

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

Wednesday, 14th December 2022
2.00 p.m.

Oatlands Municipal Offices
71 High Street, Oatlands

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OPEN COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL HELD
ON WEDNESDAY 14th DECEMBER 2022 AT THE OATLANDS MUNICIPAL
OFFICES COMMENCING AT 2.03 P.M.

Pending the arrival of Mayor Batt, Deputy Mayor K Dudgeon chaired the Meeting.

1. PRAYERS

Reverend Dennis Cousens recited prayers.

2. ACKNOWLEDGEMENT OF COUNTRY

Deputy Mayor K Dudgeon recited Acknowledgement of Country.

3. ATTENDANCE

Mayor E Batt (arrived 2.40 p.m.); Deputy Mayor K Dudgeon, Cllr A E Bisdee OAM, Cllr D Blackwell, Cllr D Fish Cllr R McDougall and Cllr F Miller.

Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr D Richardson (Manager, Infrastructure & Works), Mr P Krause (Development & Environmental Services), Mrs A Burbury (Finance Officer), Mrs J Crosswell (Executive Officer).

4. APOLOGIES

Nil.

5. MINUTES

5.1 Ordinary Council meeting

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 23rd November 2022, as circulated, are submitted for confirmation.

DECISION

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

THAT the Minutes (Open Council Minutes) of the previous meeting of Council held on the 23rd November 2022, as circulated, be confirmed.

CARRIED

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

5.2 Special Committees of Council Minutes

5.2.1 Special Committees of Council - Receipt of Minutes

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

- Woodsdale Community Memorial Hall General Committee Meeting Minutes – 5th September 2022
- Woodsdale Community Memorial Hall General Committee Meeting Minutes – 10th October 2022
- Woodsdale Community Memorial Hall General Committee Meeting Minutes – 7th November 2022

RECOMMENDATION

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

DECISION

Moved by Clr D Blackwell, seconded by Clr R McDougall

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

CARRIED

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

5.2.2 Special Committees of Council - Endorsement of Recommendations

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

- Woodsdale Community Memorial Hall General Committee Meeting Minutes – 5th September 2022
- Woodsdale Community Memorial Hall General Committee Meeting Minutes – 10th October 2022
- Woodsdale Community Memorial Hall General Committee Meeting Minutes – 7th November 2022

RECOMMENDATION

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

DECISION

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

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

CARRIED

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

5.3 Joint Authorities (Established Under Division 4 of the *Local Government Act 1993*)

5.3.1 Joint Authorities - Receipt of Minutes

Nil.

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

Nil.

6. NOTIFICATION OF COUNCIL WORKSHOPS

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

One workshop has been held since the last Ordinary Meeting.

A workshop was held on the 30th November 2022 at the Council Chambers, Oatlands commencing at 9.30 a.m.

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

Apologies: Nil.

Also in Attendance: T Kirkwood, A Benson, D Richardson, W Young and J Crosswell.

The following items were considered and discussed:

- **Oatlands Aquatic Centre**

Project Manager (Patrick Stanton) provided a briefing and update to Council in relation to the construction program. Final completion date yet to be confirmed with ongoing discussions and negotiations scheduled with VOS Construction.

- **Woodsdale Recreation Ground**

A background briefing provided to the Workshop. This matter is included on the Council Agenda.

The workshop concluded at approximately 12.00 noon.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Clr D Fish, seconded by Clr R McDougall

THAT the information be received.

CARRIED

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

7. COUNCILLORS – QUESTION TIME

7.1 Questions (On Notice)

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

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

Nil.

7.2 Questions Without Notice

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

It states:

“29. Questions without notice

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

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

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

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

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

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

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

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

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

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

Clr R McDougall – sought an update in relation to the timing for the receipt of the Landscape Plan for the area between the Oatlands Aquatic Centre and the Community Centre. The Deputy General Manager provided comment, with a particular mention of the structural report now received. This will be discussed with the Committee in terms of how this impacts on the landscape plan.

It was confirmed that a safety rail is to be installed on the concrete ramp providing access to the Centre.

8. DECLARATIONS OF PECUNIARY INTEREST

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

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

Nil.

9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

1. Property Matter- Oatlands (Closed Session)

RECOMMENDATION

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

DECISION

Moved by Clr D McDougall, seconded by Clr D Fish

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*.

CARRIED

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

RESOLVED to proceed through the Agenda and return to Public Question Time at 2.30 p.m.

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

Nil.

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

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

12.1 Development Applications

Nil.

12.2 Subdivisions

Nil.

12.3 Municipal Seal (Planning Authority)

Nil.

12.4 Planning (Other)

Nil.

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

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

13.1 Roads

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

Nil.

13.2 Bridges

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

Nil.

13.3 Walkways, Cycle ways and Trails

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

Nil.

13.4 Lighting

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

Nil.

13.5 Buildings

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

Nil.

13.6 Sewers / Water

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

Nil.

13.7 Drainage

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

Nil.

13.8 Waste

Strategic Plan Reference 1.8

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

Nil.

13.9 Information, Communication Technology

Strategic Plan Reference 1.9

Improve access to modern communications infrastructure.

Nil.

13.10 Officer Reports – Infrastructure & Works

13.10.1 Manager – Infrastructure & Works Report

AUTHOR: MANAGER INFRASTRUCTURE & WORKS (DAVID RICHARDSON)

DATE: 8 DECEMBER 2022

Roads Program

Council's graders have been working on various roads with the bus routes being the priority roads for grading as required. The focus has been to prioritise the higher traffic usage areas of roads. General road maintenance and repairs will continue, including works on pavement repairs and table drain clearing.

Road Rehabilitation programme 2021/22

Drainage works and road repair works continue throughout the municipality as required. Council's annual road stabilization tender has been awarded and preparation works at the various sites has commenced, the pavement re-construction works have commenced, Stonor Road, Ballyhooly Road and Pelham Road sections have been completed it is expected that Native Corners Road section will be completed prior to Christmas. Woodsdale Road pavement and drainage repairs continue.

Flood Damage Repairs

Council has received a cost estimate to complete re-construction works to the footbridge that was damaged. It is anticipated these works will be undertaken in the New Year.

Current Capital Work.

Oatlands Aquatic Centre

Car park construction works are almost completed, asphalt and line-marking completed landscaping and irrigation works on target to complete carpark in the coming weeks. (Have been delayed due to weather).

Kempton School crossing works and footpath are continuing, it is expected the majority of these works will be completed by Christmas.

Parks and Reserves

General maintenance of parks and reserves will continue, with a focus on ensuring growth is maintained at an acceptable level. This has been difficult to achieve due to the on-going rain that has occurred and growth is exceptional. This makes it almost impossible for machinery to undertake mowing works in a safe and efficient manner. Extra casual personnel have been engaged to assist with the vegetation control works.

Sports fields are receiving some spring renovation works to improve the quality of playing surfaces throughout the municipality.

Bridge Works

A number of bridges will require some minor rectification works over the coming period as a result of weather conditions.

Building Services Unit

Council's building services employees are continuing to undertake committed contractual obligations that are a result of the transition from formerly heritage building solutions to council. The obligations are expected to take up to 6 Months to complete the works.

Planned Works

The following capital works are planned for the coming period

Oatlands Aquatic Centre car-park - finalise construction and landscaping;
Repair various road pavements and drainage;
Drainage and pavement repairs Woodsdale Road and York Plains Road;
Undertake various bridge maintenance repairs;
Kempton School crossing and associated works;
Preparation works for Council insitu- road stabilization programme;
Commence construction of dog enclosure Kempton (materials are on order);
Commence pole and light replacement works Kempton Recreation Ground (New Year).

QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

Clr D Fish – made comment in relation to the Oatlands Aquatic Centre boundary fence (northern side). Would have been preferable to have the palings on the side of the Centre. *Deputy General Manager advised that it would have been referable but the construction of the fence had commenced. It was not specified on the plans.*

Clr R McDougall – New Country Marsh Road (vicinity of no.425) – unsafe trees overhanging roadway. The actual road also requires maintenance (i.e. grading). *Manager Infrastructure and Works – confirmed that there are a number of trees that have been (or are planned) for removal.*

Deputy Mayor K Dudgeon – queried whether there has been any further flooding problems in the Bagdad area following the recent rains. *Manager Infrastructure and Works advised that there were no issues reported.*

RECOMMENDATION

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

DECISION

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

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

CARRIED

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

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 Residential

Strategic Plan Reference 2.1

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

Nil.

14.2 Tourism

Strategic Plan Reference 2.2

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

Nil.

14.3 Business

Strategic Plan Reference 2.3

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

Nil.

14.4 Industry

Strategic Plan Reference 2.4

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

Nil.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

15.1 Heritage

Strategic Plan Reference – Page 22	
3.1.1	Maintenance and restoration of significant public heritage assets.
3.1.2	Act as an advocate for heritage and provide support to heritage property owners.
3.1.3	Investigate document, understand and promote the heritage values of the Southern Midlands.

15.1.1 Heritage Project Program Report

AUTHOR: MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

DATE: 14 DECEMBER 2022

ISSUE

Report from the Manager, Heritage Projects on various Southern Midlands Heritage Projects.

DETAIL

During the past month, Southern Midlands Council Heritage Projects have included:

- The December Artist in Residence is Simone Darcy. She uses performance strategies within the still image, constructing ideas of embodiment and self; along with experimental photographic processes often in collaboration with nature to give visual form to the intangible and the ephemeral, Her portfolio can be seen at www.simonedarcy.net She will be holding a public event prior to Christmas – which will be advertised via social media.
- The Tasmanian Heritage Register draft datasheet for Melton Mowbray Hotel/park has been finalised and handed to the Tasmanian Heritage Council to commence the formal registration process for the park.
- Henry McShane spent a week of work placement with the Heritage Project team, undertaking tasks such as heritage assessments, conservation planning, archaeological survey, research, artifact curation and exhibition installation.
- Finalising the new heritage collections database for migration of data from the old system.
- Providing assistance with the finalisation of the Callington Park toilet design.
- As-existing surveys have been done on the Oatlands Town Hall and Roche Hall to provide a basis (in conjunction with the previously completed site survey) for planning for works.
- Provision of preliminary pre-DA advice on the Oatlands Boutique Hotel development.
- Note that two of the heritage projects team have been on sick leave for two weeks.

DECISION

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

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

CARRIED

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

15.2 Natural

Strategic Plan Reference – page 23/24

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

15.2.1 NRM Unit – General Report

AUTHOR: NRM PROGRAMS MANAGER (MARIA WEEDING)

DATE: 6 DECEMBER 2022

ISSUE: Southern Midlands NRM Unit Monthly Report.

DETAIL

- Maria and Helen continue on gorse and broome weed control work on the foreshore of Lake Dulverton. Isolated plants of cumbungi have been spotted and it is hoped that this can also be dealt with prior to the Christmas break.
- Helen and Mary spent time removing boneseed from Bagdad area – see report below.
Maria continues to be busy with works relating to the Mt Pleasant Recreation Ground change room upgrade project. The project is progressing well, having progressed to the frame been constructed and the roof sheets recently installed.
- Maria continues to work with Duo Designs and Council's Heritage Dept in regard to the toilet block proposed for Callington Park. An on-site meeting was held. It is apparent that the gradient fall levels to reach the existing sewer pump pit at the foreshore toilets will need further work with a Hydraulic Engineer and Surveyor to hopefully eliminate the need for a pump system.
- Maria has been involved with a workshop on Councils Climate change risk register in relation to impacts on infrastructure, environment and community arising from anticipated climate change weather patterns.

Weeds Officer Report for the period Tuesday 9th November – Tuesday 6th December 2022 is as follows:

Enquiries/feedback

2 (Salsify, whiteweed) plus 1 enquiry from Southern Midlands Newsletter editor (see Weed of the Week below).

Site visits

Total = 14

Chauncy Vale Road (on approach to the sanctuary) roadsides sprayed for capeweed and various thistles. One more session here should complete the work needed this season.

A couple of blackwoods replaced at the sullage pit tanks; most of the plants I thought had died had merely died back to almost ground level. All were trimmed and we will see if they re-sprout. Some plants were flooded on the northern side of the site.

Annual boneseed inspection/eradication completed with Helen assisting at 3 properties in Bagdad. 1 large and 4 small Paterson's curse plants seen on roadside near these properties; all removed.

Broom plants close to the boundaries of Oatlands tip are being cut and swabbed to prevent infestation into neighbouring covenanted land.

Called in to a property near Campania to ID a couple of grasses which were concerning a resident. Samples provided to herbarium for identification to species level; both were native grasses. On the way back to the office, noticed a 'different-looking' grass on the roadside and this turned out to be a new infestation of Chilean needle grass. 42 Roadside plants later removed: there are many plants in the neighbouring property so owners will be contacted.

A number of properties listed on our data base as having Paterson's curse were looked at. Many showed no signs of PC but others remain infested. Follow-up phone chats continuing for the latter properties. Two of these infested properties also had roadside outbreaks nearby; all roadside weeds removed.

Communication

Attended the inaugural ***Invasive Species Working Group – South*** at the Biosecurity Tasmania offices, Newtown. This group of council and NRM staff, facilitated by Biosecurity Tasmania, will get together to network, hear from guest speakers etc. at least a couple of times a year. Mandy Smith (Biosecurity Tas) spoke about various weed biocontrols in the state; Eric Schwartz (Senior wildlife management officer) presented deer; Glenn Graves (Biosecurity Tas) spoke about rabbits.

Research

Background research on Boneseed, Chilean needle grass and Paterson's curse on data base, library and internet. Also researched local Landcare groups – unfortunately there are no general 'weed busting' groups in SMC that I can find.

Roadside weeds data base

Not many waypoints from my drives around the Campania district but those I had were uploaded. Graham produced a map of SMC showing woody weed mapping to date.

Weed of the Week

Broom, Boneseed, St John's wort and Paterson's curse (with accompanying pamphlets) have been displayed in the Oatlands front office this reporting period. 7 pamphlets taken. This display has led to a request for a weeds article every month for the Southern Midlands Newsletter: An introductory piece will be in the January edition.

RECOMMENDATION

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

DECISION

Moved by Clr D Fish, seconded by Clr D Blackwell

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

CARRIED

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

Note; Deputy Mayor K Dudgeon informed the meeting of a report regarding a small campervan parking on the walkway to Parattah in the vicinity of Louisa Street. This caused some concern to the nearby resident. To be investigated and actioned accordingly.

15.3 Cultural

Strategic Plan Reference 3.3

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

Nil.

15.4 Regulatory (Development)

Strategic Plan Reference 3.4

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

Nil.

15.5 Regulatory (Public Health)

Strategic Plan Reference 3.5

Monitor and maintain a safe and healthy public environment.

Nil.

15.6 Regulatory (Animals)

Strategic Plan Reference 3.6

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

15.6.1 Animal Management Report

AUTHOR: ANIMAL MANAGEMENT OFFICER (RACHEL COLLIS)

DATE: 7 DECEMBER 2022

Enclosure:

Animal Management Statement 2022

ISSUE

Consideration of the Animal Management/Compliance Officer's report for December 2022

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 December period; *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:

6/12/22 – Failing to register dog over 6 months, Colebrook area

6/12/22 - Failing to register dog over 6 months, Colebrook area

6/12/22 – Failing to ensure dog is not at large, Colebrook area

6/12/22 – Failing to ensure dog is not at large, Tunnack area

6/12/22 – Dog attacking causing serious injury or death, dogs registered to Kingborough Council

ATTACK DETAILS:

26/11/2022 – Attack on sheep at Sand Marsh Road

29/11/2022 – Attack on sheep at Hungry Flats Road

RECOMMENDATION

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

DECISION

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

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

CARRIED

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

ENCLOSURE
Agenda Item 15.6.1

YTD ANIMAL MANAGEMENT STATEMENT
 January – December 2022

DOG IMPOUNDS	RECLAIMED	ADOPTED/DOGS HOME	EUTHANISED	OTHER IMPOUNDS
35	27	5	3	5 sheep

JOBS ATTENDED
 December 2022

DOGS AT LARGE	DOG ATTACKS	DOG BARKING	DOG GENERAL
5	2		15
NEW KENNEL LICENCES	WELFARE	STOCK	OTHER
	2	1	

REGISTERED DOGS: 1737
KENNEL LICENCES: 60
INFRINGEMENTS ISSUED: 5

15.7 Environmental Sustainability

Strategic Plan Reference 3.7

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

Nil.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

16.1 Community Health and Wellbeing

Strategic Plan Reference 4.1

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

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

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 6 DECEMBER 2022

Enclosure(s):

1. Report submitted to Council Meeting held 27 July 2022 (includes an extract from the Minutes of the Council Meeting held 25 May 2022)
2. Deed of Surrender

ISSUE

1. Provide Council with an update in relation to the transfer of ownership of the Levendale Community Centre (former Levendale Primary School) to the Crown; and
2. Council to approve the execution of the Deed of Surrender and the Tasmanian Land Titles Office Transfer.

