

Nil.

Strategic Theme – Landscapes

Sub-Program – Natural – expenditure to date (\$80,579 – 48.87%). An amount of \$20,688 relates to works at the Chauncy Vale Reserve for the implementation of safety upgrades

Strategic Theme – Lifestyle

Sub-Program – Childcare – expenditure to date (\$5,000 – 66.67%). Annual donation to the Brighton Family Day Care Service.

Sub-Program – Volunteers – expenditure to date (\$28,365 – 66.67%). Expenditure relates to the near completion of the community small grants program, with only two of the eleven groups/clubs outstanding.

Sub-Program – Public Health – expenditure to date (\$5,728 – 56.75%). An amount of \$4,528 relates to expenditure for the ‘Mens Shed’ program which is grant funded.

Strategic Theme –Community

Nil.

Strategic Theme –Organisation

Sub-Program – Sustainability - expenditure to date (\$1,013,652 – 46.00%). Expenditure includes annual costs associated with computer software maintenance (GIS/NAV) and licensing \$71,122, audit fees \$26,093 and annual insurance payments of \$49,060.

RECOMMENDATION

THAT the Financial Report be received and the information noted.

DECISION

Moved by Clr E Batt, seconded by Clr D Fish

THAT the Financial Report be received and the information noted.

CARRIED

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

STATEMENT OF COMPREHENSIVE INCOME				
FOR THE PERIOD				
1st JULY 2017 to 30th NOVEMBER 2017				
	Annual Budget	Year to Date as at 30th NOVEMBER	%	Comments
Income				
General rates	\$ 5,174,991	\$ 5,135,351	99.2%	Budget includes Interest & Penalties to be imposed to end of June 2017
User Fees (refer Note 1)	\$ 968,447	\$ 409,889	42.3%	
Interest	\$ 157,000	\$ 87,130	55.5%	
Government Subsidies	\$ 24,000	\$ 2,000	8.3%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 162,000	\$ 45,857	28.3%	
Sub-Total	\$ 6,486,437	\$ 5,680,226	87.6%	
Grants - Operating	\$ 3,266,489	\$ 831,169	25.4%	\$11,000 Tourism; \$820,168 FAGS
Total Income	\$ 9,752,926	\$ 6,511,395	66.8%	
Expenses				
Employee benefits	\$ (3,950,529)	\$ (1,585,264)	40.1%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (3,227,729)	\$ (1,427,725)	44.2%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,719,500)	\$ (1,133,216)	41.7%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (48,925)	\$ (8,739)	17.9%	
Contributions	\$ (209,622)	\$ (52,406)	25.0%	Fire Service Levies
Other	\$ (161,100)	\$ (192,488)	119.5%	Incls Rate Discounts \$26,244 (annual cost)
Total expenses	\$ (10,317,405)	\$ (4,399,837)	42.6%	
Surplus (deficit) from operations	\$ (564,479)	\$ 2,111,558	-374.1%	
Grants - Capital (refer Note 3)	\$ 3,177,843	\$ 61,635	1.9%	
Sale Proceeds (Plant & Machinery)	\$ 484,000	\$ 141,790	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ 0	\$ 0	0.0%	
Surplus / (Deficit)	\$ 3,097,364	\$ 2,314,982	74.7%	

NOTES					
1. Income - User Fees (Budget \$968,447) includes:					
- All other Programs	\$ 371,311	\$ 210,344	56.6%	Actual Income Received (i.e. excluding Debtors)	
- Private Works	\$ 267,136	\$ 109,509	41.0%		
- Callington Mill	\$ 330,000	\$ 92,036	27.9%		
	\$ 968,447	\$ 411,889			
2. Income - Other (Budget \$162,000) includes:					
- Tas Water Distributions	\$ 152,000	\$ 33,229	21.86%		
- HBS Dividend	\$ 10,000	\$ -	0.0%		
- Other	\$ -	\$ 12,629	0.0%		
	\$ 162,000	\$ 45,857	28.3%		
3. Grant - Capital (Budget \$877,860) includes:					
- Black Spot Funding	\$ -	\$ -	0.0%		
- Swimming Pool	\$ 2,300,000	\$ -	0.0%		
- Heritage Grant (TCF - Access System)	\$ -	\$ 43,135	0.0%		
- Community Infrastructure Fund	\$ -	\$ 18,500	0.0%		
- Roads To Recovery Grant	\$ 877,843	\$ -	0.0%	To be claimed in Jan 2018	
	\$ 3,177,843	\$ 61,635	1.9%		

