

SOUTHERN  
MIDLANDS  
COUNCIL



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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Wednesday, 26<sup>th</sup> August 2020  
Victoria Memorial Hall, 89 Main Street, Kempton

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# OPEN COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL  
HELD ON WEDNESDAY, 26<sup>TH</sup> AUGUST 2020 AT VICTORIA MEMORIAL HALL, 89 MAIN  
STREET, KEMPTON COMMENCING AT 10:00 A.M.

## 1. PRAYERS

Mrs Sally Cousens recited prayers.

## 2. ATTENDANCE

Mayor A O Green, Deputy Mayor E Batt, Clr A Bantick, Clr A Bisdee OAM, Clr K Dudgeon, Clr D Fish; Clr R McDougall.

Mr A Benson (Acting General Manager), Mr D Cundall (Manager, Development & Environmental Services), Mrs J Tyson (Senior Planning Officer), Mr J Lyall (Manager, Infrastructure & Works), Mr B Williams (Manager, Heritage Projects), Ms W Young (Corporate Compliance Officer), Ms E Lang (Executive Assistant).

## 3. APOLOGIES

Nil.

## 4. MINUTES

### 4.1 ORDINARY COUNCIL MINUTES

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 15<sup>th</sup> July 2020, as circulated, are submitted for confirmation.

### DECISION

*Moved by Clr D Fish, seconded by Clr R McDougall*

**THAT the Minutes of the previous meeting of Council held on the 15<sup>th</sup> July 2020, as circulated, be confirmed.**

### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## SPECIAL COUNCIL MINUTES

The Minutes of the Special meeting of Council held on the 23<sup>rd</sup> July 2020, as circulated, are submitted for confirmation.

### DECISION

*Moved by Cllr K Dudgeon, seconded by Deputy Mayor E Batt*

**THAT the Minutes of the Special meeting of Council held on the 23<sup>rd</sup> July 2020, as circulated, be confirmed.**

### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

## 4.2 SPECIAL COMMITTEES OF COUNCIL MINUTES

### 4.2.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES

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

- Heritage Hub Committee Meeting Minutes – 30<sup>th</sup> July 2020.

#### RECOMMENDATION

THAT the minutes of the above special committee of Council be received.

#### DECISION

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

**THAT the minutes of the above special committee of Council be received.**

#### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

### 4.2.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS

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

- Heritage Hub Committee Meeting Minutes – 30<sup>th</sup> July 2020.

#### RECOMMENDATION

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

#### DECISION

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

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

#### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**4.3 JOINT AUTHORITIES (ESTABLISHED UNDER DIVISION 4 OF THE LOCAL GOVERNMENT ACT 1993)**

**4.3.1 JOINT AUTHORITIES - RECEIPT OF MINUTES**

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

- Southern Tasmanian Councils Authority – Nil.

**DECISION NOT REQUIRED**

**4.3.2 JOINT AUTHORITIES - RECEIPT OF REPORTS (ANNUAL & QUARTERLY)**

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

- Southern Tasmanian Councils Authority – Nil.

**DECISION NOT REQUIRED**

## 5. NOTIFICATION OF COUNCIL WORKSHOPS

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

One workshop has been held since the last ordinary meeting of Council.

A workshop was held on the 10<sup>th</sup> August 2020 at the Oatlands Council Chambers.

Attendance: Mayor A Green, Deputy Mayor E Batt, Cirs A Bantick, Clr A E Bisdee OAM, K Dudgeon, D Fish and R McDougall.

Apologies: Nil.

Also in Attendance: A Benson and D Cundall (SMC)  
J Elliott, T Prince, V King & S Brown via video conference  
(Department of State Growth/Jacobs)

The purpose of the workshop was to consider and discuss the following items:

### 1. Midland Highway Safety Upgrade (Jericho to York Plains)

Presentation (via video conference) by Department of State Growth / Jacobs on the Midland Highway safety upgrade from Jericho to the northern entrance to Oatlands. Consultant and Departmental presenters were;

- Jon Elliott, Civil Engineer & Design Lead, Jacobs
- Troy Prince, Project Manager, Jacobs
- Vanessa King, Project Management Team Leader, Department of State Growth
- Simon Brown, Project Manager, Department of State Growth

The presentation was informative with the overview of the project. Councillors were engaged and asked a range of questions, pertaining to, but not limited to;