BACKGROUND

Transfer of ownership of the Levendale Primary School to the Southern Midlands Council was finalised on 22nd September 2016.

The property transfer was subject to the inclusion of a 'Reversionary' Clause which states:

“The Transferor transfers the estate and interest described in the front page of this transfer to the Transferee for so long as the said land is used and continues to be used for community use and all reasonable ancillary purposes (“the Permitted Purpose” as described in the Second schedule to the order made under section 12(1) of the Crown Lands Act 1976 (Tas) to which this transfer relates, namely the “Crown Lands (Setting aside of Crown Land being Former Levendale Primary School for the Southern Midlands Council Order No 4 of 2016) or until the Transferee enters into an agreement with any other person to sell or otherwise transfer the Land (or any part thereof) to that person. The estate and interest in the Land determines and reverts to the Crown upon the occurrence of any of the following:

- A) *The Land is not being used for the Permitted Purpose; or*
 - B) *The Transferee enters into an agreement with any other person to sell or otherwise transfer the Land (or any part thereof).”*
-

The future of the Levendale Community Centre was initially considered by Council at its meeting held 27th April 2022. At that meeting, as a matter of principle, Council formed the opinion that the property should be disposed of (not a formal decision to sell or dispose of the land under the *Local Government Act 1993*) but prior to proceeding, Council would consult with the 'Regional Community Learning & Development Centre – Levendale Inc.' to confirm its future plans for the property (if any) and also consult with the broader community.

An Extract from the Minutes of the Council Meeting held 27th July 2022 are included as an enclosure to provide the relevant background information.

Two community meetings were held, the outcomes of which were reported to the July 2022 Council meeting, and the following decision was made:

“THAT:

1. *The information be received;*
 2. *Council to advise the State Government (Property Services, formerly known as Crown Land Services) that the property is no longer being used for “Community Purposes’ as defined in the Transfer Deed which transferred ownership from the State to the Southern Midlands Council;*
 3. *based on the reversionary clause that was included in the Transfer Deed, it be recognised that ownership of the property should revert to the State Government; and*
 4. *That Council approach the State Government to negotiate the possibility of pursuing the following proposal:*
 - a. *Seek to have the reversionary cause removed on the understanding that Council will sell the property and the net proceeds from sale be returned to the State Government;*
 - b. *Seek ‘approval-in-principle’ from the State Government to undertake a boundary adjustment prior to sale, which would transfer the netball/basketball court and an area of the playground to the community owned Levendale Hall. This would effectively expand the area contained within the Title of the Levendale Hall.*
- Note: If approval in principle is granted, then formal consent would be required from the Levendale Hall Management Committee.*
- c. *As part of the process, Council negotiate to recoup at the least the amount of ‘capital funds’ that has been expended at the property.*

DETAIL

In terms of actioning the decision, the following update is provided:

1. The State Government was advised of Council’s decision, including advice that the property is no longer being used for community purposes;
2. Received confirmation that the State Government cannot remove the reversionary clause to enable Council to sell the property and return the net sale proceeds to the State;
3. Received confirmation that the State Government cannot undertake a boundary adjustment prior to sale, which would transfer the netball/basketball court and an area of the playground to the community owned Levendale Hall (Note: The State

- Government cannot transfer ownership to a non-government entity other than through commercial processes);
4. Received advice that the State Government will assess other options to provide for ongoing community use of the area identified above through a Licence or possibly a subdivision allowing for the creation of a separate Title; and
 5. No compensation of any kind is payable by the Crown to the Council in respect of the surrender of the Land. This includes Council being unable to recover any monies (i.e. capital funds) expended on the property since taking ownership.

Consistent with the above, the Office of the Crown Solicitor of Tasmania has now prepared and issued a Deed of Surrender which is to be executed by Council. The Tasmanian Land Titles Office Transfer document is also to be signed and sealed by Council.

The date for Surrender will be 30 days from the date of the Deed.

Abetz Curtis will act on behalf of the Southern Midlands Council to manage the property transfer process.

The Deed of Surrender requires Council to ensure that the Crown obtains vacant possession of the Land. The property will need to be inspected and any Council furniture and/or equipment will need to be removed. The future location of the Amenities facility will also need to be resolved with the Sorell Lions Club as a matter of urgency.

Human Resources & Financial Implications – The following information was provided to the April 2022 Council meeting (updated to 30/6/2022):

Financials

Operating Costs (including Depreciation)

In relation to Council's direct involvement, the following is a summary of costs incurred from commencement:

Southern Midlands Council
MINUTES – 14th December 2022

Cost Item	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Wages & On-costs	\$0	\$0	\$0	\$961	\$426	\$1,073	\$188
Council Plant	\$0	\$0	\$0	\$198	\$148	\$480	\$156
Contractors	\$0	\$0	\$864	\$2,079	\$3,822	\$6,470	\$779
Consultancies	\$0	\$200	\$0	\$0	\$0	\$0	\$0
Electricity	\$0	\$844	\$1,794	\$1,856	\$1,618	\$1,213	\$1,107
Insurance	\$0		\$858	\$528	\$493	\$951	\$1,030
Rates	\$0	\$1,325	\$1,445	\$1,496	\$1,548	\$1,570	\$1,626
General Maint.	\$0	\$0	\$0	\$0	\$91	\$695	\$0
Telephone	\$0	\$653	\$769	\$791	\$763	\$835	\$699
Land Tax	\$0	\$787	\$724	\$724	\$711	\$714	\$702
Depreciation*	\$0	\$14,095	\$14,729	\$14,729	\$14,769	\$37,919	\$37,919
Total	\$0	\$17,904	\$21,182	\$23,518	\$24,389	\$51,921	\$44,206
Less Recharged Expenses**	(\$0)	(\$0)	(\$0)	(\$6,265)	(\$5,068)	(\$3,361)	(\$1,807)
Total Operating	\$0	\$17,904	\$21,182	\$17,253	\$19,321	\$48,560	\$42,401
Capital Projects	\$33,745	\$1996	\$0	\$0	\$0	\$0	\$0
Total Expense	\$33,745	\$19,900	\$21,182	\$17,253	\$19,321	\$48,560	\$42,401

* Depreciation (annual allocation – posted 30 June)

Note: The increase in depreciation followed a revaluation of all Councils building assets in 2020/21

** The Centre was recharged for Electricity and Telephone expenses (and some fire alarm monitoring contractor expenses in 2018/19, 2019/20, 2020/21 and 2021/22).

Capital Projects in 2015/16 included \$11,535 Stamp Duty and fees for the transfer of the property, \$135 for Incorporation of the Committee and \$22,075 for the replacement of the amenities facilities and water tank, and maintenance to the carpark. The additional costs in 2016/17 were for the completion of those projects.

Asset Values (for information)

The following is a summary of the Asset values (as at 30 June 2022) for the Levendale Community Centre property. The replacement values are determined on a square metre rate.

Component:	Replacement Value	Annual Depreciation	Written Down Value
Land (2022 Valuation)	\$85,000	\$0	\$85,000
Floor Covering	\$51,370	\$2,055	\$30,811
Plumbing	\$49,035	\$1,961	\$29,410
Electrical & Communications	\$121,420	\$4,857	\$72,825
Kitchen	\$35,000	\$1,400	\$20,992
Heating	\$2,335	\$93	\$1,400
Roof	\$93,400	\$1,868	\$27,974
Structure	\$1,541,100	\$25,685	\$384,501
Total	\$1,978,660	\$37,919	\$652,913

The above asset values, with depreciation being adjusted to the date of surrender, will be recognised as 'Disposal of Land' in the Financial Statement, with no sale value.

An amount of \$38,390 was included in the 2021/22 Capital Budget for external re-painting of the buildings. Due to the inability to engage a Contractor at this point of time, the work has been deferred. This amount was carried forward to 2022/23 but can now be set aside – initially to offset costs associated with removal of the amenities building.

Community Consultation & Public Relations Implications – Refer comment provided, including background information.

Policy Implications – N/A

Priority - Implementation Time Frame – Date of Surrender will be 30 days from the date of the Deed.

RECOMMENDATION

THAT:

1. the information be received and noted; and
2. Council approve the execution of the Deed of Surrender and the Tasmanian Land Titles Office Transfer.

DECISION

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

1. the information be received and noted; and
2. Council approve the execution of the Deed of Surrender and the Tasmanian Land Titles Office Transfer.

CARRIED

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

ENCLOSURE 1
Agenda Item 16.1.1

[EXTRACT FROM COUNCIL MEETING 27 JULY 2022]

16.7 Capacity & Sustainability

Strategic Plan Reference 4.7

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

16.7.1 Levendale Community Centre – Future of the Former Levendale School Site

AUTHOR: DEPUTY GENERAL MANAGER (ANDREW BENSON)

DATE: 19 JULY 2022

Enclosure(s):

Notice of Community Meeting

ISSUE

Since the winding up of the Regional Community Regional Learning & Development Centre - Levendale Incorporated, and therefore the lack of a management committee for the site, Council is required to consider the future use of the site in line with the obligations detailed in the transfer agreement of the site from the Department of Education to Council, or the returning of the site to the State Government.

BACKGROUND

Council considered this matter at its May 2022 meeting and an extract of the minutes of that meeting are detailed below.

EXTRACT Council meeting minutes dated 25th May 2022

BACKGROUND

The background to the issue is detailed in the attached meeting notes from the Community meeting held on the 18th May 2022 at the Levendale Community Hall and is as follows.

- *At the Levendale Primary School, there was a projected enrolment of approximately eight students for the 2014 school year. The school association therefore requested the Education Department to initiate a transition process for the closure of the school at the conclusion of the school year in 2013;*
- *In December 2013 Council were successful in gaining funding of \$5,000 from the State Government towards developing a business plan for the transition of the Levendale School to Community Management*
- *In 2014 Council engaged SGS Economics & Planning to prepare a report on the establishment of activities at the Levendale site;*

- *Southern Midlands Council's Deputy General Manager, Andrew Benson convened a number of Community workshops to explore a way forward with the proposed Council ownership of the former school site;*
- *The SGS report titled 'Feasibility Analysis Levendale School Social Enterprise' was provided to Council in May 2014;*
- *In 2015 Council entered into an agreement with Sorell Lions to transport and accommodate the Amenities Facility at the site. This facility was formerly located at Dunalley following the bush fires;*
- *In January 2017 Council entered into an Agreement with the not-for-profit, incorporated association, the Regional Community Regional Learning & Development Centre - Levendale Incorporated, as the Lessee of the site and also fulfilling the function of the Management Committee of the site under s24 Local Government Act 1993 as a Special Committee of Council. This is consistent with how Council facilitates the management of Council properties. This Association's President was Kerry Vincent along with a number of local Community members as officer bearers and committee members.*
- *In February 2017 the Education Department transferred the site to Southern Midlands Council with the following being noted:*

The transfer from the Crown to the Southern Midlands Council is subject to the following conditions:

- *The estate and interest in the Land determines and reverts to the Crown upon the occurrence of any of the following:*
 - a. The Land is not or no longer being used for the Permitted Purpose; or*
 - b. The Transferee enters into an agreement with any other person to sell or otherwise transfer the Land (or any part thereof)*

The Permitted Purpose means the use of the Land for community use and all reasonable ancillary purposes.

While the title is being transferred to the Southern Midlands Council they will not enjoy an unencumbered freehold interest in the property rather they will have the right to utilise the property for community purposes.

Should they have no further community purpose for the property the land will revert to the Crown for no consideration.

The Southern Midlands Council will be responsible for the maintenance and upkeep of the building while it continues to be utilised for community purposes.

- *The Regional Community Regional Learning & Development Centre - Levendale Inc. developed a relationship with the Edmund Rice Foundation to use the site for camps and development activities nurturing young people with the aid of mentors. This activity was funded by the Christian Brothers and heavily supported by the Bendigo Community Bank.*
- *COVID-19 put a stop to those activities.*

- *The Regional Community Regional Learning & Development Centre - Levendale Inc. have now wound-up and does not now exist.*

DETAIL

The Community meeting was called by Council to understand any community future aspirations for the site prior to making any decisions regarding the future of the property and whether ownership should revert to the State Government (i.e. in accordance with the Transfer Agreement). This was a listening session.

The attached meeting notes reflect the discussion during the meeting and the follow-up that Council have agreed to, with another meeting scheduled for 6.00pm 23rd June 2022 at the Levendale Hall to hear of any tangible ways forward with the site under Council 'ownership'.

A Personal Comment from the Report's Author

As the author of this report and the Council Officer who energetically drove the processes to get this facility into Council hands, so that the Community could utilise it, I found it very rewarding that we as a Council were assisting with the development of young people through the Edmund Rice Foundation. That interaction as articulated by Janice McConnon has made a significant difference to the lives of many young people that attended the site under the guidance of the Edmund Rice Foundation and their mentors. Unfortunately, that has been the only shining example of 'reward for effort' in bringing the site across to Council. If it wasn't for Kerry Vincent, Janice McConnon and their team we would have never engaged with the Edmund Rice Foundation and indeed would never have seen the site used in such a positive way.

I can recall the many meetings that we had back in 2014/15 and they were very much like the meeting on the 18th May 2022. People have wonderful memories of the former Levendale Primary School, of their experiences, their friendships the quality of the teaching and the delightful environment. Long lasting wonderful memories. But unfortunately, they cannot be replicated now. A number of the suggestions made back then and indeed at the meeting on the 18th of May 2022, were around activities, the most of which the Levendale Hall Committee provide right next door. The establishment of such activities at the former school will undervalue and erode the hard work undertaken by the Hall Committee over many years. By building up in one location could well destroy the viability of the other! The Community is too small to lose what it has already worked hard to create. The SGS Report also provided empirical evidence that many activities suggested would not be viable.

Community Consultation & Public Relations Implications – *Community input is being sought prior to Council making a formal decision on the future of the former Levendale School site*

Policy Implications – *Council is seeking to maximise Community participation with the use of Council assets*

Priority - Implementation Time Frame – *As soon as possible*

RECOMMENDATION

For Discussion

DECISION

Moved by Clr R McDougall, seconded by Clr A Bantick

THAT further discussion be deferred until after the next scheduled Community Consultation on 23rd June 2022.

CARRIED

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

END OF EXTRACT - Council meeting minutes dated 25th May 2022

DETAIL

Council convened the meeting on the 23rd June 2002 as agreed and the minutes of that meeting as detailed below

MINUTES OF THE COMMUNITY MEETING AT LEVENDALE

Location: Levensdale Community Hall Commenced 1802hrs

Attendees:

Mayor Alex Green, Deputy Mayor Edwin Batt, Clr Don Fish, Clr Tony Bantick, General Manager Tim Kirkwood, Deputy General Manager Andrew Benson (scribe), Manager Community & Corporate Development Wendy Young and sixteen Community Members.

Apologies:

Jane Howlett MLC, John Tucker MP, Clr Tony Bisdee OAM, Clr Karen Dudgeon, Clr Rowena McDougall, Kerry Vincent, Rick Birch and Joe Birch

Tabled Documents:

Copies of the minutes of the meeting on the 18th May 2022 along with a copy of the SGS Financial Feasibility Report were available at the meeting.

Mayor Alex Green commenced the meeting with an acknowledgement of country.

Deputy General Manager, Andrew Benson provided a precis of the previous meeting and the journey to date.

The Mayor asked the assembled community members to share their views on the way forward along with any research that they had undertaken since the last meeting.