CAPITAL EXPENDITURE PROGRAM 2017-18
AS AT 30 NOVEMBER 2017

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
ROAD ASSETS						
Resheeting Program	Various C1020057	Roads Resheeting Glen Morey Road	\$ 700,000	\$ 214,172 \$ 61,546	\$ 424,282	RTR
Reseal Program		Roads Resealing (as per agreed program) Elderslie Road	\$ 600,000	\$ -	\$ 600,000	RTR
		East Bagdad Road				RTR
	C1010073	Woodsdale Road	\$ 135,000	\$ -	\$ 135,000	RTR
		2 x 50 mtr sections - Runnymede end				
		1 x 100 mtr section - vicinity of Runnymede Fire Station				
		1 x 200 mtr section - vicinity of 'Questlands'				
		1 x 200 mtr section - vicinity of Woodsdale Cemetery				
		1 x 200 mtr section - vicinity of Back Woodsdale Road				
		Stonor Road (200 metres - approx. 5 klms in from Highway)	\$ 36,000	\$ -	\$ 36,000	RTR
Reconstruct & Seal	C1020033	Yarlington Road (Smarts Hill - 150 metres)	\$ 22,500	\$ -	\$ 22,500	Budget c/fwd
Construct & Seal (Unsealed Roads) Incls. widening component		Blackbrush Road - new seal (400 metres each end)	\$ 144,000	\$ -	\$ 144,000	
	C1010071	Eldon Road (extend seal from Tunnack end for 1.0 km)	\$ 180,000	\$ -	\$ 180,000	RTR
	C1020059	Native Corners Road - new seal (500 metres)	\$ 90,000	\$ -	\$ 90,000	RTR
	C1020035	Estate Road Widening	\$ -	\$ 182	\$ (182)	
Minor Seals (New)		Various Locations (subject to valuation - Policy)	\$ 20,000		\$ 20,000	
		Church Road (Brighton Council end)	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
	C1020032	Hasting Street Junction	\$ 15,000	\$ 959	\$ 14,041	Budget c/fwd - WIP 30/6/17
Unsealed - Road Widening		Clifton Vale - (Cliff Section)	\$ 40,000	\$ -	\$ 40,000	
		Chauncy Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000	Budget c/fwd
	C1020058	Grices Road (Section Widening)	\$ 36,000	\$ -	\$ 36,000	RTR
Junction / Road Realignment / Other	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	\$ 48,827	\$ 104	\$ 48,723	Budget c/fwd WIP 30/6/17
	C1020028	Eldon Road - Guard Rail	\$ 20,000	\$ 15,896	\$ 4,104	
		East Bagdad Road - Subsidence Areas	\$ 20,000	\$ -	\$ 20,000	
	C1020055	Yarlington Road - Realignment	\$ 240,000	\$ 190,046	\$ 49,954	RTR WIP 30/6/17 \$185,828
	C1020047	Lovely Banks Road (junction with Colebrook)	\$ 210,000	\$ 209,349	\$ 651	WIP 30/6/17 \$196,787 - Budget includes \$40K c/fwd
		Reeve St - Hall Street to Rec Ground (K&G) - 70 metres	\$ 17,882	\$ -	\$ 17,882	Budget includes \$8,800 c/fwd
		Campania - Reeve St / Hall Street (K&G)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
	C1010028	Woodsdale Road - Landslip Area (vicinity Scott's Quarry)	\$ 15,000	\$ -	\$ 15,000	Budget c/fwd
	C1010039	Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700	
			\$ 2,634,909	\$ 692,254	\$ 1,942,655	