- The efficiency and effectiveness of the 'wire rope barrier'. Deputy Mayor Edwin Batt asked if the design team had read the Victorian Auditor-General's Report - Safety on Victoria's Roads, Regional Road Barriers dated June 2020 for the Victorian Government – the response was that the Team had not seen the Report but would look at it with interest;
- The requirement for more overtaking lanes on this section of the highway, given the installation of the wire rope barrier will severely limit the passing opportunities on the Highway. This was also raised considering the access to the Highway by heavy vehicle entering off of Mud Walls Road;
- The movement of agricultural equipment along this section of the highway;
- Junction considerations, specifically the Oatlands junctions with detailed discussions pertaining to the Interlaken Road junction which is the major ingress and egress for stock transport for the Oatlands Sales Yards
- Landscaping

It was acknowledged that Council had provided feedback through the public consultation period during July 2020. Council appreciated the opportunity for the briefing and noted that Council Officers had also been previously briefed in relation to this project.

## 2. Waste Management Strategy

The purpose of this workshop was to discuss the Southern Midlands Council Waste Management Strategy Review 2020. Manager Development & Environmental Services, David Cundall and Project Officer Graham Green presented the Briefing Paper which provided a summary of the main points from the Southern Midlands Council Waste Management Strategy Review 2020. They reinforced the issue by reminding Councillors that waste management is a significant logistics operation for Southern Midlands Council – an operation that manages in the order of 2360 tonnes of waste annually plus recyclables (around 360 tonnes/year). On a per-capita basis, Southern Midlands Council manages around 444 kg/person/year of municipal waste. These excludes scrap metals and green waste, which is stockpiled at each of the three waste transfer stations.

Further, as Councillors are aware, Council currently operates three waste transfer stations and a roadside collection service (waste and recyclables) for most towns and settlements in the municipality. The waste management service is operated on a cost recovery basis with a current annual budget in the vicinity of \$900,000.

The cost of running the waste management operation is increasing steadily which is primarily due to; the increasing cost of waste disposal; increasing amount of waste; and increasing cost burden associated with managing recyclables. Combined waste and recyclables cost council in the order of \$380/tonne to manage.

Councillors acknowledged that this a key strategic issue for both Local Government, as well as State Government and acknowledged the high quality of the Waste Management Strategy Review 2002 documentation, presented by David Cundall and Graham Green.

The Workshop concluded at approximately 11.54 a.m.

### RECOMMENDATION

THAT the information be received.

### DECISION

*Moved by Clr R McDougall, seconded by Clr K Dudgeon*

**THAT the information be received.**

### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## 6. COUNCILLORS – QUESTION TIME

### 6.1 QUESTIONS (ON NOTICE)

The following questions on notice were received from Cllr R McDougall on the 19<sup>th</sup> August 2020.

1. I have received a further complaint about the Roadside stopover at Kempton with a van or vans overstaying one for about a month or so, is the Council policy on the maximum stay being implemented?

#### **Acting General Manager's response:**

*There has been a vehicle that been coming and going at the Kempton Stop Over. That person has been approached; they go for a few days then come back for a few days. They have been advised of the requirements of the Stop Over, ie two days. In the manner that they are operating, they are not in breach of the requirements of the site.*

*The Kempton field works force team were charged with the responsibility of monitoring the Stop Over. Compliance is not their core function and they have other priorities especially when we have had the weather conditions over recent months, they are most effective when they are remedying drainage issues, removing trees from across roads and the like.*

*I have reviewed the process to monitor the site and have structured a new monitoring method. Council's Animal Management Office (AMO) has a core function of compliance and it is her routine role to deal with the public in respect of such matters. Her office base is Kempton and therefore this task of monitoring the Kempton Stop Over will fit into a daily activity with little disruption to her other duties.*

*The following procedure will be operation from Monday, 24<sup>th</sup> August 2020*

*A daily patrol of the station park grounds when the AMO is on duty:*

- *Drive thru the site first thing in the morning;*
- *Make a logbook entry of date, time, registration, vehicle description, other comments in respect of all vehicles in the Kempton Stop Over;*
- *Have at hand multiple "notices" that can be given to people or put on their windscreen for those that have overstayed the 48 hours;*
- *Undertake a risk assessment before approaching people and either be accompanied by somebody else or in very bad situations Tasmania Police if AMO feels at all threatened or risk of being threatened;*
- *The record of vehicle attendance at the site would be available for reporting to meetings if required.*

*Obviously, there will be a little discretion at times i.e. bad weather, vehicle issues etc where a person may not be able to leave "there and then". The AMO can talk through with management on these occasions if assistance on decision making is required.*

*Council will now have a consistent process in place for monitoring the comings and goings and ensuring compliance with the Planning Scheme requirements of the site. The AMO is of good character and judgement for this type of interaction and will bring a professional and a quality customer service focussed approach to getting a good outcome.*



2. Re the 14 water points in Oatlands for fire fighting, apparently none are functional due to blockage can we make a request to TasWater that they be cleared out ?