Janice McConnon advised that Collette Harrold will not be back in the State for a few more months and that her project is not able to be explored at this point in time. Further she advised that there were three projects in an embryonic stage that were to be discussed with the Minister during a meeting between Mayor Kerry Vincent and Minister Jaensch. She advised that no further information is available other than the generic descriptions noted below

- *A social enterprise – market garden / hospitality with some funding;*
- *A youth program around accredited horticulture; and*
- *A project covering training in agriculture.*

It was envisaged that any potential outcomes from the above meeting (applicable to the future use of the property) would be communicated to the Southern Midlands Council.

General discussion regarding the possibility of a not-for-profit organisation hiring the facility and what the level of hire fees would be. The General Manager advised that casual hire (i.e. ad hoc usage) would not be a viable option for Council to adopt, and for more permanent use, it would be necessary for the not-for-profit organisation to develop an overall business plan that could be considered by Council.

Discussion then moved to the process if an activity could not be identified. The General Manager advised that it would be subject to discussions with Crown Land Services in respect of ‘disposal’ of the site and if any land could be subdivided off the site then adhered to the Levendale Hall site. Of course he said that discussions with the Hall Committee would need to be undertaken to clarify their position on that issue.

With no further discussion, the Mayor thanked the Community Members, Councillors and Council staff for their input and closed the meeting at 1857hrs.

END OF THE MINUTES OF THE COMMUNITY MEETING AT LEVENDALE

There has been no further information on any proposal received at the date of preparing this report.

CONCLUSION

“In terms of where to from here, the following is proposed:

- Council to advise the State Government (Property Services, formerly known as Crown Land Services) that the property is no longer being used for ‘Community Purposes’ as defined in the Transfer Deed which transferred ownership from the State to the Southern Midlands Council;
- That, based on the reversionary clause that was included in the Transfer Deed, it be recognised that ownership of the property should revert to the State Government;
- That Council approach the State Government to negotiate the possibility of pursuing the following proposal:
 - Seek to have the reversionary cause removed on the understanding that Council will sell the property and the net proceeds from sale be returned to the State Government;
 - Seek ‘approval-in-principle’ from the State Government to undertake a boundary adjustment prior to sale, which would transfer the netball/basketball

court and an area of the playground to the community owned Levendale Hall. This would effectively expand the area contained within the Title of the Levendale Hall.

Note: If approval in principle is granted, then formal consent would be required from the Levendale Hall Management Committee.

- As part of the process, Council negotiate to recoup at the least the amount of 'capital funds' that has been expended at the property.

Should Council be given approval to sell the property, then Council will need to seek legal advice as whether it would need to comply with the 'Sale of Public Land' provisions contained in the *Local Government Act 1993*. In this case, it may not be necessary as Council has effectively not had full control of the property.

RECOMMENDATION

THAT:

1. The information be received;
2. Council to advise the State Government (Property Services, formerly known as Crown Land Services) that the property is no longer being used for "Community Purposes" as defined in the Transfer Deed which transferred ownership from the State to the Southern Midlands Council;
3. based on the reversionary clause that was included in the Transfer Deed, it be recognised that ownership of the property should revert to the State Government; and
4. That Council approach the State Government to negotiate the possibility of pursuing the following proposal:
 - a. Seek to have the reversionary cause removed on the understanding that Council will sell the property and the net proceeds from sale be returned to the State Government;
 - b. Seek 'approval-in-principle' from the State Government to undertake a boundary adjustment prior to sale, which would transfer the netball/basketball court and an area of the playground to the community owned Levendale Hall. This would effectively expand the area contained within the Title of the Levendale Hall.

Note: If approval in principle is granted, then formal consent would be required from the Levendale Hall Management Committee.

- c. As part of the process, Council negotiate to recoup at the least the amount of 'capital funds' that has been expended at the property.

DECISION

Moved by A E Bisdee OAM, seconded by Clr A Bantick

THAT:

1. The information be received;

2. Council to advise the State Government (Property Services, formerly known as Crown Land Services) that the property is no longer being used for “Community Purposes’ as defined in the Transfer Deed which transferred ownership from the State to the Southern Midlands Council;
 3. based on the reversionary clause that was included in the Transfer Deed, it be recognised that ownership of the property should revert to the State Government; and
 4. That Council approach the State Government to negotiate the possibility of pursuing the following proposal:
 - a. Seek to have the reversionary cause removed on the understanding that Council will sell the property and the net proceeds from sale be returned to the State Government;
 - b. Seek ‘approval-in-principle’ from the State Government to undertake a boundary adjustment prior to sale, which would transfer the netball/basketball court and an area of the playground to the community owned Levendale Hall. This would effectively expand the area contained within the Title of the Levendale Hall.
- Note:** If approval in principle is granted, then formal consent would be required from the Levendale Hall Management Committee.
- c. As part of the process, Council negotiate to recoup at the least the amount of ‘capital funds’ that has been expended at the property.

CARRIED

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

ENCLOSURE
Agenda Item 16.7.1



Community Meeting

As an outcome of the community meeting held 18th May 2022 to discuss the future ownership and management of the Levensdale Community Centre (previously Levensdale Primary School), it was resolved that a further meeting would be held to consider any additional feedback and proposals from the community.

The following background information was included in the initial notice of meeting and is repeated for information purposes:

Background Information

Transfer of the Levensdale Primary School to the Southern Midlands Council was finalised on 22nd September 2016. The decision to take on ownership of the property followed an extensive community consultation process through which a number of potential uses were identified.

Whilst a number of initiatives have been trialled, the lack of current and/or potential future use, questions the viability and sustainability of the property and continued ownership by the Southern Midlands Council.

At the time that the property was transferred, a reversionary clause was included in the transfer deed which states that ownership of the property reverts to the Crown (i.e. State Government) in the event that the property is no longer being used for community purposes.

This follow-up consultation session is being held prior to Council considering its final position in relation to the property.

Details are as follows:

Location: Levensdale Community Hall, 1325 Woodsdale Road, Levensdale

Time: 6.00 p.m.

Date: Thursday 23rd June 2022

Should you wish to discuss this matter prior to the meeting, or require further information, please contact the General Manager, Mr Tim Kirkwood on 03 6254 5000.

A handwritten signature in black ink, appearing to read 'A O Green'.

Mayor A O Green

[END EXTRACT FROM COUNCIL MEETING 27 JULY 2022]

ENCLOSURE 2
Agenda Item 16.1.1



Surrender of Land
[DPIPWE Ref: M22/8540]

Southern Midlands Council
(Council)

and

The Crown in Right of Tasmania
(Crown)

THE CROWN SOLICITOR OF TASMANIA
GPO Box 825 Hobart Tasmania 7001
Telephone: (03) 6165 3650
Facsimile: (03) 6173 0265

Doc Ref: 029732-22

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Surrender of Land

Details and Recitals

Date:

Parties:

Name	Southern Midlands Council
ABN	68 653 459 589
Short form name	Council
Notice details	71 High Street, Oatlands, Tasmania 7120 Telephone: (03) 6254 5000 Email: mail@southernmidlands.tas.gov.au Attention: Tim Kirkwood, General Manager

Name	The Crown in Right of Tasmania
Short form name	Crown
Notice details	C/- Department of Natural Resources and Environment Tasmania GPO Box 44, Hobart, Tasmania 7001 Telephone: (03) 6169 9015 Email: PropertyServices@parks.tas.gov.au

Recitals:

- A. The Council is the registered proprietor of the Land.
- B. The Council has agreed to surrender to the Crown the Land in accordance with the Act, in particular section 59 in accordance with this Deed.
- C. The Crown has agreed to accept from the Council a surrender of the Land in accordance with the Act, in particular section 59, and this Deed in accordance with this Deed.

Information Table

Item 1 Land

Land means the land, together with all improvements, buildings and structures, situated at and known as 1315 Woodsdale Road, Levendale in Tasmania comprised in folio of the Register Volume 169535 Folio 1.
--

Item 2 Date for Surrender

30 days from the date of this Deed.

Item 3 Special terms and conditions
--

The following Special terms and conditions apply to this Deed:
--

Not applicable.

Operative provisions

The parties agree as follows:

1 Definitions and interpretation

1.1 Definitions

In this Deed, unless the context otherwise requires:

Act means the *Crown Lands Act 1976* (Tas).

Authorised Officer means:

- (a) if a party is the Crown or a Minister of the Crown, each of the Secretary of the department responsible for the administration of this Deed, an Acting Secretary of that department, a Deputy Secretary of that department, and a nominee of any of them; or
- (b) for any other party, a person authorised in writing by that party.

Business Day means a day that is not a Saturday, a Sunday, Easter Tuesday or a statutory holiday (as defined in the *Statutory Holidays Act 2000* (Tas)) generally observed in Hobart.

Commencement Date means the date of this Deed.

Crown means the Crown in Right of Tasmania.

Crown Agent means:

- (a) each officer and employee of the Crown;
- (b) each agent, contractor, consultant engaged by Crown in relation to the Subdivision Works; and
- (c) each employee, subcontractor of any of the parties in (b) above,

who are involved in any activity related to the Subdivision Works and Crown Agent means any of them.

Date for Surrender means the date in Item 2.

Date of Surrender means the date the surrender actually occurs.

this Deed means this deed and includes all its annexures, appendices, attachments and schedules (if any).

Details means the details and recitals set out above.

End Date means the Date of Surrender.

Government Body includes a body politic, a government (federal, state or local), a governmental, judicial or administrative body, a tribunal, a commission, a department or agency of any government, and a statutory authority or instrumentality.

GST means any goods and services tax or similar tax imposed by the Commonwealth of Australia (but excluding any penalty, fine, interest or similar payment).

GST Laws means applicable Laws relating to GST.

Information Table means the table titled 'Information Table' (if any) included in this Deed.

Item means an item in the Information Table.

Land means the land set out in Item 1.

Law means:

- (a) principles of law or equity established by decisions of courts;
- (b) legislation and subordinate legislation; and
- (c) requirements, approvals (including conditions) and guidelines of any Government Body that have force of law.

month means calendar month.

Right includes a right, a power, a remedy, a discretion or an authority.

1.2 Interpretation

In this Deed, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa;
- (b) words importing a gender include all genders;
- (c) other parts of speech and grammatical forms of a word or phrase defined in this Deed have a corresponding meaning;
- (d) a reference to a thing (including property or an amount) is a reference to the whole and each part of that thing;
- (e) a reference to a group of persons includes a reference to any one or more of those persons;
- (f) a reference to an annexure, an appendix, an attachment, a schedule, a party, a clause or a part is a reference to an annexure, an appendix, an attachment, a schedule or a party to, or a clause or a part of, this Deed;
- (g) a reference to any legislation or legislative provision includes subordinate legislation made under it and any amendment to, or replacement for, any of them;
- (h) writing includes marks, figures, symbols, images or perforations having a meaning for persons qualified to interpret them;
- (i) a reference to a document includes:
 - (i) any thing on which there is writing;
 - (ii) any thing from which sounds, images or writings can be reproduced with or without the aid of any thing else;
 - (iii) an amendment or supplement to, or replacement or novation of, that document; or
 - (iv) a map, plan, drawing or photograph;

- (j) a reference to an agreement includes an undertaking, deed, agreement or legally enforceable arrangement or understanding, whether or not in writing;
- (k) a reference to a 'person' includes a natural person, a partnership, a body corporate, a corporation sole, an association, a Government Body, or any other entity;
- (l) a reference to a party includes that party's executors, administrators, successors and permitted assigns and substitutes;
- (m) a reference to a Minister includes, as applicable, that Minister's predecessors and successors in office;
- (n) a reference to a Government Body or other body or organisation that has ceased to exist, or that has been renamed, reconstituted or replaced, or the powers or functions of which have been substantially transferred, is taken to refer respectively to the Government Body or other body or organisation as renamed or reconstituted, or established or formed in its place, or to which its powers or functions have been substantially transferred;
- (o) a reference to an office in a Government Body or other body or organisation includes any person acting in that office, and if the office is vacant, the person who for the time being is substantially responsible for the exercise of the duties, functions or powers of that office;
- (p) mentioning any thing after the words 'includes', 'included' or 'including' does not limit the meaning of any thing mentioned before those words;
- (q) a reference to a day is to be interpreted as the period of time in Tasmania commencing at midnight and ending 24 hours later;
- (r) reference to a time or date in connection with the performance of an obligation by a party is a reference to the time or date in Hobart, Tasmania, even if the obligation is to be performed elsewhere; and
- (s) references to 'S' and 'dollars' are to Australian dollars.

1.3 Headings

Headings are included for convenience only and do not affect the interpretation of this Deed.

1.4 No rule of construction applies to disadvantage party

In relation to the interpretation of this Deed, no rule of construction is to apply to the disadvantage of a party because that party was responsible for the preparation of this Deed or any part of it.

1.5 Information Table

If there is an Information Table:

- (a) an Item that has not been completed will be taken to be 'not applicable'; and
- (b) unless the context otherwise requires, expressions defined in that table have the same meanings when used in other parts of this Deed.

2 Surrender of Land

2.1 Surrender of Land

Subject to both section 59 of the Act and this Deed:

- (a) the Council will surrender the Land to the Crown; and
- (b) the Crown will accept the surrender of the Land.

2.2 Compensation

No compensation of any kind is payable by the Crown to the Council in respect of the surrender of the Land.

3 Completion

3.1 Completion

The surrender of the Land is to be completed on the Date of Surrender.

3.2 Obligation of the parties

- (a) The Council must:
 - (i) give to the Crown;
 - (A) the certificate of title or a production receipt for the certificate of title for the Land;
 - (B) an executed transfer in respect of the Land in a form and substance satisfactory to the Crown's lawyers; and
 - (C) all other documents necessary to enable the Minister to register the surrender of the Land and adhesion of the Land to the Crown Land including an executed schedule of easements; and
 - (ii) ensure that the Crown obtains vacant possession of the Land; and
- (b) The Crown must pay to the Council any adjustments in accordance with clause 5.

3.3 Estate and interest

In accordance with section 59(3) of the Act, on the Date of Surrender, the Land as surrendered reverts to and vests in the Crown freed and discharged from all estates and interests except those as provided for in clause 6 of this Deed.

4 Title

4.1 Title

The Council warrants to the Crown that immediately before the surrender of the Land to the Crown in accordance with this Deed:

- (a) the Council will have good marketable documentary title to the Land free from all encumbrances;

- (b) the Land will be the absolute property of the Council; and
- (c) the Land will be free from charges payable to any authority either now or in the future for anything which has occurred before the date of this Deed. The Council indemnifies the Minister against all liability of that kind.

5 Adjustments

- (a) All land tax, rates, charges and assessments payable in respect of the Land must be paid by the Council to the end of the current financial year in which the surrender of the Land is completed.
- (b) The Crown must pay to the Council that proportion of all land tax, rates, charges and assessments payable to a Government Body that are assessed, charged or imposed on, or which relate to, the Land for the period from and including the Date of Surrender to the end of the current financial year in which the surrender of the Land is completed.
- (c) Land tax must be apportioned as if the Land were the Council's only Tasmanian land.

6 Encumbrances, easements, covenants and related matters

The Land is surrendered:

- (a) together with all easements and covenants benefiting it;
- (b) subject to all easements that are:
 - (i) registered; or
 - (ii) apparent from an inspection of the Land;
- (c) subject to all encumbrances, easements and covenants disclosed in this Deed.

7 Special terms and conditions

- (a) The special terms and conditions (if any) in Item 3 form part of this Deed.
- (b) If there is any inconsistency between the special terms and conditions in Item 1 and another provision of this Deed, the special terms and conditions override the other provision to the extent of the inconsistency.
- (c) A special term or condition in Item 1 is taken not to be inconsistent with another provision of this Deed if the special term or condition and the other provision of this Deed are both capable of being complied with.
- (d) To avoid doubt and without limiting the operation of clause 10.14, any Right contained in Item 1 is in addition to any other Rights provided for in this Deed or at Law.