BRIDGE ASSETS	C1030006	Fields Road Bridge (B1851)	\$ -	\$ 1,469	\$ (1,469)	WIP 30/6/17
	C1030021	Wattle Hill Road Bridge (B1402)	\$ -	\$ 2,692	\$ (2,692)	
	C1030028	Rotherwood Road Bridge (B1137)	\$ -	\$ 505	\$ (505)	
	C1030044	Grahams Creek Road (Grahams Creek B2510)	\$ -	\$ 56,883	\$ (56,883)	RTR - WIP 30/6/17
	C1030046	Kheme Road (Biralee Creek BT468.0)	\$ -	\$ 2,815	\$ (2,815)	Capitalised 16/17
	C1030049	Inglewood Road (B 4289)	\$ -	\$ 32	\$ (32)	Capitalised 16/17
	C1030054	Bellevale Road (B2723)	\$ -	\$ 306,967	\$ (306,967)	RTR - WIP 30/6/17
	C1030055	Link Road (Craigbourne Creek B3820)	\$ -	\$ 156,653	\$ (156,653)	RTR - WIP 30/6/17
	C1030056	Noyes Road (Limekiln Creek T268.00051)	\$ -	\$ 43,009	\$ (43,009)	WIP 30/6/17
	C1030057	Reynolds Road (Burns Creek B5301)	\$ -	\$ 72,055	\$ (72,055)	WIP 30/6/17
			\$ -	\$ 643,079	\$ (643,079)	
WALKWAYS	C1040011	Footpaths - General (Program to be confirmed)	\$ 30,000	\$ 1,043	\$ 28,957	Street Furniture
		Bagdad Township				
		- Swan Street (Blackport Rd to Green Valley Rd)	\$ 109,557	\$ 2,687	\$ 106,870	WIP 30/6/17 \$2,687 - Budget c/fwd
		- Midland Highway (Bus Shelter)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Campania Township				
		- Review Management Plan (Site Plan) / Walking Tracks (Bush F	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Colebrook Township				
		- K&G Renewal (Richmond St-southern end)	\$ 30,000	\$ -	\$ 30,000	Budget c/fwd
		- Streetscape Plan Development & Implementation (Part)	\$ 60,000	\$ 15,050	\$ 44,950	WIP 30/6/17
		Kempton Township				
		- Streetscape Plan (Review & Implementation (Part)	\$ 40,000	\$ 1,812	\$ 38,188	
					\$ -	
		Parratah Township				
		- Tunnack Main Road Kerb & Gutter	\$ 14,478	\$ -	\$ 14,478	
					\$ -	
	Tunbridge Township					
	- Main Road Kerb & Gutter	\$ 22,000		\$ 22,000	Budget C/fwd \$7k	
C1040024	- Streetscape Project (Part Implementation) - 2 yr program	\$ 67,954	\$ 8,747	\$ 59,207	Subject to \$50K Grant Application (Infrastructure Fund)	
			\$ 383,989	\$ 29,339	\$ 354,650	

DRAINAGE	Bagdad						
	- Midland Hwy/Swan St Drainage (McShane property)	\$	22,500	\$	-	\$ 22,500	Budget c/fwd
	Campania					\$ -	
	- Estate Road (School Farm - Easement)	\$	10,000	\$	-	\$ 10,000	Budget c/fwd
	- Reeve Street Open Drain (north of Telephone Box)	\$	35,000	\$	4,124	\$ 30,876	WIP 30/6/17 \$3,750 - Budget c/fwd
	Oatlands						
	- Barrack Street (towards Mason Street)	\$	10,000	\$	-	\$ 10,000	Budget c/fwd
	- High St/Wellington Street Junction	\$	5,000	\$	-	\$ 5,000	Budget c/fwd
	- Queen Anne Street		7500			\$ 7,500	
			\$	90,000	\$	4,124	\$ 85,876
WASTE	Oatlands WTS - General Improvements	\$	25,000	\$	-	\$ 25,000	Budget includes \$5K c/fwd
	Dysart WTS - General Improvements	\$	20,000	\$	-	\$ 20,000	
	Wheeie Bins and Crates	\$	7,500	\$	1,037	\$ 6,464	
			\$	52,500	\$	1,037	\$ 51,464
PUBLIC TOILETS	Lake Dulverton (New facilities - design & approvals)	\$	83,915	\$	77,356	\$ 6,559	Budget includes \$12K c/fwd
	Colebrook Hiistory Room Toilets (Conversion Family Change Room)	\$	12,000	\$	-	\$ 12,000	
			\$	95,915	\$	77,356	\$ 18,559
SIGNAGE	Oatlands Signage (Info Bays) - Town Maps etc. - 2 Small & 2 Large	\$	9,282	\$	-	\$ 9,282	Budget c/fwd
			\$	9,282	\$	-	\$ 9,282
TOURISM	Building (Wool Press Cover)	\$	9,170	\$	407	\$ 8,763	Budget c/fwd
	Lake Dulverton (Aquatic Club Fit-Out) - Shower / Toilet Facility	\$	18,000	\$	21,905	\$ (3,905)	Budget c/fwd
	Lake Dulverton (Aquatic Club Fit-Out) - Roof Replacement	\$	30,000	\$	37,325	\$ (7,325)	Budget c/fwd
	Beacon Tourism Sub-Regional Project	\$	18,000	\$	-	\$ 18,000	
	Lake Dulverton - Cows	\$	12,000	\$	-	\$ 12,000	
		\$	87,170	\$	59,637	\$ 27,533	