**Acting General Manager's response:**

*A request has been made to TasWater to inspect and rectify serviceability of their water infrastructure where required.*

3. Can we survey residents along Tunnack Road including the Tunnack township as to whether they would like roadside rubbish collection?

**Acting General Manager's response:**

*A survey of Tunnack Residents was conducted in June/July 2018 (residents in Tunnack Road, Tunnack Square Road, Pound Road, Scotts Road and Fairhaven Road).*

**DECISION**

*Moved by Clr R Campbell, seconded by Clr D Marshall*

**THAT Council, based on survey results, elect not to introduce a household collection service to the residents surveyed in Tea Tree & Tunnack noting that these arrangements will be reviewed at a later stage in the future.**

**CARRIED**

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

## 6.2 QUESTIONS WITHOUT NOTICE

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

**Clr A Bisdee OAM** – question regarding the survey at Kempton in relation to the off-lead dog exercise area.

*The Manager Development and Environmental Services advised that the survey process is currently underway with Kempton residents including options for consideration. A session will also be held at the Kempton office for any community members to come and discuss further.*

**Clr R McDougall** – question regarding the Mangalore Bus Shelter and if any further information has been provided from Department of State Growth?

*The Acting General Manager advised that he has recently met with the Department of State Growth's General Manager State Roads and they are currently developing a broader strategy in relation to bus shelters across their network.*

## DECISION

*Moved by Clr K Dudgeon, seconded by Clr A Bisdee OAM*

**THAT the meeting be adjourned at 10.19 a.m. to receive a presentation from Mr Athol Bennett.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

### 9.1 Permission to Address Council

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

- Mr Athol Bennett (Chair MMPHC Community Advisory Committee).

Mr Athol Bennett put forward a proposal to Council regarding an upgrade of the residential wing at the Midlands Multi-Purpose Health Centre in Oatlands (8 new residential rooms with ensuite).

Documents were circulated to Councillors regarding the history and level of community involvement and support for the Midlands Multi-Purpose Health Centre.

The Mayor formally accepted the Plan of the proposed upgrade to the Midlands Multi-Purpose Health Centre and thanked Mr Bennett for his initiative and bringing this matter to the attention of Council. Council are more than pleased to support this very important upgrade. (*refer to motion - Item 10.2*)

*Mr Athol Bennett left the meeting at 10.27 a.m.*

## DECISION

*Moved by Clr R McDougall, seconded by Clr K Dudgeon*

**THAT the meeting be reconvened at 10.28 a.m.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## QUESTIONS WITHOUT NOTICE (CONT.)

**Clr Fish** – question regarding Craigbourne Dam and if there have been any further road issues?

*The Acting General Manager advised that he is not aware of any further issues.*

**Clr Fish** – Advice that both he and Clr McDougall recently attended a community meeting at Tunnack and a question was raised regarding the cemetery on New Country Marsh Road and the Council records in regard to this?

*The Acting General Manager advised that this will be included as part of the overall proposal for Tunnack and Council will investigate the history and ownership of the site.*

**Clr Fish** – question regarding how much money the Oatlands District Historical Society owes Council?

*The Acting General Manager takes the question on notice, noting that the recent building extension project was funded from the Federal Government Community Development Grants Program.*

**Mayor A Green** – question regarding the provision to extend Covid-19 relief to ratepayers?

*It was advised that this issue is included in the agenda for consideration (refer Item 16.2.2 – Financial Hardship Assistance Policy – Penalty & Interest).*

## 7. DECLARATIONS OF PECUNIARY INTEREST

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

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

Nil.

## **9. PUBLIC QUESTION TIME (10.33 A.M.)**

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

Councillors were advised that, at the time of issuing the Agenda, no questions on notice had been received from members of the public.

There were two (2) members of the public in attendance.

Mayor A O Green then invited questions from members of the public in attendance.

### **DUNCAN McPHERSON - MANGALORE**

Question regarding damage to Lowries Road and would like to address water/drainage management issues for this section of road near his property.