8 GST and GST withholding

- (a) Unless otherwise stated in this Deed, all amounts payable by one party to another party are exclusive of GST.
- (b) If GST is imposed or payable on any supply made by a party under this Deed, the recipient of the supply must pay to the supplier, in addition to the GST exclusive consideration for that supply, an additional amount equal to the GST exclusive consideration multiplied by the prevailing GST rate. The additional amount is payable at the same time and in the same manner as the consideration for the supply.
- (c) A party that makes a taxable supply under this Deed must provide a valid tax invoice to the recipient of the supply.
- (d) A party's right to payment under clause 8(b) is subject to a valid tax invoice being delivered to the party liable to pay for the taxable supply.
- (e) If the consideration for a supply under this Deed is a payment or reimbursement for, or contribution to, any expense or liability incurred by the supplier to a third party, the amount to be paid, reimbursed or contributed in respect of the expense or liability will be the amount of the expense or liability net of any input tax credit to which the supplier is entitled in respect of the expense or liability.
- (f) Where any amount payable under this Deed is paid by being set-off against another amount, each amount must be calculated in accordance with this clause 8 as if it were an actual payment made pursuant to this Deed.
- (g) Unless the context otherwise requires, expressions used in this clause 8 that are defined in the GST Laws have the meanings given to those expressions in the GST Laws.
- (h) For the purpose of subsection 14-255(1) of the *Taxation Administration Act 1953* (Cwlth) ("Withholding Law") the Vendor notifies the Crown that the Crown is not required to make a payment under section 14-250 of the Withholding Law in relation to the supply of the Land.

9 Notices

9.1 Notice requirements

- (a) A notice, certificate, consent, application, waiver or other communication (each a **Notice**) under this Deed must be:
 - (i) in legible writing in the English language;
 - (ii) subject to clauses 9.1(b) and 9.1(c), signed by or on behalf of the sender or by a lawyer for the sender;
 - (iii) marked for the attention of the person or position (if any) specified in the Details applicable to the intended recipient of the Notice or, if the intended recipient has notified otherwise, marked for attention in the way last notified; and
 - (iv) left or sent in accordance with clause 9.2.
- (b) A printed or copy signature is sufficient for the purposes of sending any Notice by facsimile.

- (c) A Notice sent by email is taken to have been signed by the sender.
- (d) A Notice must not be given orally.

9.2 Method and address for delivery

- (a) Subject to clause 9.2(b), a Notice must be:
 - (i) left at the intended recipient's address set out in the Details;
 - (ii) sent by prepaid ordinary mail (or prepaid airmail, if from one country to another country) to the intended recipient's address set out in the Details;
 - (iii) sent by facsimile to the intended recipient's facsimile number (if any) set out in the Details; or
 - (iv) sent by email to the intended recipient's email address (if any) set out in the Details.
- (b) If the intended recipient of a Notice has notified the sender of another address, facsimile number or email address for the purposes of receiving Notices, then subsequent Notices to that intended recipient must be left at or sent to the address, facsimile number or email address (as applicable) last notified by that intended recipient.

9.3 Time of receipt

- (a) Subject to clause 9.3(b), a Notice is taken to have been received by the intended recipient:
 - (i) if left at the intended recipient's address, at the time of delivery;
 - (ii) if sent by prepaid ordinary mail, on the third Business Day after the day of posting, or if sent by prepaid airmail from one country to another country, on the tenth Business Day after the day of posting;
 - (iii) if sent by facsimile, at the time shown in the transmission report as the time when the whole Notice was sent; and
 - (iv) if sent by email, four hours after the time the email was sent (as recorded by the device from which the email was sent) provided that the sender has not received an automated message that the email has not been delivered.
- (b) If a Notice is received by a recipient on a day that is not a Business Day or after 4.00pm on a Business Day, the Notice is taken to be received at 9.00am on the next Business Day.
- (c) A Notice is effective from the time it is taken to have been received in accordance with clauses 9.3(a) and 9.3(b) (unless a later time is specified in the Notice, in which case the notice takes effect from that time).

9.4 Other modes or places of service

Nothing in this Deed limits or excludes any other mode or place of service required by an applicable Law.

10 Miscellaneous

10.1 Governing law

This Deed is governed by the Laws applying in Tasmania.

10.2 Dispute jurisdiction

The parties submit to the non-exclusive jurisdiction of courts with jurisdiction in Tasmania, and any courts that may hear appeals from those courts, in respect of any proceedings in connection with this Deed.

10.3 Liability

An obligation of, or a representation, a warranty or an indemnity by, two or more parties (including where two or more persons are included in the same defined term) under or in respect of this Deed, binds them jointly and each of them severally.

10.4 Benefit

An obligation, a representation, a warranty or an indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and each of them severally.

10.5 Compliance with obligations

- (a) A party must ensure that its officers, employees, volunteers, authorised contractors, agents and advisers involved in the performance by that party of its obligations under this Deed:
 - (i) comply with the provisions of this Deed related to that performance; and
 - (ii) do not conduct themselves in a way that would result in the party being in breach of this Deed or that, if the conduct was undertaken by the party, would result in the party being in breach of this Deed.
- (b) If a party is prohibited from doing anything under this Deed, that party must not knowingly assist, authorise or allow any other person to do that thing.

10.6 Severance

If a provision of this Deed is or at any time becomes illegal, prohibited, void or unenforceable for any reason, that provision is severed from this Deed and the remaining provisions of this Deed:

- (a) continue to be enforceable; and
- (b) are to be construed with such additions, deletions and modifications of language as are necessary to give effect to the remaining provisions of this Deed.

10.7 Further assurance

The parties agree to do or cause to be done all such acts, matters and things (including, as applicable, passing resolutions and executing documents) as are necessary or reasonably required to give full force and effect to this Deed.

10.8 Business Days

If the day on or by which an act, matter or thing is to be done under this Deed is not a Business Day, that act, matter or thing must be done by no later than the next Business Day.

10.9 No partnership or agency

Unless stated to the contrary in this Deed:

- (a) nothing contained or implied in this Deed will:
 - (i) constitute, or be taken to constitute, a party to be the partner, agent or legal representative of another party for any purpose;
 - (ii) create, or be taken to create, a partnership or joint venture; or
 - (iii) create, or be taken to create, an agency or trust; and
- (b) a party must not represent or hold itself out to be a partner, joint venturer, agent or representative of another party.

10.10 Legal costs

Each party must bear their own costs in preparing and negotiating this Deed.

10.11 Amendment

This Deed may only be amended or supplemented in writing signed by the parties.

10.12 Waiver

- (a) A failure or delay in exercising a Right does not operate as a waiver of that Right.
- (b) A single or partial exercise of a Right does not preclude any other exercise of that Right or the exercise of any other Right.
- (c) A Right may only be waived in writing, signed by the party to be bound by the waiver. Unless expressly stated otherwise, a waiver of a Right is effective only in the specific instance and for the specific purpose for which it was given.

10.13 Successors and assigns

This Deed is binding on and benefits each party and, unless repugnant to the sense or context, their respective administrators, personal representatives, successors and permitted assigns.

10.14 Rights cumulative

Each Right provided for in this Deed:

- (a) operates independently of any other Right provided for in this Deed; and
- (b) is cumulative with, and does not exclude or limit, any other Right, whether at Law or pursuant to any other agreement, deed or document.

10.15 No assignment

A party must not assign any of its Rights and obligations under this Deed except with the prior written consent of each other party.

10.16 Disclosure

- (a) Despite any confidentiality or intellectual property right subsisting in this Deed, a party may publish all or any part of this Deed without reference to another party.
- (b) Nothing in this clause derogates from a party's obligations under the *Personal Information Protection Act 2004* (Tas) or the *Privacy Act 1988* (Cwlth).

10.17 Determination

Where a party is required or entitled to form or hold an opinion or view under or in relation to this Deed, that opinion or view may be formed or held by an Authorised Officer for that party. This clause does not limit any other way in which a party may otherwise form or hold an opinion or view under or in relation to this Deed.

10.18 Consent and approvals

- (a) This clause applies to any consent or approval which a party must obtain from another party in accordance with this Deed. For the avoidance of doubt, this clause does not apply to any consent or approval to be given under any legislation.
- (b) A request for consent or approval must be made in writing.
- (c) A consent or approval for the purposes of this Deed is not effective unless given in writing.
- (d) Except as otherwise stated, a party whose consent or approval is required must not unreasonably withhold or delay that consent or approval.
- (e) A consent or approval may be given subject to reasonable conditions.
- (f) A party receiving a consent or approval must comply with any conditions subject to which the consent or approval is given. To the extent that the party receiving the consent or approval fails to comply with the condition, that failure is taken to be a breach of this Deed.

10.19 Doctrine of merger

The doctrine or principle of merger does not apply to this Deed or to anything done under or in connection with this Deed. Accordingly, no Right or obligation of a party is merged in any thing done pursuant to this Deed.

10.20 Minister or State of Tasmania expressed to be party

- (a) If a Minister of the Crown (acting in that capacity) is expressed to be a party to this Deed, then unless an applicable Law provides otherwise:
 - (i) the Minister enters into this Deed on behalf of the Crown;
 - (ii) the Rights, obligations and liabilities expressed to be those of the Minister are Rights, obligations and liabilities of the Crown; and
 - (iii) each reference in this Deed to the Minister will be taken to include a reference to the Crown.
- (b) For the avoidance of doubt, if the State of Tasmania is expressed to be a party to this Deed, the Rights, obligations and liabilities of the State of Tasmania are Rights, obligations and liabilities of the Crown.

10.21 No interference with executive duties or powers

Nothing in this Deed is intended to prevent, is to be taken to prevent, or prevents, the free exercise by the Governor, by any member of the Executive Council, or by any Minister of the Crown, of any duties or authorities of his or her office. Any provision of this Deed that is inconsistent with this clause is of no legal effect to the extent of the inconsistency.

10.22 Surviving provisions and termination

- (a) The termination of this Deed does not affect or limit the operation or effect of clauses or parts of this Deed:
 - (i) that are expressed to survive the termination of this Deed;
 - (ii) that, at Law, survive the termination of this Deed; or
 - (iii) that are necessary to survive the termination of this Deed:
 - (A) to give full force and effect to the parties' respective Rights, obligations and liabilities on or after the termination of this Deed;
 - (B) to enable a party to make, enforce or defend any claims related to this Deed; or
 - (C) to give full force and effect to the operation of clause 10.22(b) or clause 10.22(c).
- (b) The termination of this Deed does not affect any claims related to, or any Rights, releases, obligations or liabilities accrued or incurred under, this Deed before the date on which this Deed is terminated.
- (c) Nothing in this clause 10.22 affects or limits the operation of another provision of this Deed which gives a party Rights, or imposes obligations on a party, on or after the termination of this Deed.

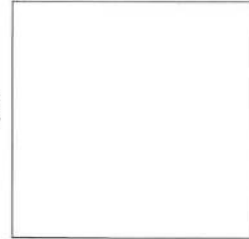
Executed as a deed.

Signing

Signing by Council

The common seal of **Southern Midlands Council** was affixed pursuant to a Resolution of the said Council in the presence of:

Common seal:
→

A large empty rectangular box intended for the common seal of the council.

Signature:
→

An empty rectangular box for the signature of the first official.

*Print
name and
position
held:

An empty rectangular box for printing the name and position of the first official.

Signature:
→

An empty rectangular box for the signature of the second official.

*Print
name and
position
held:

An empty rectangular box for printing the name and position of the second official.

*Use BLOCK LETTERS

Signing by Crown

Executed as a deed for **The Crown in Right of Tasmania** (acting through the Minister administering the *Crown Lands Act 1976 (Tas)*) by the person named below in the presence of the witness named below:

Signature: →	<input type="text"/>		
*Print name:	<input type="text"/>	Witness' signature: →	<input type="text"/>
*Position and Position Number:	<input type="text"/>	*Witness print name and position:	<input type="text"/>
Please complete:	<input type="text" value="Acting pursuant to an Instrument of dated"/>		
*Use BLOCK LETTERS		*Witness print address:	<input type="text"/>

Attachment: Plan

1315-Woodsdale-Road-Levendale



**PLAN IS FOR ILLUSTRATION
PURPOSES ONLY**

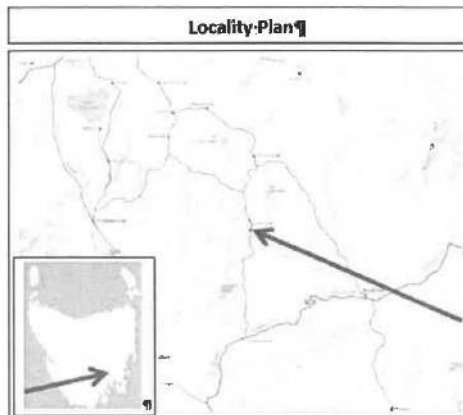
□ Subject land

→ Locality point

File: 228540

PID: 1481598

Area: 1.898 Hact



TASMANIAN LAND TITLES OFFICE

Transfer

Section 58 Land Titles Act 1980.



THE TRANSFEROR for the consideration specified below (receipt of which from the transferee is hereby acknowledged) HEREBY TRANSFERS to the TRANSFEREE the estate and interest specified in the land described hereunder subject to the mortgages and encumbrances registered thereon including any created by dealings lodged for registration before the lodging of this transfer.

DESCRIPTION OF LAND		
Folio of the Register		If subject to existing mortgages - list here. If part of land - describe part. If easement created - describe easement.
Volume	Folio	
169535	1	

Estate and Interest: **in fee simple**

Transferor: **SOUTHERN MIDLANDS COUNCIL** of 71 HIGH ST OATLANDS TAS 7120

Transferee: **THE CROWN** of GPO 44 HOBART TAS 7001

Consideration:
\$0.00 To effect a surrender of the above land to the Crown pursuant to Section 59 of the Crown lands Act 1976 (Tas.)

Date:

The Common Seal of Southern Midlands Council was affixed pursuant to a resolution of the said Council in the presence of:

.....
 Signature

.....
 Signature

.....
 Print name and position

.....
 Print name and position

Land Titles Office Use Only

Dealing Security Code: 484614

T
 Version 1 (TOLD)

Duty

THE BACK OF THIS FORM MUST NOT BE USED

Created 06-Dec-2022 03:21PM

16.2 Recreation

Strategic Plan Reference 4.2

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

16.2.2 Oatlands Aquatic Centre – Progress Report

AUTHOR: OATLANDS AQUATIC CENTRE COORDINATOR (ADAM BRIGGS)

DATE: 6 DECEMBER 2022

Enclosure:

Progress Report December 2022

ISSUE

Consideration of the Oatlands Aquatic Centre Coordinator's progress report, December 2022.

The purpose of the report is twofold:

- 1) To provide Council and the Community with an update on the first 3 weeks of operation at the new Oatlands Aquatic Centre; and
- 2) Brief summary of events/bookings undertaken by Oatlands Aquatic Centre Staff in the new facility; and
- 3) Consideration to waiving entry fee charges for Aquatic Centre Staff Members to use the facility to help maintain required qualifications.

BACKGROUND

With the new Oatlands Aquatic Centre now open to the public, it is appropriate for Council to receive a progress report on the Centre's first 3 weeks of operation.

Aquatic Centre Staff are required to maintain qualifications to work in the Aquatic Industry that undertake physical tasks and testing, staff are encouraged to maintain these skills but currently are required to pay for access to the facility to do so.

DETAIL

The following information is a brief overview of events/bookings that have been conducted since the commencement of the Oatlands Aquatic Centre in November, 2022.