			2017/18	2017/18	2017/18	
HERITAGE						
		Callington Mill (Asset Renewals)	\$ 15,000		\$ 15,000	
	C1010010	Callington Mill (Blacksmith Project)		\$ 1,200	\$ (1,200)	
2016-17		Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ -	\$ 6,500	Budget cfwd
	G3010010	Commissariat (79 High Street)	\$ 464,250	\$ 321,808	\$ 142,442	WIP 30/6/17 \$196,481 - Budget cfwd \$384,250
Wood Stove (Women's Kitchen)		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 5,000	\$ -	\$ 5,000	Budget cfwd
	C3010002	Oatlands Gaol - Minor Capital Works	\$ 5,351	\$ -	\$ 5,351	Budget cfwd
		Heritage Building (Key Card System)	\$ 47,000	\$ 30,385	\$ 16,615	
		Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500	Budget cfwd
		Parattah Railway Station - Guttering & Fascia	\$ 9,600	\$ -	\$ 9,600	Budget includes \$2.6K cfwd
			\$ 560,201	\$ 353,394	\$ 206,807	
NATURAL						
		Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ 18,518	\$ (13,518)	Budget cfwd
		Dulverton Walkway Safety Upgrade	\$ -	\$ 216	\$ (216)	Grant cfwd
		Chauncy Vale - Interps Hut Repairs	\$ -	\$ 12,369	\$ (12,369)	
			\$ 5,000	\$ 31,102	\$ (26,102)	
REGULATORY						
		Kempton Council Chambers - Building & Office Improvements	\$ 23,704	\$ 3,650	\$ 20,054	WIP 30/06/17 \$577 - Budget includes \$23,704 cfwd
		Kempton Council Chambers - External repainting (Windows etc.)	\$ 7,500	\$ -	\$ 7,500	Budget cfwd
		Kempton Council Chambers - Office Furniture & Equipment	\$ 3,000	\$ -	\$ 3,000	
			\$ 34,204	\$ 3,650	\$ 30,554	
ACCESS						
		All Buildings (Priority Approach - Year 2 of 5)	\$ 50,000	\$ 60,495	\$ (10,495)	
			\$ 50,000	\$ 60,495	\$ (10,495)	
RECREATION						
	C4070005	Recreation Committee	\$ 30,000	\$ 1,250	\$ 28,750	
		Blue Place - external repainting	\$ 20,000	\$ -	\$ 20,000	
		Colebrook Hall - Heating	\$ 3,000	\$ 560	\$ 2,440	WIP 30/06/17 \$560 - Budget includes \$3k cfwd
		Kempton Hall - external repainting	\$ 40,000	\$ -	\$ 40,000	Budget includes \$20k cfwd
		- Alexander Circle & Lyndon Road (Stage 2)	\$ 8,000	\$ -	\$ 8,000	
		Playground Equipment	\$ -	\$ -	\$ -	
		Rec Ground - Campania (Stormwater - eastern side)	\$ 3,000	\$ -	\$ 3,000	
		Oatlands Aquatic Centre (New Pool)	\$ 3,130,000	\$ 175,008	\$ 2,954,992	WIP 30/017
	C4070033	Oatlands Aquatic Club Building	\$ 18,000	\$ 19,693	\$ (1,693)	WIP 30/6/17 \$19,693 - Budget includes \$18K cfwd
		Rec Ground - Mt Pleasant (Upgrade Toilets)	\$ 13,000	\$ -	\$ 13,000	Budget cfwd
		Rec Ground - Mangalore		\$ 150	\$ (150)	WIP 30/017
	C4070001	Rec Ground - Parattah (Facility Development)	\$ 14,000	\$ 407	\$ 13,593	Budget cfwd
	G4070015	Stables & Carriage Shed	\$ -	\$ 724	\$ (724)	
		Tunbridge Park - Perimeter Fence (Safety)	\$ 7,500	\$ -	\$ 7,500	
			\$ 3,286,500	\$ 197,792	\$ 3,088,708	