A further item was also raised regarding the bridge on Ballyhooly Road and water run-off.

*The Mayor advised that Council staff would be happy to meet on site and discuss the issues. A site visit with Mr McPherson and Council's Acting General Manager and Manager, Infrastructure and Works is to be arranged.*

### **JULIA JABOUR – SOUTHERN MIDLANDS REGIONAL NEWS**

Question regarding the Mahers Point area in Oatlands and when the clean up of tree stumps etc in this area will occur?

*It was advised that this item would be raised with the Manager, Infrastructure and Works during his report.*

## 8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

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

1. **GRANT DEED – BLACK SPOT ROAD FUNDING – ELDELSLIE ROAD / BLUFF ROAD**
2. **INQUIRY INTO TASWATER OPERATIONS**
3. **VICTORIA MEMORIAL HALL, KEMPTON – LEASE AGREEMENT – BRIGHTON GREEN PONDS RSL SUB-BRANCH INC**

### 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 A Bisdee OAM, seconded by Clr R McDougall*

**THAT the Council resolve by absolute majority to deal with the above listed 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

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

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

The following motions were submitted by Mayor Alex Green.

### 10.1 BAGDAD BYPASS

*“THAT Southern Midlands Council lobby State and Federal Governments to commence construction of the Bagdad Bypass”.*

Comment:- Planning for the Bagdad Bypass and the Bridgewater Bridge Replacement projects commenced in 2010. The then responsible State Government agency (DIER) in 2011 was preparing a Project Proposal Report seeking Federal funding for Bagdad Bypass. At the time DIER anticipated construction of the project would commence in late 2014. That was six years ago. This is a shovel-ready project simply awaiting funding from the Federal Government. With the COVID-19 economic crisis, this project which can commence immediately, will deliver significant economic benefits to the Southern Midlands and Tasmania through employment, investment and greater transport efficiency and safety. The Bridgewater Bridge Replacement has received Federal funding, it is only sensible that the closely allied Bagdad Bypass also proceed.

### DECISION

*Moved by Deputy Mayor E Batt, seconded by Clr R McDougall*

**THAT Southern Midlands Council lobby State and Federal Governments to commence construction of the Bagdad Bypass.**

### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	



## 10.2 MIDLANDS MULTI-PURPOSE HEALTH CENTRE – NEW RESIDENTIAL WING

*“THAT Southern Midlands Council commend the MMPHC Advisory Committee on its initiative in preparing plans and indicative budget for this essential facility. Further, Southern Midlands Council lobby State and Federal Governments in partnership with the Community Advisory Committee to secure funding for the project.”*

### DECISION

*Moved by Clr A Bisdee OAM, seconded by Clr K Dudgeon*

**THAT Southern Midlands Council commend the MMPHC Advisory Committee on its initiative in preparing plans and indicative budget for this essential facility. Further, Southern Midlands Council lobby State and Federal Governments in partnership with the Community Advisory Committee to secure funding for the project.**

### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

*The following notes were provided by Mr Athol Bennett during his address to Council.*

### PROPOSAL FOR FUNDING UPGRADE OF THE OATLANDS MMPHC

Our local community is an ageing population with several people having to leave the area to secure permanent nursing home residency. An increase of 8 hospital accommodation rooms would alleviate the shortage of beds and assist in the upgrade of the existing Callington Wing with patients being able to be transferred into the new hostel wing to facilitate the much needed refurbishment of the Callington Wing.

The Oatlands community have been generous contributors of funding for our local hospitals since the 1820's to the present day. In the early years, between 1820 and 1940, hospitals were privately owned residences run by local doctors and nurses.

In 1936, Basil Pennicott, the local undertaker, and his nurse-wife Eleanor, built and ran the still existing 'Hawthorn House' in Church Street as a hospital. In the 1940's it was purchased by the government and used as a maternity hospital, known as the Bush Nursing Centre. Up until 1970 when the new Medical Centre was opened on the opposite side of the road, Dr Bryan had his consulting rooms in 'Hawthorn House', assisted by Sister Fisher, Sister McConville and Dorothy Thomas. When the new Medical Centre was opened in 1970, 'Hawthorn House' was sold as a private dwelling. In 2013 it was purchased by the Oatlands District Homes Association and leased to Life Without Barriers for disability respite, also offering permanent care in some instances.