Group Bookings

Event / Booking	School / Group	Participation Numbers
Swimming Carnival	Bagdad Primary School	Grade 3 to 6 students
Learn to Swim Program	Bothwell Primary School	30 students (10 lessons each)
Swimming Carnival	Oatlands District School	Grade 3 to 10 students
Learn to Swim Program	Campania District School	48 students (6 lessons each)
Community Sports Day	SportAus Funding	33 participants took part
Learn to Swim Program	Oatlands District School	61 students (10 lessons each)
Learn to Swim Program	Kempton Primary School	20 students (10 lessons each)
Lane Hire	Oatlands District School	4 individual bookings
Race Meet	Masters Swimming Tasmania	41 participants took part

Facility Usage (14/11/22 – 4/12/22)

10 Visit Pass Cards:	21
Membership Cards:	48
PayG Pool Visits:	625
PayG GYM/Class Visits:	40

Grant Applications

See below an update on both current Grant Applications;

- **SportAus - Regional Sport Events Fund:** This event took place on Saturday 12/11/22 and was attended by 33 participants and their families. The range of activities organised for the day were received very well with some participants enjoying 1 on 1 stroke development coaching from Commonwealth Games Bronze Medallist and Paralympic swimmer Jacob Templeton at the end of the event. Water Polo Tasmania did an amazing job catering for a large range of abilities but very excited children. Water Polo Tasmania provided a great mix of 15 female and male support players from their State Reproductive Teams who worked on ball skills (passing & shooting) and game rules in the water with the students.
- **Tasmanian Government - Premier's Fund for Children & Young People:** We applied for \$50,000.00 to put towards programs at Oatlands Aquatic Centre, which we have been successful in receiving. This funding has already been used to purchase large Learn to Swim Equipment with the remainder of the money to be used in 2023 on Learn to Swim lessons and training courses.

Oatlands Aquatic Centre Staff Entry Fee

Due to Aquatic Centre Staff requiring to maintain qualifications to work in the Aquatic Industry that undertake physical tasks and testing, staff are encouraged to maintain these skills but currently are required to pay for access to the facility to do so. I am putting forward that the entry fee for Aquatic Centre Staff be waived to encourage ongoing development.

Human Resources & Financial Implications – N/A

Community Consultation & Public Relations Implications – N/A

Policy Implications – N/A

Priority - Implementation Time Frame – N/A

RECOMMENDATION

THAT Council:

- **The Oatlands Aquatic Centre Progress Report be received and the information noted.**
- **Centre Entry Fees waived for Aquatic Centre Staff members to help maintain required qualifications.**

DECISION

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

THAT:

- **The Oatlands Aquatic Centre Progress Report be received and the information noted; and**
- **Centre Entry Fees waived for Aquatic Centre Staff members to help maintain required qualifications.**

CARRIED

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

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 Improvement

Strategic Plan Reference 5.1

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

17.1.1 Amendment of Existing Policies

- Code of Tenders and Contracts
- Code of Conduct For Employees and Workers

AUTHOR: DEPUTY GENERAL MANAGER, (Andrew Benson)

DATE: 9 DECEMBER 2022

Attachment(s):

1. Draft version 7_ Code of Tenders and Contracts
2. Draft version 2_ Code of Conduct for Employees and Workers

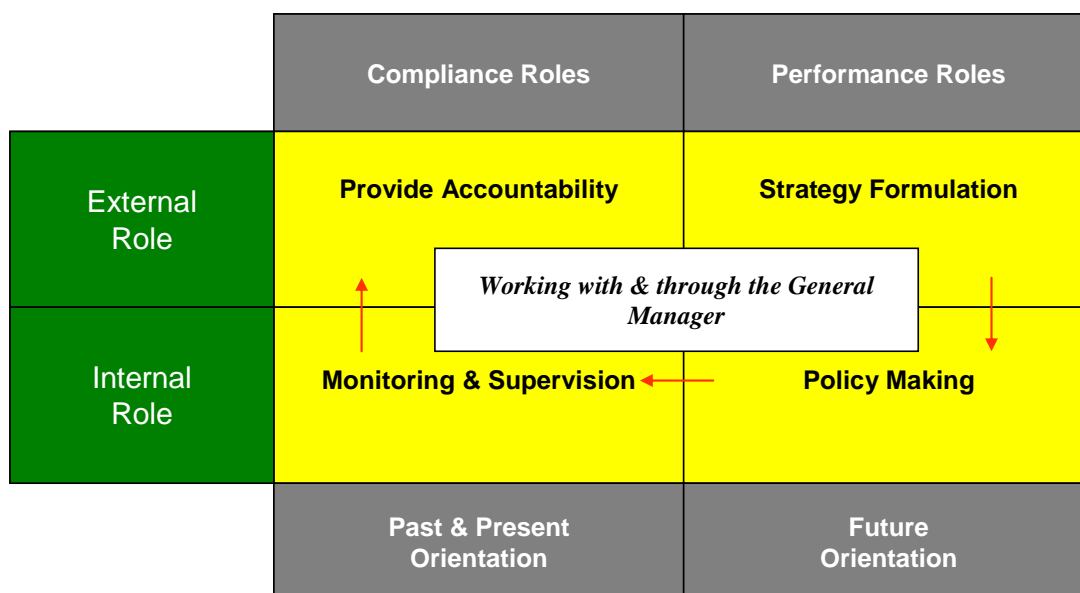
ISSUE

Council are required to review and update its various policies from time to time. The two nominated policies have been reviewed, amendments made, and now require consideration, then adoption 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

As Councillors are aware, the process for any policy document is, 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, subject to any amendments agreed by Council.

Draft version 7 of the Code of Tenders and Contracts is attached and shows some minor changes to the document. There are no major changes required by legislation.

Draft version 2 of the Code of Conduct for Employees and Workers is also attached and likewise shows some minor changes to the document. It was felt desirable in the interpretation of the policy that the word ‘Worker’ be included in the title and subsequent elements of the policy to reinforce the understanding of the obligations of contractors working for Council being bound by this policy.

RECOMMENDATION

THAT Council

1. Receive and note the report;
2. Consider the revised version 7 of the Code for Tenders and Contracts in preparation for the adoption of the revised policy, at the January 2023 Council meeting, subject to any Council amendments; and
3. Consider the revised version 2 of the Code of Conduct for Employees and Workers in preparation for the adoption of the revised policy, at the January 2023 Council meeting, subject to any Council amendments.

DECISION

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

THAT Council:

1. Receive and note the report;
2. Consider the revised version 7 of the Code for Tenders and Contracts in preparation for the adoption of the revised policy, at the January 2023 Council meeting, subject to any Council amendments; and
3. Consider the revised version 2 of the Code of Conduct for Employees and Workers in preparation for the adoption of the revised policy, at the January 2023 Council meeting, subject to any Council amendments.

CARRIED

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

17.2 Sustainability

Strategic Plan Reference 5.2

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

17.2.1 Tabling of Documents

Nil.

17.2.2 Elected Member Statements

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

Deputy Mayor K Dudgeon – Following her attendance at the ‘Keep Australia Beautiful Tasmanian Sustainable Communities – Tidy Towns Awards’, accompanied by the Manager Community & Corporate Development (Wendy Young), held on King Island, it was reported that the Oatlands township had been awarded the overall Tasmanian Sustainable Communities – Tidy Towns Award. Oatlands won the ‘Sustainable Community – Tidy Town Award for a population under 5,000; the Appearance, Amenities & Facilities Award; and the ‘Heritage & Culture’ category.

Council will be required to attend the national awards which are also being held on King Island in May 2023.

Mayor E Batt entered the meeting at 2.39 p.m.

Deputy Mayor K Dudgeon vacated the Chair and Mayor E Batt took the Chair.

RESOLVED to return to Item 10. – Public Question Time.

10. PUBLIC QUESTION TIME (SCHEDULED FOR 2.30 P.M.)

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

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

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

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

Julia Jabour – Southern Midlands Regional News

Oatlands Aquatic Centre - Car Park Signage - Asked whether the car park was open to the public as yet?

Advised that it is accessible but waiting on delivery of signage which will be erected to indicate traffic flow and access via South Parade. EV charging station logo will also be on the signage.

Graham Furness – raised the following issues:

- a) Signage – Oatlands Aquatic Centre – refer comment above
- b) Oatlands Aquatic Centre – Bus Parking – explanation provided which included advice that there is allocated parking bays for medium size buses
- c) Angle Parking (High Street) – to be addressed as part of the Oatlands Structure Plan traffic management study
- d) Signage – directional signed to Lake Dulverton – consider the option of installing a directional sign beneath the road name sign which would not be intrusive, or add additional signage to the street
- e) Oatlands Brochure – budget to be allocated in 2023/24 for re-printing following desk top review

10.1 Permission to Address Council

Representatives from the Woodsdale Football Club (Toni Cowle and Geoff Young) attended the meeting to address Council in relation to the Woodsdale Recreation Ground. Information regarding the present status of the Club was provided, including an update on recent works and activities at the Recreation Ground.

As part of the subsequent discussion, the Club's expectations in terms of the standard of facilities required were detailed.

16.2.1 Woodsdale Recreation Ground – 2578 Woodsdale Road, Woodsdale (PID 5839745)

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 28th NOVEMBER 2022

Attachment(s):

- A. *The LIST – Property Information Report & copy of Title*
- B. *Report – Submitted to Council Meeting held 24 November, 2021*
- C. *13th December 2021 – Council Workshop Discussion*
- D. *January 2022 Council Meeting – Report to Council (refer enclosure D)*
- E. *February 2022 Council Meeting – ‘In-Committee’ Report to Council (refer enclosure E)*
- F. *April 2022 Council Meeting – Report to Council (re: Amendment to Management Committee Arrangements) (refer enclosure F)*
- G. *30th May 2022 – Council Workshop Discussion*
- H. *6th June 2022 2022 – Council Workshop Discussion*
- I. *August 2022 – Freestone Building Surveying Report*
- J. *9th September 2022 – Copy of Sugden & Gee Report – Structural assessment of Woodsdale Football Club Change Rooms – as submitted by Woodsdale Football Club (refer enclosure J).*
- K. *29th September 2022 – AFL Tasmania – Venue inspection final site report – Woodsdale Oval (refer enclosure K)*
- L. *2nd October 2022 - Detailed list of requirements to upgrade the various buildings (and associated infrastructure) at the Woodsdale Recreation Ground provided to the Woodsdale Football Club. This included a copy of the Freestone Building Surveying report (referred to above). (refer enclosure L)*
- M. *‘JMAPP Property Risk Site Inspection Report’ prepared by JLT – Council’s Insurers. (refer enclosure M)*

ISSUE

To provide an updated report in relation to the Woodsdale Recreation Ground with the aim of seeking direction (and/or a decision) regarding the future development of the Woodsdale Recreation Ground.

BACKGROUND

For the benefit of newly elected members, the Woodsdale Recreation Ground is a Council owned property. The total area of the property is 2.803 hectares and is accessed off Woodsdale Road (via Montgomery’s Road).

There are four main buildings on the property:

- 1. Clubrooms – total area of 88.0 square metres
- 2. Change rooms – total area of 75 square metres;

3. Toilets – total area of 32 square metres; and
4. Kiosk / Kitchen.

Historically the property was managed by the Woodsdale Football Club however following the Football Club going into recess in 2015, for a period of time it was managed by the Woodsdale Hall Management Committee, being a Council Management Committee.

Note It is generally the responsibility of the Management to raise sufficient funds through hire fees and other income sources to meet the operational costs associated with the property, however during the period that the Football Club was in recess (and is still the case), the Southern Midlands Council did retain responsibility for paying the Aurora Account. This recognised that there is insufficient income derived from bookings to offset the operational costs.

The Woodsdale Football Club re-entered the Oatlands District Football Association in 2022 and arrangements were made for the Club to train (at least one night per week) and play its home games at the Kempton Recreation Ground. This was due to the condition and inadequacy of the facilities; the unsuitability of the ground for playing football; and safety issues and concerns generally

The following provides a timeline of activities and provides copies of past reports considered by Council:

- November 2021 – Council received an initial verbal approach by the Woodsdale Football Club to upgrade facilities at the Woodsdale Recreation Ground, so that they can enter a side in the ODFA Competition in 2022 Season
- November 2021 Council Meeting – Report to Council (refer enclosure B)
- 13th December 2021 – Council Workshop Discussion (refer enclosure C)

Outcome of Workshop:

Further information relating to the Woodsdale Recreation Ground was presented to the meeting. Information included the AFL Tas audit outcomes; comments provided by JLT Insurance; and photographs of the facility and identified defects. As an outcome of the workshop, it was agreed that a meeting be arranged with the representatives of the Woodsdale Football Club to discuss all relevant issues.

- January 2022 Council Meeting – Report to Council (refer enclosure D)
- 9th February 2022 – Council Workshop Discussion

Outcome of Workshop:

A verbal report was provided to the workshop. This followed a meeting between representatives from the Central Hawks Junior Football Club and the Woodsdale Football Club. As an outcome of that meeting, it was confirmed that the Kempton Recreation Ground could be used by the Woodsdale Football Club to play its home games - subject to the terms and conditions negotiated between the two Clubs relating to access; ground preparation; cleaning etc.

- February 2022 Council Meeting – **'In-Committee'** Report to Council (refer enclosure E)

- April 2022 Council Meeting – Report to Council (re: Amendment to Management Committee Arrangements) (refer enclosure F)
- 30th May 2022 – Council Workshop Discussion

Outcome of Workshop:

Woodsdale Recreation Ground – Discussion Re: Football Club Submission

Preliminary consideration of the submission lodged by the Woodsdale Football Club in relation to upgrading the property to enable home games to be played at the Woodsdale Recreation Ground in 2023. (refer enclosure G)

To be listed for further discussion at the Workshop scheduled on 6th June 2022.

- 6th June 2022 – Council Workshop Discussion

Outcome of Workshop:

Woodsdale Recreation Ground – Discussion Re: Football Club Submission

The workshop reviewed a preliminary 'lifecycle' costing report submitted by A Benson. (refer enclosure H).

Note: This report was based on an indicative capital investment of \$500,000 (which was an approximation at that point of time), but it clearly demonstrates the overall cost associated with the proposed upgrade on an annualised basis.

Discussion was deferred pending the attendance of Mr John Treasure (President – Woodsdale Football Club) at the workshop scheduled for 15th June 2022.

- August 2022 – Freestone Building Surveying engaged by Council to provide an independent assessment of the four(4) Buildings at the Recreation Ground (refer enclosure I)
- 9th September 2022 – Copy of Sugden & Gee Report – Structural assessment of Woodsdale Football Club Change Rooms (refer enclosure J). This was arranged and submitted by the Woodsdale Football Club.
- 12th September 2022 – Council Workshop Discussion

Outcome of Workshop:

Woodsdale Recreation Ground – Building Surveyors Report

Preliminary consideration of an independent Building Surveyors' Report entitled 'Structural Integrity & NCC Compliance Report' prepared by Freestone Building Surveying.

This report was commissioned by Council to obtain independent advice from a Building Surveyor regarding the building infrastructure at the Woodsdale Recreation Ground.

It was acknowledged that Council is within the nominated 'caretaker period' policy timeframe, and therefore it is not possible to progress any decisions relating to the Woodsdale Recreation Ground property.

As an interim measure, it was agreed that the Woodsdale Football Club be provided with a copy of the report. During discussion it was also noted that the Woodsdale Football Club has submitted an application for funding under Council's Community Small Grants Program. Under the circumstances it was thought that this request should be considered as part of the broader considerations relating to the property.

- 19th September 2022 – Meeting with representatives of the Woodsdale Football Club – outcome of which was a request to provide detailed list of upgrade requirements.
- 29th September 2022 – AFL Tasmania – Venue inspection final site report – Woodsdale Oval (refer enclosure K)
- 2nd October 2022 - Detailed list of requirements to upgrade the various buildings (and associated infrastructure) at the Woodsdale Recreation Ground provided to the Woodsdale Football Club. This included a copy of the Freestone Building Surveying report (referred to above). (refer enclosure L)

Note: It was at this point that Council entered 'caretaker period'. No further decision(s) could be made in terms of the future of the property due to the financial implications.

DETAIL

Reference is made to the past reports and discussions held by Council.

It can be readily seen that the list of defects and required improvements are considerable. This is also evidenced in the recently completed 'JMAPP Property Risk Site Inspection Report' prepared by JLT – Council's Insurers. (refer enclosure M)

In the absence of a budget, and the unknown likelihood of capital funding being allocated to upgrade the premises, there is little value in proceeding to prepare detailed design plans and specifications.

In order to advance the discussion and determine a way forward, a broad estimate to upgrade the property and ensure compliance from both a property and risk perspective, **is \$750,000**. This amount is a calculation based on the use of the building(s) and the number of square metres. Contingencies are also provided for assessment and upgrade of the waste disposal system.