CAPACITY						
	C5020001	Levendale Community Centre	\$ 8,000	\$ -	\$ 8,000	Budget cfwd
		Memorial Avenue Development (Island)	\$ 47,000		\$ 47,000	
		Memorial Avenue Development (Survey; Fencing & Aquisition)	\$ 15,100		\$ 15,100	
			\$ 70,100	\$ -	\$ 70,100	
SAFETY						
		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
			\$ 3,000	\$ -	\$ 3,000	
SUSTAINABILITY						
		Council Chambers - Building Improvements	\$ 15,500	\$ 7,963	\$ 7,537	Budget includes \$7,500 cfwd
		Photo Reframing	\$ 3,000	\$ -	\$ 3,000	Budget cfwd
		Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	Budget cfwd
		Council Chambers - Server Room (Fireproofing)	\$ 10,000	\$ 8,670	\$ 1,330	Budget cfwd
	C6020009	Computer System (Hardware / Software)	\$ 67,338	\$ 59,978	\$ 7,360	
		Telephone / Comms System	\$ 35,000	\$ -	\$ 35,000	
	C9990001	Town Hall (General - Incl. Office Equip/Furniture)	\$ 8,000	\$ 2,742	\$ 5,258	
			\$ 153,838	\$ 79,352	\$ 74,486	
WORKS						
		Kempton Depot - External Painting	\$ 10,000	\$ -	\$ 10,000	Budget cfwd
		Depot Relocation (Site / Concept Plans etc.)	\$ 300,000	\$ 47,867	\$ 252,133	
					\$ -	
		Minor Plant Purchases	\$ 9,500	\$ -	\$ 9,500	
		Radio System	\$ 2,000	\$ -	\$ 2,000	
		Plant Replacement Program				
		Refer separate Schedule (Gross)	\$ 552,500	\$ 45,208	\$ 507,292	
		Light Vehicles (Gross)	\$ 192,000		\$ 192,000	
		(Trade Allowance - \$180K)				
		Slasher Extra H/Duty (7ft Cut)	\$ 10,500		\$ 10,500	
			\$ 1,076,500	\$ 93,075	\$ 983,425	
		GRAND TOTALS	\$ 8,593,108	\$ 2,325,685	\$ 6,267,423	

**SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2017/18
SUMMARY SHEET**

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 30th NOVEMBER 2017 42%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3,077,714	3,077,714	1,270,923	1,806,791	41.29%
Bridges	350,040	350,040	136,546	213,494	39.01%
Walkways	212,309	212,309	59,337	152,972	27.95%
Lighting	85,680	85,680	34,284	51,396	40.01%
Irrigation	0	0	0	0	0.00%
Drainage	85,132	85,132	22,629	62,503	26.58%
Waste	748,167	748,167	274,582	473,585	36.70%
Public Toilets	58,994	58,994	18,421	40,573	31.23%
Communications	0	0	0	0	0.00%
Signage	6,675	6,675	2,542	4,133	38.08%
INFRASTRUCTURE TOTAL:	4,624,711	4,624,711	1,819,264	2,805,446	39.34%
GROWTH					
Residential	0	0	0	0	0.00%
Tourism	241,582	241,582	101,464	140,118	42.00%
Business	997,261	247,261	104,761	142,500	42.37%
Mill Operations	493,706	493,706	301,594	192,112	61.09%
Agriculture	0	0	0	0	0.00%
Integration	7,500	7,500	0	7,500	0.00%
GROWTH TOTAL:	1,740,049	990,049	507,819	482,229	51.29%
LANDSCAPES					
Heritage	289,968	289,968	120,257	169,711	41.47%
Natural	164,875	164,875	80,579	84,296	48.87%
Cultural	9,600	9,600	0	9,600	0.00%
Regulatory	768,365	768,365	293,254	475,111	38.17%
Climate Change	11,181	11,181	578	10,603	5.17%
LANDSCAPES TOTAL:	1,243,989	1,243,989	494,668	749,322	39.76%
LIFESTYLE					
Youth	226,638	226,638	100,385	126,253	44.29%
Aged	2,500	2,500	136	2,364	5.45%
Childcare	7,500	7,500	5,000	2,500	66.67%
Volunteers	40,000	40,000	28,365	11,635	70.91%
Access	0	0	0	0	0.00%
Public Health	10,093	10,093	5,728	4,366	56.75%
Recreation	490,033	490,033	139,356	350,677	28.44%
Animals	103,767	103,767	45,037	58,730	43.40%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	880,531	880,531	324,006	556,524	36.80%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	27,925	27,925	9,628	18,297	34.48%
Safety	56,650	56,650	16,080	40,570	28.39%
Consultation	7,300	7,300	2,167	5,132	29.69%
Communication	12,125	12,125	4,670	7,454	38.52%
COMMUNITY TOTAL:	103,998	103,998	32,545	71,453	31.29%
ORGANISATION					
Improvement	7,590	7,590	0	7,590	0.00%
Sustainability	2,203,826	2,203,826	990,950	1,212,876	44.96%
Finances	277,707	277,707	97,873	179,834	35.24%
ORGANISATION TOTAL:	2,489,123	2,489,123	1,088,823	1,400,299	43.74%
TOTALS	11,082,400	10,332,400	4,267,126	6,065,274	41.30%