In 1966, local business owners, Henry and Cecilia Button, contributed a substantial amount of money and along with the Council, and some government assistance, it enabled the first section of the now M.M.P.H.C. to be built. It consists of four acute wards, consulting and waiting room, offices and facility to accommodate the local ambulance. Unfortunately Henry passed away before this came to fruition. This building was opened by Minister W.G. Barker in 1970 and named the Cecilia Button Memorial Centre.

In 1990, the Council and Government, with the help of community funding of \$300,000, built the additional nursing and hostel wings, and at the same time, the government promised an upgrade to the original acute beds in the Cecilia Button wing.

In 2010, the palliative care and family rooms were opened with the community having contributed \$90,000 along with the assistance of government funding.

After nearly thirty years the upgrade to the Cecilia Button acute section has finally come to fruition, being opened in 2019 by Health Minister Sarah Courtney.

During the period from 1990 to the present day, the Hospital Auxiliary has raised almost \$900,000 to assist with purchasing equipment for hospital use.

Doctor Simpson has made the comment on many occasions that the funding contributed to the hospital, by the community, is unprecedented, not matched by any other community.

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

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

### **11.1 DEVELOPMENT APPLICATIONS**

#### **11.1.1 DEVELOPMENT APPLICATION (DA 2019/83) FOR HOME BASED BUSINESS (WHOLESALE BAKERY) AT 1704 MIDLAND HIGHWAY, BAGDAD, OWNED BY C WELLS & C LEYLAND**

**Author:** SENIOR PLANNING OFFICER (JACQUI TYSON)

**Date:** 18 AUGUST 2020

**Enclosure(s):**

*Development Application documents  
Representation*

### **PROPOSAL**

The property owners Cameron Wells and Chantelle Leyland, have applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to establish a wood fired wholesale bakery as a home based business at 1704 Midland Highway, Bagdad.

The business is known as the R.T. Fish Bakery and was originally founded in Oatlands in 1908, before moving to Moonah in 1987. The business passed to the Wells family in 1980 and is still family owned and run, with no staff other than the owners. The bakery specialises in cakes baked in a wood fired oven.

The proposal seeks approval to move the location of the bakery to the owner's home at 1704 Midland Highway, as a home based business. The bakery is wholesale, with products principally supplied to retailers. Occasional sales to the public may occur, particularly around the Christmas season.

The bakery would be located in a former butcher shop fronting the Midland Highway. It is proposed to renovate the building and reconstruct the brick wood fired oven at the rear of the building.

The property currently occupies two titles, with the dwelling and an outbuilding on CT162470/2 and the proposed bakery and other outbuildings on a separate title, CT30112/1. An adhesion order has recently been approved to combine the titles as services and some of the outbuildings cross the title boundary.

The property is accessed directly from the Midland Highway. With regard to traffic, there are generally 2-3 deliveries to and from the site each week, with the largest vehicles a van, ute or small truck. There are two entrance points with a driveway in front of the dwelling, providing the opportunity for one way entrance and exit from the site. There is

sufficient space onsite for parking of delivery and occasional customer vehicles. No parking in the road verge will be encouraged or allowed.

The bakery is wood fired. The wood will be delivered to the site as logs around 2.7m long and is then cut and split onsite. Chainsaw use is limited to twice each year to divide each log, with around 12 cuts required each time. Chain saw use and wood splitting would be limited to day time hours and would be in accordance with noise regulations.

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

The property is in the Rural Resource Zone.