Note: In relation to the relocation of the Toilet facility from the Colebrook Recreation Ground, following further assessment and receipt of advice, this is not a practical or straight forward option. Prior approvals are required (i.e. building & plumbing), and approval would be contingent upon the preparation of a suitable on-site wastewater disposal system. The same issues relate to the relocation of the facility currently located at the Levendale Community

Centre. Irrespective, dealing with the toilets (or lack thereof) does not address the broader issues that must be resolved to enable football to be played at the Recreation Ground.

Whilst other capital investment estimates have been mentioned in the past, the \$750,000 is considered a more realistic amount.

The following issues are highlighted from past reports and discussions:

1. Major development of the property would be inconsistent with the ‘Southern Midlands Recreation Plan’. Whilst this is a dated report, the commentary and recommendations are still applicable;
2. Concern regarding the actual future of the Woodsdale Football Club as the primary ‘user’ of the Ground’, acknowledging that other events are held on an infrequent basis during the course of the year;
3. Putting aside the building issues, the suitability of the ground for playing football is questionable (i.e. does not meet the minimum guidelines);
4. The extent of defects and the associated risk(s) requires action as soon as possible; and
5. The need for Council to consider the future of the Woodsdale Recreation Ground (taking into account the above), including the issue of ownership and future management options is essential.

Human Resources & Financial Implications – Refer above detail.

The following summary of Assets Values and Operating Costs have been update for information:

Asset Values (for information)

The following is a summary of the Asset values for the Recreation Ground property. The replacement values are determined on a square metre rate.

Component:	Replacement Value	Annual Depreciation	Written Down Value
Land (2022 Valuation)	\$60,000	\$0	\$60,000
Floor Covering	\$21,120	\$845	\$1,673
Plumbing	\$20,160	\$806	\$1,597
Electrical & Communications	\$28,800	\$1,152	\$2,282
Kitchen	\$25,000	\$1,000	\$1,981
Heating	\$960	\$38	\$76
Outdoor Play & Exercise Equipment	\$15,000	\$600	\$7,800
Roof	\$38,400	\$768	\$23,027
Structure	\$576,000	\$7,200	\$446,301
Total	\$785,440	\$12,409	\$544,737

Operating Costs (including Depreciation)

In relation to Council’s direct involvement, the following is a summary of costs incurred for the past three years:

Cost Item	2019/20	2020/21	2021/22
Council Labour & On-costs	\$120.76	\$1,493.39	\$5,223
Council Plant	\$26.00	\$954.00	\$2,366
Electricity	\$494.14	\$583.16	\$491
Insurance	\$524.53	\$513.77	\$617
Survey Costs (Remark boundaries)	\$0.00	\$1,936.36	\$0.00
Maintenance (General)	\$0.00	\$925.00	\$2,914
Depreciation (annual allocation – posted 30 June) <i>Note: The increase in depreciation followed a revaluation of all Councils building assets in 2020/21.</i>	\$5,093.57	\$12,409.60	\$12,410
Total	\$6,259.00	\$18,815.28	\$24,021

In short, it is apparent that the following options are available to Council:

- Make a decision to upgrade the property and proceed to identify potential funding sources and negotiate a suitable hire/lease arrangement with the Woodsdale Football Club to recover (or offset) some of the costs. This may also include the need to consider property acquisition to provide a ground that meets the AFL minimum standards;
- Make a decision not to upgrade the property to make it suitable for football (i.e. both buildings and oval), but retain the property for use by the community as a general recreation space. This would require demolition of the changerooms and kiosk building; and upgrade of the clubrooms as a community gathering place and upgrade the toilets to suit;
- Make a decision not to upgrade the property and make a decision to sell the property and proceed through the ‘Sale of Public Land’ process; or
- Make a decision to invest in the preparation of detailed plans and specifications which would provide an acceptable level of infrastructure for playing football - with the intent of providing this information to the Football Club. This option acknowledges that the Football Club has indicated that they are not necessarily seeking capital contributions from Council, as they have voluntary resources available to the Club. This would also allow the Club to pursue external grant opportunities as they have suggested.

Council may also consider a combination of the above options which can be raised for discussion at the workshop.

From an overall asset management and risk perspective, sale of the property is a real option that warrants serious thought given the overall condition of the property. If this option was progressed, the intent would be to reinvest the proceeds into other local community infrastructure.

Note: In relation to the relocation of the Toilet facility from the Colebrook Recreation Ground, following further assessment and receipt of advice, this is not a practical or straight forward option. Prior approvals are required (i.e. building & plumbing), and approval would be contingent upon the preparation of a suitable on-site wastewater disposal system. The same

issues relate to the relocation of the facility currently located at the Levendale Community Centre. Irrespective, dealing with the toilets (or lack thereof) does not address the broader issues that must be resolved to enable football to be played at the Recreation Ground.

Community Consultation & Public Relations Implications – This directly impacts on the Woodsdale Football Club; its members and the Woodsdale community (and surrounds). If a decision was made not to upgrade the Recreation Ground, it follows that alternative arrangements will need to be negotiated to provide for training and home games to be played at an alternative venue.

In relation to this, it is my understanding that the Football Club are not prepared to play at an alternative venue and will cease to exist although this has not been directly confirmed with the Club.

Policy Implications – N/A

Priority - Implementation Time Frame – Resolution is required as a matter of urgency.

RECOMMENDATION

THAT:

1. Council make a determination that it is not in a financial position to upgrade the Woodsdale Recreation Ground to the extent that is required to achieve compliance in terms of the Building Code of Australia, and secondly, to mitigate the significant risks that have been identified by JLT (Council's Insurers). This determination reflects the conservative estimate of \$750K required to upgrade the facilities;
2. Council inform the Woodsdale Football Club that the property will not be available for use going forward, whether it be training and/or playing home games;
3. Council inform the Woodsdale Football Club that if they wish to continue to participate in the Oatlands District Football Association, then as a matter of urgency, Council will seek to negotiate an arrangement to use the Kempton Recreation Ground;
4. Based on the report provided by JLT, and the major risks that have been identified in that report (amongst other assessments), Council proceed to take immediate measures to prevent access to the existing changerooms and kiosk buildings. This is necessary pending the outcome of planned consultation with the community;
5. Council inform the following interested parties of this decision, which is to include a copy of the Agenda Report: - Oatlands District Football Association; AFL (Tasmania); and JLT;
6. In relation to providing a future community "gathering/meeting" place, Council seek feedback from the community in relation to the following options:
 - a. Retain the Clubrooms building at the Recreation Ground, address the building compliance works (as identified) and upgrade the septic disposal system to cater for this facility. This option would include maintaining the grassed area as a general recreation space not suitable for organised sports i.e. football and cricket); OR
 - b. Consider disposal of the property in its entirety and re-invest the funds at the Woodsdale Community Hall to cater for this use. This would

include investigating the possibility of acquiring land adjacent to the Hall to provide a safe play space for the children set back from the roadway.

Clr A E Bisdee OAM departed the meeting at 3.40 p.m. which was part way through the discussion of this Agenda Item.

DECISION

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

THAT the meeting be adjourned for afternoon tea at 3.59 p.m.

CARRIED

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

DECISION

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

THAT the meeting reconvene at 4.18 p.m.

CARRIED

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

DECISION

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

THAT

- 1. Council defer a decision in regard to the recommendation provided;**
- 2. In the interim, Council reiterate that the existing change rooms are not to be used for training (or other purposes);**
- 3. Council require the Woodsdale Football Club to engage an accredited designer to prepare the necessary plans and specifications for all buildings within the Recreation Ground. These plans are to be in accordance with the National Construction Code and the Disability Discrimination Act 1992;**
- 4. These design plans are then to be certified by a practising Building Surveyor;**
- 5. That based on the above plans, a wastewater design be prepared by a qualified person to achieve compliance with the certified plans. In this regard, relocation of the amenity facility from Colebrook Recreation Ground can be factored into the design; and**
- 6. Council acknowledge that this information will then provide a basis to make an informed decision regarding the future of the Woodsdale Recreation Ground, particularly as it relates to use for football.**

CARRIED

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

16.3 Access

Strategic Plan Reference 4.3

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

Nil.

16.4 Volunteers

Strategic Plan Reference 4.4

Encourage community members to volunteer.

Nil.

16.5 Families

Strategic Plan Reference 4.5

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

Nil.

16.6 Education

Strategic Plan Reference 4.6

Increase the educational and employment opportunities available within the Southern Midlands

Nil.

16.7 Capacity & Sustainability

Strategic Plan Reference 4.7

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

Nil.

16.8 Safety

Strategic Plan Reference 4.8

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

Nil.

16.9 Consultation & Communication

Strategic Plan Reference 4.8

Improve the effectiveness of consultation & communication with the community.

Nil.

17.3 Finances

Strategic Plan Reference 5.3

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

17.3.1 Monthly Financial Statement (Period ending 30 November 2022)

AUTHOR: FINANCE OFFICER (MANDY BURBURY)

DATE: 6 DECEMBER 2022

ISSUE

Provide the Financial Report for the period ending 30th November 2022.

BACKGROUND

The Operating Expenditure Report includes a Year to Date (YTD) Budget Column, with variations (and percentage) based on YTD Budgets.

Note: Depreciation is calculated on an annual basis at the end of the financial year. The budget and expense for depreciation are included in the June period.

DETAIL

The enclosed Report incorporates the following: -

- Statement of Comprehensive Income – 1 July 2022 to 30 November 2022.
- Operating Expenditure Report – 1 July 2022 to 30 November 2022.
- Capital Expenditure Report – 1 July 2022 to 30 November 2022.
- Cash Flow Statement – 1 July 2022 to 30 November 2022.
- Rates & Charges – as at 30 November 2022.

OPERATING EXPENDITURE (OPERATING BUDGET)

Overall operating expenditure to end of October was \$3,648,041 which represents 99.9% of the Year to Date Budget.

Whilst there are some variations within the individual Program Budgets (refer following comments), expenditure is consistent with the Budget.

Strategic Theme - Infrastructure

Sub-Program – Roads - expenditure to date (\$731,214 – 143.6%). Additional expenditure of \$222,022 relates to road maintenance required due to ongoing rain events leading to an increased level of call-outs for emergency works, road inspections, drainage works, maintenance grading, bitumen patching and tree removal. As previously reported, we

anticipate the level of operational expenditure on roads will decrease with dryer weather and an increase in capital works.

Sub-Program – Buildings (Public Toilets) - expenditure to date (\$38,671 – 110.12%). Expenses are higher than budget due to engaging external contactors to carry out cleaning and maintenance when required. It is a relatively minor budget and will be monitored.

Strategic Theme – Growth

Sub-Program – Business - expenditure to date (\$190,234 – 167.82%). Additional expenditure relates to private works. The additional expense will be offset by an increase in private works income.

Strategic Theme – Landscapes

Nil.

Strategic Theme – Community

Nil.

Strategic Theme – Organisation

Nil.

CAPITAL EXPENDITURE PROGRAM

Capital Expenditure Projects are colour coded to signify the grant program and show the completion deadlines. A legend of the colour coding is as below:

Legend – Completion Deadlines for Grant funded projects

Roads to Recovery	It is the Government's intention that the full allocation is budgeted and spent in the year allocated
Local Road and Community Infrastructure (LRCI) Phase 3	To be completed by 30 June 2023 (use or lose)
Other Specific Purpose Grants	Completion date as per grant deed or approved extension date

RECOMMENDATION

THAT the Financial Report be received and the information noted.

DECISION

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

THAT the Financial Report be received and the information noted.

CARRIED

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

STATEMENT OF COMPREHENSIVE INCOME
for the period 1 July 2022 to 30 November 2022

	Annual Budget \$	Year to Date as at 30 November \$	%	Comments
Income				
General rates	6,405,004	6,336,781	98.9%	Includes Interest & Penalties on rates
User Fees (refer Note 1)	1,094,687	443,181	40.5%	Includes Private Works
Interest	48,000	115,865	241.4%	
Government Subsidies	69,838	750	1.1%	Heavy Vehicle Licence Fees, Road Rescue MAIB reimbursements & Interest Subsidy
Contract Income	0	0		
Other (refer Note 2)	232,400	103,973	44.7%	Includes TasWater Distributions
Sub-Total	7,849,929	7,000,551	89.2%	
Grants - Operating	3,785,930	662,695	17.5%	
Total Income	11,635,859	7,663,246	65.9%	
Expenses				
Employee benefits	-4,802,251	-1,678,829	35.0%	Less Roads - Resheeting (Capitalised)
Materials and contracts	-3,432,747	-1,869,907	54.5%	Less Roads - Resheeting (Capitalised), Includes Land Tax & Private Works
Depreciation and amortisation	-3,521,000	-1,471,893	41.8%	Percentage Calculation (based on year-to-date)
Finance costs	-58,919	-4,510	7.7%	Interest
Contributions	-258,156	-64,539	25.0%	Fire Service Levies
Other	-154,951	-71,638	46.2%	Audit Fees and Councillor Allowances
Total expenses	-12,228,024	-5,161,316	42.2%	
Surplus (deficit) from operations	-592,165	2,501,930	-422.5%	
Grants - Capital (refer Note 3)	3,795,990	952,099	25.1%	
Contributions - Natural Disaster Relief Fund	80,000	0	0.0%	
Sale Proceeds (Plant & Machinery)	0	97,000		
Sale Proceeds (Land)	0	0		
Sale Proceeds (Other Assets)	0	1,260		Includes used wheelie bins & sale of Mill assets
Net gain / (loss on disposal of non-current assets)	0	0		
Surplus / (Deficit)	3,283,825	3,552,289	108.2%	

STATEMENT OF COMPREHENSIVE INCOME
for the period 1 July 2022 to 30 November 2022

	Annual Budget \$	Year to Date as at 30 November \$	%	Comments
NOTES				
1. Income - User Fees (Budget \$681,158) includes:				
- All other Programs	795,241	275,553	34.7%	
- Private Works	299,446	115,093	38.4%	
- HBS interest on New Business Funds (since 30.08.2010)	0	52,535		
	<u>1,094,687</u>	<u>443,181</u>	40.5%	
2. Income - Other (Budget \$86,000) includes:				
- Tas Water Distributions	182,400	38,000	20.83%	
- Public Open Space Contributions	50,000	50,000	100.00%	
- "Gardeners of 7120" Donation for seating on High Street	0	2,720		
- Donations to Kempton Recreation Ground	0	210		
- Donations for use of recreation facilities	0	175		Including Blue Gum Rovers
- Worker's Comp. Wage Reimbursement	0	12,868		
	<u>232,400</u>	<u>103,973</u>	44.7%	
3. Grants - Capital (Budget includes):				
- Roads To Recovery	665,531	35,000	5.26%	
- LRCl - Phase 3 (Total \$1,331,062)	1,088,402	665,531	61.15%	\$1,331,062 Projects to be completed by 30.06.23
- LRCl - Rural & Remote Roads (Total \$5,346,180)	1,069,236	0	0.00%	
- Comm Dev Grant - Oatlands Aquatic Centre (\$500K)	500,000	0	0.00%	
- Dept of Communities Tas (Levelling the Playing Field)	234,000	0	0.00%	
- Aust Govt - Black Summer Bushfire Recovery Grant	238,821	208,968	87.50%	
- ChargeSmart (Second instalment)	0	36,000		
- Mens Shed Grant (Shipping Container)	0	6,600		
	<u>3,795,990</u>	<u>952,099</u>	25.08%	
4. Grant - Operating (Budget \$3,564,167) includes:				
Operating Grants				
- FAGS 2022/23	3,785,930	608,529	16.1%	
- FAGS 2023/24	0	0		2023/24 Payment in Advance
- Communities for Children - School Holiday Program	0	4,166		
- Dept. Premier & Cabinet - Splash-in Good Fun Program	0	50,000		
	<u>3,785,930</u>	<u>662,695</u>	17.5%	

**SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2022/23
SUMMARY SHEET**

PROGRAM	YTD ACTUAL (as at 30 Nov 22)	YTD BUDGET (as at 30 Nov 22)	YTD VARIANCE	YTD %	FULL YEAR BUDGET - REVISED INC. GRANTS & OTHER
INFRASTRUCTURE					
Roads	731,214	509,192	-222,022	143.60%	3,317,298
Bridges	9,831	14,764	4,933	66.59%	448,063
Walkways	95,540	99,421	3,881	96.10%	239,610
Lighting	33,570	33,961	391	98.85%	81,506
Public Toilets	38,671	35,117	-3,554	110.12%	80,478
Sewer/Water	-	-	-	-	-
Stormwater	2,579	11,645	9,066	22.15%	81,948
Waste	415,105	423,414	8,309	98.04%	1,217,693
Information, Communication	-	-	-	-	-
INFRASTRUCTURE TOTAL:	1,326,510	1,127,513	-198,997	117.65%	5,466,596
GROWTH					
Residential	-	-	-	-	-
Tourism	24,117	28,550	4,433	84.47%	42,200
Business	190,234	113,360	-76,875	167.82%	272,063
Industry	-	-	-	-	-
GROWTH TOTAL:	214,352	141,910	-72,442	151.05%	314,263
LANDSCAPES					
Heritage	141,826	192,752	50,926	73.58%	453,974
Natural	86,300	87,321	1,022	98.83%	201,271
Cultural	-	8,125	8,125	0.00%	19,500
Regulatory - Development	261,643	400,926	139,283	65.26%	962,224
Regulatory - Public Health	3,009	9,375	6,366	32.09%	22,500
Regulatory - Animals	50,226	47,846	-2,381	104.98%	115,386
Environmental Sustainability	-	4,167	4,167	-	10,000
LANDSCAPES TOTAL:	543,004	750,512	207,508	72.35%	1,784,855
COMMUNITY					
Community Health & Wellbeing	115,856	133,787	17,931	86.60%	315,178
Recreation	270,420	354,276	83,856	76.33%	954,884
Access	-	-	-	-	-
Volunteers	26,365	26,250	-115	100.44%	45,000
Families	6,608	7,708	1,100	85.73%	11,500
Education	-	-	-	-	-
Capacity & Sustainability	27,550	29,585	2,035	93.12%	54,405
Safety	7,438	16,542	9,104	44.96%	39,700
Consultation & Communication	4,452	8,650	4,198	51.46%	17,300
LIFESTYLE TOTAL:	458,688	576,798	118,110	79.52%	1,437,967
ORGANISATION					
Improvement	33,082	45,528	12,446	72.66%	72,642
Sustainability	956,361	889,863	-66,498	107.47%	2,809,812
Finances	116,044	119,011	2,967	97.51%	341,888
ORGANISATION TOTAL:	1,105,487	1,054,402	-51,085	104.84%	3,224,342
TOTALS	\$3,648,041	\$3,651,136	\$3,095	99.9%	\$12,228,023

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 30 November 2022

		BUDGET \$	EXPENDITURE \$	BALANCE \$	COMMENTS	COMPLETION DEADLINE
INFRASTRUCTURE						
ROAD ASSETS						
Resheeting Program	Roads Resheeting	500,000	64,125	435,875		
	Oatlands - Interlaken Road Resheeting 5km	100,000	0	100,000	RTR	30 June 2023
	Mangalore - Black Brush Road Resheeting 3km	50,531	0	50,531	RTR	30 June 2023
	Elderslie - Bluff Road Resheeting 2km	30,000	0	30,000	RTR	30 June 2023
	Bagdad - East Bagdad Road 1.5km	20,000	0	20,000	RTR	30 June 2023
Reseal Program	Roads Reseal Program	0	0	0	\$270K moved to Reconstruct & Seal	
	Woodsdale - Woodsdale Road Reseal	50,000	20,447	29,553		
	Parattah - Inglewood Road Reseal	130,000	0	130,000	(RTR \$75K)	30 June 2023
Reconstruct & Seal	Reconstruct & Seal Program	270,000			\$270K from Roads Reseal Program	
	Campania - Native Corners Road (to complete section)	260,000	85,535	174,465	LRCI P3	30 June 2023
	Elderslie - Pelham Road (Stabilisation and drainage)	200,000	0	200,000	LRCI P3	30 June 2023
	Oatlands - South Parade (including Kerb, Channel and Footpath)	170,000	9,371	160,629	RTR 21/22 c/f WIP \$9,264 (RTR \$150K)	30 June 2022
	Stonor - Stonor Road (stabilise - two sections)	245,000	5,254	239,746	LRCI P3	30 June 2023
	Woodsdale Road (Whitefoord - four sections)	255,000	21,303	233,697	RTR	30 June 2023
	York Plains - York Plains Road A (pavement failures) (500 metres)	82,500	199	82,301	LRCI P3 c/f	30 June 2023
	York Plains - York Plains Road B (Starting 5km from Midland Hwy)	130,000	0	130,000	LRCI P3	30 June 2023
Construct & Seal (Unsealed Roads)	Campania - Hall Street (Seal and stormwater upgrade)	70,000	0	70,000	RTR	30 June 2023
	Mangalore - Ballyhooly Road (approx. 500 metres)	90,000	0	90,000	LRCI P3 - \$50K	30 June 2023
	Oatlands - Interlaken Road (Year 1/3 - Total contribution \$300K)	1,169,236	0	1,169,236	Remote Roads - \$1,069,236 of \$5,346,180	30 June 2026
Minor Seals (New)	Dust Suppressants	40,000	0	40,000		
	Oatlands - Bentwick Street	37,777	0	37,777	LRCI P3 - \$17,777	30 June 2023

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 30 November 2022

		BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
		\$	\$	\$		DEADLINE
Other	Campania Structure Plan - Town gateway and Streetscape	40,000	0	40,000		
	Campania - Estate Road (vicinity Mallow property)	49,000	13,544	35,456	Budget c/f WIP \$13,544	
	Campania - Main Intersection/Carpark Design Concept	50,000	0	50,000	Budget c/f	
	Campania - Reeve St / Clime Street (includes Footpath)	70,000	16,209	53,791	Budget c/f WIP 30/6/22 \$16,209	
	Campania - Reeve St Junction/footpath/kerb & channel	200,000	9,534	190,466	WIP \$16,209 Vulnerable Road Users	31 March 2023
	Colebrook - Junction Craigbome Road and Colebrook Road	24,000	0	24,000		
	Elderslie - Bluff Road Intersection Upgrade	150,000	131,103	18,897	WIP \$130,674 Black Spot	31 August 2022
	Elderslie - Elderslie Road Widening Investigation & Trial (Sth Blackbrush Rd)	40,000	6,777	33,223	Budget c/f WIP \$6,777	
	Elderslie - Pelham Rd / Clifton Vale Rd (junction upgrade)	65,000	0	65,000	RTR	30 June 2023
	Mt Seymour - Junction Blackgate Road and Tunnack Road	24,000	0	24,000		
	Oatlands - Hasting Street Junction	15,000	959	14,041	Budget c/f WIP \$959	
	Runnymede quarry - Rehabilitation	20,000	17,045	2,955		
	Tea Tree - Grices Road (Tree removal, set-back of embankment, drainage)	15,000	0	15,000	Budget c/f	
	Tunnack - Link Road Landslip	25,000	107	24,893	Budget c/f WIP \$107	
	Woodsdale - Woodsdale Road Landslip	0	11,951	-11,951		
		4,687,044	413,463	4,003,581		
BRIDGE ASSETS	Interlaken Road (Dulv Rvlt - Bridge No 3861) - Widening	42,218	67,095	-24,877	Budget c/f WIP \$53525	
	Jones Road Broadmarsh (Jordan River - Bridge 5083) - Flood Damage	80,000	3,302	76,698		
	York Plains Road (Kitty's Rivulet - Bride No 457)	60,000	92,826	-32,826	Budget c/f WIP \$69,342	
		182,218	163,223	18,995		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 30 November 2022

		BUDGET \$	EXPENDITURE \$	BALANCE \$	COMMENTS	COMPLETION DEADLINE
WALKWAYS	Footpaths - General Streetscapes	96,000	0	96,000	Budget \$84K c/f	
	Bagdad - East Bagdad Road	210,000	156,553	53,447	Budget c/f WIP \$151,524	
	Bagdad - Midland Highway - Walking Path Upgrade (500 metres)	100,000	4,160	95,840	Budget \$50K c/f	
	Campania - Reeve Street - Footpath through to Hall	30,000	0	30,000	Budget c/f	
	Kempton - Midlands Highway/Mood Food	147,565	0	147,565	\$147,565 Budget c/f	
	Kempton - Grange Road (Retaining Wall)	30,000	0	30,000		
	Kempton - Streetscape Plan - Footpath Renewal (southern end)	60,000	0	60,000	LRC1 P3 c/f	30 June 2023
	Kempton - Main St, Sophia to Erskine (145m) - Footpath/kerb & gutter/stormwater	80,032	80,476	-444	Budget c/f WIP \$58,404 /\$28K from General Streetscapes	
	Kempton - Old Huntinground Road (Footpath / School Crossing etc.)	80,000	24,392	55,608	Budget \$27K c/f WIP \$8,391	
	Melton Mowbray - Streetscape Works (Trough / Shelter etc)	30,000	5,318	24,682	Budget c/f WIP \$5318	
	Oatlands - Campbell Street (Footpath)	45,000	0	45,000		
	Oatlands - Stanley Street (Footpath -120 metre link)	25,000	0	25,000		
	Tunnack - Streetscape concept Plan	50,000	46,676	3,324	Budget c/f WIP \$42,970	
		983,597	317,574	666,023		
LIGHTING	Nil					
		0	0	0		
PUBLIC TOILETS	Colebrook - History Room Toilets (Tiling etc.)	10,000	0	10,000		
	Campania - Flour Mill Park - Concrete Pathways/drainage/remove pavers	15,000	0	15,000	Budget c/f	
	General Public Toilets - Upgrade Program	20,000	0	20,000	Budget c/f	
		45,000	0	45,000		
DRAINAGE	Kempton - Erskine Street - Stormwater Upgrade & Footpath	60,000		60,000		
		60,000	0	60,000		
WASTE	Wheelie Bins and Crates	5,000	0	5,000		
	Dysart WTS (Gates)	4,150	4,150	0		
	WTS Safety & Operational Improvements	20,850	0	20,850		
		30,000	4,150	25,850		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 30 November 2022

	BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
	\$	\$	\$		DEADLINE
GROWTH					
TOURISM					
Jericho - Memorial Avenue - Plaques (Stage 1 of 2 - \$20K per year)	20,000	0	20,000	Budget c/f	
Kempton - Memorial Avenue Park - Interps (Stage 1 of 2 - \$20K per year)	19,545	155	19,390	Budget c/f WIP \$155	
Oatlands Accommodation Facility	0	41,723	-41,723	WIP \$40,373 (Offset by Barrack Street Property)	
	39,545	41,878	-2,333		
LANDSCAPES					
HERITAGE					
Heritage Collections Store	10,000	3,700	6,300	Budget c/f WIP \$3,700	
Kempton - Watch House (Heat Pump)	0	3,800	-3,800		
Oatlands - Commissariat (Boundary Fence)	6,000	0	6,000	Budget c/f	
Oatlands - Commissariat (Toilet Improvements)	0	5,222	-5,222	Contribution from Mission Australia	
Oatlands Court House (Wall Stabilisation)	15,000	1,187	13,813		
Oatlands - Gaol Aluminium Temporary Steps (Entrance)	3,500	0	3,500	Budget c/f	
Oatlands Gaolers Residence (Ceiling Reinstatement)	5,000	0	5,000		
Oatlands Gaolers Residence (Wingwall)	23,000	0	23,000	Budget \$15K c/f	
Oatlands - Barrack Street Police House (Year 2/2 Budget of \$110K)	55,000	0	55,000	Budget c/f	
Oatlands - Roche Hall Forecourt (Interps - Planning Condition of Approval)	40,000	3,750	36,250	Budget c/f	
Oatlands Swimming Pool (Staged demolition)	200,000	0	200,000		
Parattah - Railway Station -Shed for Gangers Trolley	2,000	0	2,000	Budget c/f	
	359,500	17,659	341,841		
NATURAL					
Chauncy Vale - Wombat Walk	39,250	27,278	11,972	Includes \$29,250 grant WIP 3\$24,547.59	31 Dec 2022
Chauncy Vale - Day Dawn Cottage Improvements	12,000	0	12,000		
Municipal Area - Preventing Roadkill (Signs)	5,000	8,038	-3,038	Budget c/f WIP \$1,980	
	56,250	35,315	20,935		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 30 November 2022

		BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
		\$	\$	\$		DEADLINE
CULTURAL	Nil	0	0	0		
		0	0	0		
REGULATORY	Kempton Council Chambers - Clock Restoration Works	10,672	1,384	9,288	Budget c/fwd WIP \$726.5	
- DEVELOPMENT	Kempton Council Chambers - Office Furniture & Equipment	5,000	6,666	-1,666		
		15,672	8,050	7,622		
REGULATORY	Water Bottle Refill Stations	7,980	0	7,980	Budget c/f	
- PUBLIC HEALTH		7,980	0	7,980		
REGULATORY	Nil					
- ANIMAL CONTROL		0	0	0		
ENVIRONMENTAL	Oatlands Aquatic Centre - Electric Vehicle Charge Station	40,500	40,500	0	ChargeSmart Grant	
SUSTAINABILITY		40,500	40,500	0		
COMMUNITY						
FAMILIES	Bagdad - Child Care Centre Building	200,000	502	199,498	Council Commitment (grant funded)	
		200,000	502	199,498		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 30 November 2022

		BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION DEADLINE
		\$	\$	\$		
RECREATION	Recreation Committee	20,791	0	20,791		
	Bagdad - Bagdad Community Club (Precinct Plan)	25,000	17,417	7,583	Budget c/f WIP \$14,160	
	Bagdad - Bagdad Community Club (Repair of Oval)	20,000	17,042	2,958		
	Bagdad - Iden Road Park Development	75,000	0	75,000		
	Broadmarsh - Broadmarsh Hall "The Haven"	22,138	22,138	0	Administration of Progress Assoc. Grant	
	Campania - Recreation Ground Drainage	25,000	56,708	-31,708		
	Campania - Public Open Space dev (Justitia Park)	6,375	0	6,375	Budget c/f	
	Kempton - Off-lead Dog Park	60,331	4,609	55,722	LRCI Phase 3 \$43,125 WIP \$3,915	30 June 2023
	Kempton - Recreation Ground (Hot Water System)	4,209	4,209	0	From Committee Budget	
	Kempton - Recreation Ground (Lighting)	16,000	0	16,000	Budget c/f	
	Kempton - Recreation Ground (Site Dev and Play Equipment)	24,250	0	24,250	Budget c/f	
	Kempton - Recreation Ground (Irrigation)	60,000	0	60,000		
	Kempton - Skate Park (Council Commitment)	5,000	13,667	-8,667	WIP \$11,364.23	
	Mt Pleasant Rec Ground - Building Improvements	259,000	9,676	249,324	Department of Communities Grant	31 December 2023
	Oatlands - Aquatic Centre (New Pool) - WIP prior to 2020/21	941,987	941,987	0	WIP \$941,987	
	Oatlands - Aquatic Centre (New Pool) - Construction	9,678,126	8,785,511	892,615	WIP \$6,519,656	
	Oatlands - Aquatic Centre (Gymnasium Equipment)	15,000	10,713.92	4,286		
	Oatlands - Callington Park (Lighting & Surveillance)	14,000	0	14,000		
	Oatlands - Callington Park Toilet	140,000	0	140,000		
	Oatlands - Community Hall (Maintenance Program)	51,300	0	51,300	Budget c/f	
	Oatlands - Midlands Community Centre (External Painting - Front of Building)	5,000	0	5,000		
	Oatlands - Midlands Community Centre (Roof & Insulation)	39,000	20,983	18,017	Budget c/f WIP \$468	
	Tunbridge - Park Gates	3,040	3,058	-18	Budget c/fwd	
		11,463,507	9,907,718	1,579,829		
ACCESS	All Buildings (Priority Approach)	50,000	0	50,000	Budget c/f	
	Tunbridge Community Club (SMC Contribution Accessible Toilets)	20,000	200	19,800	Budget c/f WIP \$200	
		70,000	200	69,800		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 30 November 2022

		BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
		\$	\$	\$		DEADLINE
CAPACITY & SUSTAINABILITY	Campania - Bush Reserve / Cemetery	300,000	33,247	266,753	WIP \$14,817	
	Kempton - Carriage Shed - Toilets	15,000	0	15,000		
	Levendale - Community Centre	38,390	0	38,390	Budget c/f	
	Oatlands - Community Shed (Shipping Container)	6,600	6,602	-2	Men's Shed Grant	
	Oatlands - Church Street/South Parade Sub-Division	0	34,604	-34,604	WIP \$32,471- Offset by sale of properties	
	Oatlands - MMPC Church Street Sub-Division	0	998	-998	WIP \$733.18 Offset by sale of property	
	Oatlands - Stanley Street Master Plan	20,000	0	20,000	Budget c/f	
	Oatlands - Structure Plan	25,000	34,155	-9,155	\$25K Budget c/fwd WIP \$23,203	
		404,990	109,607	295,383		
SAFETY	SMC Flood Mapping Project (subject to external Grant Funding)	40,000	0	40,000		
		40,000	0	40,000		
ORGANISATION						
SUSTAINABILITY	Oatlands - Council Chambers - Internal Toilets & Access Upgrade	100,000	5,287	94,713	Budget c/fwd WIP \$1538	
	Oatlands - Council Chambers - Damp Issues & Stonemasonry	15,000	0	15,000	Budget c/fwd	
	Oatlands - Council Chambers - Works Office (floor coverings)	5,000	0	5,000	Budget c/fwd	
	Oatlands - Town Hall (General - Incl. Office Equip/Furniture)	5,000	1,250	3,750		
	Computer System (Hardware / Software) - includes CISCO 3 yrs	50,000	86,090	-36,090		
	Ipads (2) (Animal & Building Control)	4,000	0	4,000		
	New Server - New Domain Controller/Main Server	20,000	14,226	5,774		
	Municipal Revaluation	0	40,250	-40,250	\$64,400 paid in 2021-22	
		199,000	147,103	51,897		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 30 November 2022

	BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
	\$	\$	\$		DEADLINE
WORKS					
Kempton Depot - Perimeter Fencing	25,000	0	25,000		
Kempton Depot - Property Purchase (Year 4/4 Budget of \$180K)	45,000	45,000	0	Total Project Cost - to be funded over 4 yrs (Yr 4 - \$45K)	
Kempton Depot - Storage Lockers	2,000	1,593	407	Budget c/fwd	
Oatlands Depot - General repairs & alterations	28,000	0	28,000	Budget c/fwd	
Minor Plant Purchases	9,500	1,735	7,765		
Minor Plant Purchases - Building Services Unit	0	10,789	-10,789	To be funded from proceeds from HBS	
Second Hand MISU Screening Bucket	0	12,000	-12,000		
Radio System	3,000	0	3,000		
Plant Replacement Program					
Heavy Vehicles	714,199	144,167	570,032		
Light Vehicles	354,086	115,286	238,800		
(Trade Allowance - \$218K & \$229)					
	1,180,785	330,570	850,215		
GRAND TOTALS	20,065,588	11,537,513	8,282,116		

Southern Midlands Council
MINUTES – 14th December 2022

CASH FLOW 2022/2023	INFLOWS (OUTFLOWS) Jul 2022 \$	INFLOWS (OUTFLOWS) Aug 2022 \$	INFLOWS (OUTFLOWS) Sept 2022 \$	INFLOWS (OUTFLOWS) Oct 2022 \$	INFLOWS (OUTFLOWS) Nov 2022 \$	INFLOWS (OUTFLOWS) (Year to Date) \$
Cash flows from operating activities						
Payments						
Employee costs	(280,887)	(470,851)	(307,392)	(304,949)	(331,818)	(1,695,897)
Materials and contracts	(372,338)	(282,093)	(259,278)	(153,830)	(324,987)	(1,392,526)
Interest	(3,244)	0	0	0	(1,266)	(4,510)
Other	(48,103)	(68,139)	(128,628)	(71,252)	(64,186)	(380,308)
	(704,572)	(821,083)	(695,298)	(530,030)	(722,257)	(3,473,240)
Receipts						
Rates	90,401	1,757,594	1,473,724	191,542	468,621	3,981,882
User charges	94,343	417,276	1,595,316	63,774	84,468	2,255,177
Interest received	2,867	78,065	27,557	22,069	37,842	168,400
Subsidies	0	0	0	0	0	0
Other revenue grants	0	304,265	52,500	0	305,931	662,695
GST Refunds from ATO	0	0	0	0	0	0
Other	(36,958)	(97,132)	80,168	(53,397)	(3,201)	(110,520)
	150,654	2,460,067	3,229,265	223,988	893,662	6,957,635
Net cash from operating activities	(553,918)	1,638,984	2,533,967	(306,042)	171,405	3,484,395
Cash flows from investing activities						
Payments for property, plant & equipment	(198,831)	(1,065,572)	(1,103,032)	(205,257)	(634,350)	(3,207,043)
Proceeds from sale of property, plant & equipment	134	54,250	33	39,339	4,505	98,260
Proceeds from Capital grants	208,968	77,600	665,531	0	0	952,099
Proceeds from Investments	0	0	0	0	0	0
Repayment of Investments	0	200,000	0	0	0	200,000
Net cash used in investing activities	10,270	(733,722)	(437,469)	(165,919)	(629,844)	(1,956,684)
Cash flows from financing activities						
Repayment of borrowings	(7,965)	0	0	0	(16,278)	(24,243)
Proceeds from borrowings	0	0	0	0	0	0
Net cash from (used in) financing activities	(7,965)	0	0	0	(16,278)	(24,243)
Net increase/(decrease) in cash held	(551,613)	905,262	2,096,498	(471,961)	(474,718)	1,503,469
Cash at beginning of reporting period	14,355,848	13,804,235	14,709,497	16,805,995	16,334,034	14,355,848
Cash at end of reporting period	13,804,235	14,709,497	16,805,995	16,334,034	15,859,317	15,859,317

SOUTHERN MIDLANDS COUNCIL				
SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED				
	This Financial Year 29th November 2022		Last Financial Year 29th November 2021	
Arrears brought forward as at July 1		\$ 414,040.53		\$ 434,414.30
ADD current rates and charges levied		\$ 6,311,348.28		\$ 5,943,054.15
ADD current interest and penalty		\$ 25,872.34		\$ 26,881.37
TOTAL rates and charges demanded	100.00%	\$ 6,751,261.15	100.00%	\$ 6,404,349.82
LESS rates and charges collected	53.55%	\$ 3,615,464.22	54.57%	\$ 3,494,700.27
LESS pensioner remissions	4.03%	\$ 271,865.38	3.92%	\$ 250,747.03
LESS other remissions and refunds	-0.10%	-\$ 6,470.86	-0.15%	-\$ 9,585.50
LESS discounts	0.53%	\$ 35,984.17	0.54%	\$ 34,725.14
TOTAL rates and charges collected and remitted	58.02%	\$ 3,916,842.91	58.88%	\$ 3,770,586.94
UNPAID RATES AND CHARGES	41.98%	\$ 2,834,418.24	41.12%	\$ 2,633,762.88

**17.3.2 Monthly Oatlands Aquatic Centre Capital Expenditure Report
(Period ending 30 November 2022)**

AUTHOR: FINANCE OFFICER (MANDY BURBURY)

DATE: 7 DECEMBER 2022

ISSUE

Provide the capital expenditure report for the Oatlands Aquatic Centre to 30th November 2022.

DETAIL

The enclosed Report includes all capital expenditure relating to the Oatlands Aquatic Centre prior to 2020/2021, and budget and expenditure for 2020/2021 and 2021/2022.

RECOMMENDATION

THAT the Financial Report be received and the information noted.

DECISION

Moved by Cllr D Blackwell, seconded by Cllr R McDougall

THAT the Financial Report be received and the information noted.

CARRIED

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

**OATLANDS AQUATIC CENTRE CAPITAL EXPENDITURE RECONCILIATION
AS AT 30 NOVEMBER 2022**

	BUDGET \$	EXPENDITURE \$	BALANCE \$	COMMENTS
Total Expenditure to 30 November 2022		9,894,405		
Council Labour & On-costs		5,255		
Materials - Council		195		
External Plant Hire - Council		6,217		
SMC Planing / Building Permits		6,495		
SMC Planing / Building Permits - June 2020		6,868		
SMC - Other Contractor Costs		901		
August 2012 - Purchase of 70 High Street, Oatlands		166,908		Total Cost (includes legals etc.) Gov't Land Value - \$23,000
Bzowy Architecture & Other Consultants				
2016/17		27,056		Best described as Project Revival
Contract No 1 (part of \$107,660)		16,227		
2017/18				
Contract No 1 (part of \$107,660)		92,471		Includes Disbursements of \$1,038
Other Costs - Variations & Redesign		63,579		Additional Floor / Redesign etc.
Bio-Energy (review & assessment)		24,867		
Appeal Costs		140,153		Various
2018/19				
Bzowy - Other Costs - Variations & Redesign		108,611		Includes Survey & Legal
Engagement Agreements		21,470		
Formal Contract - Tenders / Design etc (part of \$379,960)		265,905		

2019/20

Bzowy - Other Costs - Variations & Redesign	96,779	Includes Survey & Legal
Bzowy - Formal Contract - Tenders / Design etc (part of \$379,960)	39,921	
Building Surveying	350	
Communications (Nylander)	180	
Legal (BMB)	18,488	

Construction Phase (to date) - July 2020 - to 30 November 2022

Legal (BMB)	0	15,996	-15,996	
Construction Contract (Vos)	7,783,604	7,374,220	409,384	13 progress claims (work to 16.09.22)
Consultants Fees (SMG)	581,712	586,240	-4,528	
Furniture, Fittings and Equipment (SMG)	50,000	37,957	12,043	
Principal Supplied Goods (SMG)	62,284	2,284	60,000	
Principal Works (SMC)	300,000	340,260	-40,260	
Contingency Sum (SMG)	400,000	0	400,000	
Demolition of CT Fish Building	10,000	24,673	-14,673	
Construction of Waste Water Holding Facility	490,526	403,881	86,645	Budget includes Grant (\$298,526)
Construction Budget and Expenditure	\$ 9,678,126	\$ 8,785,511	\$ 892,615	

Total Expenditure to 30 November 2022 \$ **9,894,405**

Reconciliation to Capital Expenditure Report

Work in Progress (expenses prior to 2020/21)	941,987
2020/21 expenditure	1,741,641
2021/22 expenditure	4,810,340
2022/23 expenditure	2,233,530
Expenditure as per Capital Expenditure Report	8,785,511
add purchase of 70 High Street	166,908
	\$ 9,894,405

17.3.3 Vipassana Limited – Application for Rates Exemption (Charitable Purposes)

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 21 OCTOBER 2022

Attachment(s):

Email Communication dated 3rd October 2022 – D Thomas – acting on behalf of Vipassana Limited

ISSUE

Council to consider a request for rate exemption (General Rate only) received from Vipassana Limited.

BACKGROUND

Section 87 of the *Local Government Act 1993* provides the following:

“87. Exemption from rates

(1) *All land is rateable except that the following are exempt from general and separate rates, averaged area rates, and any rate collected under [section 88](#) or [97](#) :*

(a)

(b)

(ba)

(c)

(d) *land or part of land owned and occupied exclusively for charitable purposes;*

(da)

(e)

(2) *The owner of any land referred to in [subsection \(1\)](#) may agree to pay general or separate rates or an averaged area rate.*

(3)

(4)

DETAIL

In reference to the Email, it provides advice that Vipassana Limited is recorded as a deductible gift recipient and is registered in the public register maintained by the Australian Business Register.

The following is a summary of the activities conducted by Vipassana Limited taken from the register:

“The Vipassana Meditation Centre Tasmania near Bridgewater continued to offer residential courses in Vipassana meditation as taught by S.N. Goenka. This technique is a practical way to achieve peace of mind and live a happy, productive life. It is learned by attending a 10-day residential course with a qualified teacher where the student is free from distractions so that the reality within can be observed. This technique helps practitioners come out of suffering; it is non-sectarian and is suitable to all people regardless of religion, gender, race or nationality.”

Four properties are listed as being owned by Vipassana Limited - the following describes each of the properties:

PID 1706101 – 340 Clarks Road, Dromedary

- consists of 7.955 Hectares – Improvements are described as a Shed (non-vacant residential) - total Capital Value of the property is \$310,000 (Land Value \$250,000)

PID 1738752 - Church Road, Broadmarsh

- consists of 3.328 Hectares – Property is described as vacant - no improvements - total Capital Value of the property is \$210,000 (Land Value \$210,000)

PID 1877349 – 358 Clark Stewart Road, Dromedary

- consists of 21.95 Hectares – Property is described as non-vacant community services 'Meditation Centre' - total Capital Value of the property is \$740,000 (Land Value \$320,000)

PID 1995804 - Clark Stewart Road, Dromedary

- consists of 0.0737 Hectares – Property is described as vacant - no improvements - total Capital Value of the property is \$110,000 (Land Value \$110,000)

Human Resources & Financial Implications – The following rates and charges are levied on each of the properties:

PID 1706101 – 340 Clarks Road, Dromedary	General Rate	\$ 805.24
	Waste Levy	\$ 90.00
	Fire Levy	\$ 44.00
	Total	\$ 939.24
PID 17387582 - Church Road, Broadmarsh	General Rate	\$ 454.82
	Waste Levy	\$ 90.00
	Fire Levy	\$ 44.00
	Total	\$ 588.82
PID 1877349–358 Clark Stewart Road, Dromedary	General Rate	\$ 1,602.69
	Waste Levy	\$ 245.00
	Fire Levy	\$ 75.89
	Total	\$ 1,923.58
PID 1995804 – Clark Stewart Road, Dromedary	General Rate	\$ 340.00
	Waste Levy	\$ 90.00
	Fire Levy	\$ 44.00
	Total	\$ 474.00

The Act states that the land or part of land must be owned and occupied exclusively for charitable purposes. In the absence of any further information it is considered that the only property entitled to receive the exemption would be the property which is occupied for the purposes of providing Vipassanas' programs and activities.

The total cost of the exemption (or loss of revenue) would therefore equate to \$1,602.69.

Community Consultation & Public Relations Implications – N/A.

Priority - Implementation Time Frame – To apply from the 2022/23 financial year.

RECOMMENDATION

THAT:

- a) The information be received; and
- b) Council acknowledge and agree that the land is owned and occupied exclusively for charitable purposes; and
- c) Council, in accordance with section 87 of the *Local Government Act 1993*, grant an exemption from the General Rates levied on the property owned by Vipassana Limited, being PID 1877349.

DECISION

Moved by Clr D Blackwell, seconded by Clr R McDougall

THAT:

- a) The information be received; and
- b) Council acknowledge and agree that the land is owned and occupied exclusively for charitable purposes; and
- c) Council, in accordance with section 87 of the *Local Government Act 1993*, grant an exemption from the General Rates levied on the property owned by Vipassana Limited, being PID 1877349.

CARRIED

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

18. MUNICIPAL SEAL

Nil.

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Nil.

RECOMMENDATION

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

DECISION

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

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

CARRIED

Matter	Local Government (<i>Meeting Procedures</i>) <i>Regulations 2015</i> Reference
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Bagdad Child Care Centre – Expansion of Services</i>	15(2)(c)
<i>Property Matter - Tunbridge</i>	15(2)(c)
<i>Property Matter – Oatlands</i>	15(2)(c)

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

RECOMMENDATION

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

DECISION

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

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

CARRIED

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

CLOSED COUNCIL MINUTES

20. BUSINESS IN “CLOSED SESSION”

20.1 Closed Council Minutes - Confirmation

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

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

20.2 Applications for Leave of Absence

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

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

20.3 Bagdad Child Care Centre – Expansion of Service (Council Funding)

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

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

20.4 Property Matter - Tunbridge

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

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

20.5 Property Matter – Oatlands

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

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

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

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

THAT Council move out of “Closed Session”.

CARRIED

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

OPEN COUNCIL MINUTES

21. CLOSURE

The Meeting closed at 5.01 p.m.