	INFLOWS (OUTFLOWS) (July 2017)	INFLOWS (OUTFLOWS) (August 2017)	INFLOWS (OUTFLOWS) (September 2017)	INFLOWS (OUTFLOWS) (October 2017)	INFLOWS (OUTFLOWS) (November 2017)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities						
Payments						
Employee costs	- 261,471.56	- 263,280.28	- 257,356.08	- 544,634.16	- 266,167.01	- 1,592,909.09
Materials and contracts	- 619,314.92	- 215,561.82	- 343,225.01	- 263,264.43	- 409,592.93	- 1,850,959.11
Interest	- 4,693.83	-	-	-	- 4,045.40	- 8,739.23
Other	- 19,434.44	- 58,081.58	- 43,517.34	- 110,418.36	- 25,191.81	- 256,643.53
	- 904,914.75	- 536,923.68	- 644,098.43	- 918,316.95	- 704,997.15	- 3,709,250.96
Receipts						
Rates	92,911.15	813,684.96	1,586,157.29	174,981.88	472,984.37	3,140,719.65
User charges	235,490.50	96,854.23	115,773.17	71,598.56	77,851.43	597,567.89
Interest received	18,986.07	16,609.32	16,094.00	17,976.72	17,463.91	87,130.02
Subsidies		-	-	-	-	-
Other revenue grants	-	410,084.25	-	-	410,084.25	820,168.50
GST Refunds from ATO		-	-	-	-	-
Other	11,533.48	19,250.73	1,427.15	- 11,957.12	- 26,848.86	- 6,594.62
	358,921.20	1,356,483.49	1,719,451.61	252,600.04	951,535.10	4,638,991.44
Net cash from operating activities	- 545,993.55	819,559.81	1,075,353.18	- 665,716.91	246,537.95	929,740.48
Cash flows from investing activities						
Payments for property, plant & equipment	- 42,952.75	- 265,587.42	- 111,945.72	- 528,171.31	- 371,966.87	- 1,320,624.07
Proceeds from sale of property, plant & equipment		89,389.93	90.91	-	52,309.09	141,789.93
Proceeds from Capital grants	61,635.00	11,000.00	-	-	-	72,635.00
Proceeds from Investments	-	-	-	-	-	-
Payment for Investments	-	-	-	-	-	-
Net cash used in investing activities	18,682.25	- 165,197.49	- 111,854.81	- 528,171.31	- 319,657.78	- 1,106,199.14
Cash flows from financing activities						
Repayment of borrowings	- 6,514.75	-	-	-	- 13,498.32	- 20,013.07
Proceeds from borrowings						-
Net cash from (used in) financing activities	- 6,514.75	-	-	-	- 13,498.32	- 20,013.07
Net increase/(decrease) in cash held	- 533,826.05	654,362.32	963,498.37	- 1,193,888.22	86,618.15	196,471.73
Cash at beginning of reporting year	11,637,204.77	11,103,378.72	11,757,741.04	12,721,239.41	11,527,351.19	11,637,204.77
Cash at end of reporting	11,103,378.72	11,757,741.04	12,721,239.41	11,527,351.19	11,440,733.04	11,440,733.04

SOUTHERN MIDLANDS COUNCIL				
SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED				
	This Financial Year 1st December 2017		Last Financial Year 1st December 2016	
Arrears brought forward as at July 1		\$ 379,430.89		\$ 415,003.63
ADD current rates and charges levied		\$ 5,108,174.45		\$ 4,820,099.02
ADD current interest and penalty		\$ 29,708.98		\$ 28,352.41
TOTAL rates and charges demanded	100.00%	\$ 5,517,314.32	100.00%	\$ 5,263,455.06
LESS rates and charges collected	54.11%	\$ 2,985,654.61	53.18%	\$ 2,798,850.09
LESS pensioner remissions	4.12%	\$ 227,540.44	4.13%	\$ 217,604.81
LESS other remissions and refunds	0.16%	\$ 8,637.52	0.34%	\$ 17,957.75
LESS discounts	0.48%	\$ 26,244.14	0.45%	\$ 23,689.28
TOTAL rates and charges collected and remitted	58.87%	\$ 3,248,076.71	58.10%	\$ 3,058,101.93
UNPAID RATES AND CHARGES	41.13%	\$ 2,269,237.61	41.90%	\$ 2,205,353.13

18. MUNICIPAL SEAL

Nil.

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Council to address urgent business items previously accepted onto the agenda.

19.1 MUNICIPAL SEAL - FORMAL SIGNING/SEALING OF SITE LEASE (OPTUS MOBILE PTY LTD) (CT 162947 FOLIO 5)

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 12 DECEMBER 2017

Enclosure:

Lease – Plan of Survey

ISSUE

Council to authorise execution of a Lease relating to the erection of Optus mobile telecommunications infrastructure on existing Vodafone Tower situated on land at Campania (CT 162947 Folio 5).

BACKGROUND

Councillors will recall entering into a Lease with Vodafone Network Pty Ltd to enable the construction of a Mobile Communications Tower at Campania. This included access to the site which is via Water Lane (past the Campania Cemetery). That lease commenced on 7th May 2017 and is for a period of 10 years. It is capable of being extended for a further term of 10 years. This lease was for an amount of \$10,000 increased by 3 percent per annum.

The Vodafone lease permits subletting of the Premises with written consent from the Lessor.

DETAIL

Optus Mobile Pty Ltd has secured the necessary approvals from Vodafone to erect additional mobile communications on the existing Tower.

A new Lease between Optus Mobile Pty Ltd and the Southern Midlands Council has been prepared. Basically it provides access to the exiting Tower and includes a separate parcel of land totalling 4.5 m² adjoining the Vodafone leased area (refer attached Plan).

It is confirmed that Abetz Curtis have reviewed the draft, and following minor amendments, it is confirmed that the Lease is suitable for execution.

The initial term has been adjusted to 9 years and 5 months (i.e. to match the existing Vodafone lease) and the subsequent term is 10 years.

The formal rental valuation (Opteon property Group) was assessed at \$8,000 per annum (pro-rata for first year) indexed at 3.0% per annum. This has been agreed by Optus Mobile Pty Ltd.

Human Resources & Financial Implications – refer above detail.

Community Consultation & Public Relations Implications – NA

Website Implications – N/A

Policy Implications - NA

RECOMMENDATION

THAT Council Sign and Seal the Lease Agreement between Optus Mobile Pty Ltd and the Southern Midlands Council.

DECISION

Moved by Cllr D Marshall, seconded by Deputy Mayor A Green

THAT Council Sign and Seal the Lease Agreement between Optus Mobile Pty Ltd and the Southern Midlands Council.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A Bantick	√	
Cllr E Batt	√	
Cllr DF Fish	√	
Cllr D Marshall	√	

RECOMMENDATION

THAT the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting.

DECISION

Moved by Clr D Fish, seconded by Clr A Bantick

THAT the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting.

CARRIED

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

CLOSED COUNCIL MINUTES

20. BUSINESS IN “CLOSED SESSION”

20.1 CLOSED COUNCIL MINUTES - CONFIRMATION

In accordance with the Local Government (Meeting Procedures) 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) of the Local Government (Meeting Procedures) Regulations 2015.

20.2 APPLICATIONS FOR LEAVE OF ABSENCE

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

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

20.3 AUDIT PANEL MINUTES - CONFIRMATION

In accordance with the Local Government (Meeting Procedures) 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) of the Local Government (Meeting Procedures) Regulations 2015.

In accordance with Regulation 15(8) of the Local Government (Meeting Procedures) Regulations 2015, Council authorise the release of this report and decision and it be included in the Open Minutes of the Meeting.

20.4 PROPERTY MATTER - OATLANDS

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 5 DECEMBER 2017

Attachment:

Photograph showing boundary

ISSUE

DEPARTMENT OF POLICE, FIRE AND EMERGENCY MANAGEMENT – PURCHASE PART OF 9 BARRACK STREET, OATLANDS (CT 168882 FOLIO 1)

Council to approve purchase of that part of 9 Barrack Street, Oatlands which is fenced within the Oatlands Gaol property, being 3 Mason Street, Oatlands.

BACKGROUND

The Oatlands Gaol property (front entrance) adjoins 9 Barrack Street, Oatlands.

Prior to the commencement of substantial restoration works, an informal agreement was negotiated with Tasmanian Police which resulted in the relocation (i.e. set back) of the existing paling fence and the demolition of an old outbuilding on the south-east corner of the police property. The intent of this was to enhance the front entry to the Gaoler's Residence and improve the overall view of the property. At that time, a Police Officer lived in the police residence and from the Department's perspective, there was no need to formally amend the Title boundaries via a boundary adjustment.

Under section 175 of the *Local Government Act 1993*, a council may purchase land for any purpose which it considers to be of benefit to the council or the community.

DETAIL

The Department of Police, Fire and Emergency Management has advised that 9 Barrack Street is now surplus to requirements and at some stage the Department intends to place the property on the market.

Prior to any future sale, it is necessary to formalise the new boundaries (i.e. via a boundary adjustment) and in doing so, this will require Council to purchase the area of land that is to be transferred from the Crown to Council.

The Valuer-General has assessed the property, and based on an approximate area of 129 m² of land to be transferred, a value of \$5,000 has been determined. In addition, Council would be responsible for the costs associated with survey, legal and title adjustments.

The Department has approached Council seeking to progress the boundary adjustment and transfer process.

The attached photograph shows the new boundary.

Human Resources & Financial Implications – Refer above detail.

Budget - In terms of budget, a Capital budget allocation of \$5,351 (identified for minor capital works) was carried forward from the previous financial year. This will be the source of funds to progress with the property acquisition.

Community Consultation & Public Relations Implications – N/A

Policy Implications – N/A

Priority - Implementation Time Frame – N/A

RECOMMENDATION

THAT Council:

1. Approve the purchase of 129 m2 (approximate) which forms part of 9 Barrack Street, Oatlands from the Department of Police, Fire and Emergency Management for an amount of \$5,000; and
2. Progress the boundary adjustment and transfer of ownership process.

DECISION

Moved by Clr E Batt, seconded by Deputy Mayor A Green

THAT Council

1. **Approve the purchase of 129 m2 (approximate) which forms part of 9 Barrack Street, Oatlands from the Department of Police, Fire and Emergency Management for an amount of \$5,000; and**
2. **Progress the boundary adjustment and transfer of ownership process.**

CARRIED

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

DECISION

Moved by Deputy Mayor A Green, seconded by Clr D Fish

THAT, in accordance with Regulation 15(8) of the *Local Government (Meeting Procedures) Regulations 2015*, Council authorise the release of this report and decision and it be included in the Open Minutes of the Meeting.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A Bantick	√	
Clr E Batt	√	
Clr DF Fish	√	

Clr D Marshall	√	
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ATTACHMENT
Agenda Item 20.4



20.5 COUNCILLOR QUESTION TIME

In accordance with the Local Government (Meeting Procedures) 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) of the Local Government (Meeting Procedures) Regulations 2015.

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

Moved by Clr A Bantick, seconded by Deputy Mayor A Green

THAT Council move out of “Closed Session”.

CARRIED

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

OPEN COUNCIL MINUTES

21. CLOSURE

The meeting closed at 4.58 p.m.