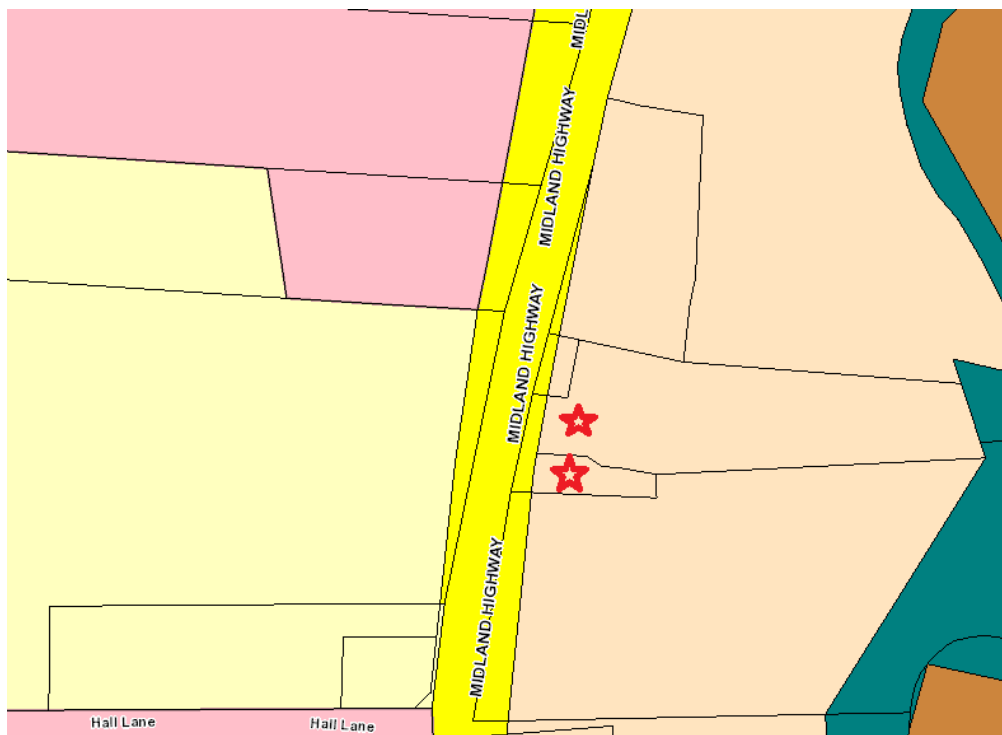
Under the Planning Scheme the proposal is defined as a “Home based business” ancillary to the “Residential – single dwelling” use of the property. The proposal is considered at the discretion of Council.

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

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

## THE SITE

Maps 1 and 2 below shows the location and zoning of the subject titles and surrounding area.



Map 1\_ The subject land and immediately adjoining properties are in the Rural Resource Zone (cream). The Midland Highway is zoned Utilities (yellow) and land on the opposite side of the road includes the Rural Living Zone (pink) and the Bagdad Community Club which is in the Community purpose Zone (pale yellow). Land to the east includes the Bagdad Rivulet in the Environmental Management Zone (dark green) and farm land in the Significant Agriculture Zone (brown). The subject titles are marked with red stars. Source: theLIST



Map 2 \_ Aerial image of the subject land with the proposed bakery building marked with a blue star and the associated dwelling marked with a red star. Source: theLIST

The dwelling, bakery building and outbuildings are clustered towards the front of the property with a cleared paddock area to the east. The eastern boundary adjoins land around the Bagdad Rivulet which is owned by the Crown and managed by the Department of Primary Industries, Parks, Water and Environment.

The property is located on the Midland Highway towards the southern end of Bagdad, opposite the Bagdad Community Club and associated facilities. The properties in the surrounding area are generally characterised as rural living style with dwellings on medium sized titles and include some substantial historic dwellings.

## THE APPLICATION

The Applicant has submitted Plans and information to accompany the Development Application.

## USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as a home-based business associated with the 'Residential' use of the land.

A home based business is defined as:

### **Home-based business**

*means use of part of a dwelling by a resident for non-residential purposes if:*

- a) *no more than 50m<sup>2</sup> of floor area of the dwelling is used for the non-residential purposes;*
- b) *the person conducting the business normally uses the dwelling as their principal place of residence;*
- c) *it does not involve employment of more than 2 workers who do not reside at the dwelling;*
- d) *any load on a utility is no greater than for a domestic use;*
- e) *there is no activity that causes electrical interference to other land;*

- f) *there is, on the site, no storage of hazardous materials;*
- g) *there is, on the site, no display of goods for sale;*
- h) *there is, on the site, no advertising of the business other than 1 sign (non-illuminated) not exceeding 0.2m<sup>2</sup> in area;*
- i) *there is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;*
- j) *not more than 2 commercial vehicles are on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and*
- k) *all vehicles used by the business are parked on the site.*

## USE/DEVELOPMENT STATUS UNDER THE PLANNING SCHEME

Under the Scheme, a Development Application for use and development of a home based business relating to ‘Residential’ use for a single dwelling in the Rural Resource Zone has a Permitted use status.

In this case the application is Discretionary due to reliance on one or more Performance Criteria in the applicable use and development standards of the Zone and Codes, as detailed below.

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

## PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 30<sup>th</sup> July 2020 for fourteen (14) days. During this period Council received one (1) representation.

The matters raised in the representation and response are detailed in the table below.

<b>Representation 1</b>	<b>Council Officer Comment</b>
<p>Thank you for the opportunity to comment on the above proposal.</p> <p>In 2005 we developed an accommodation business in a colonially built sandstone barn at the rear of our property and have been in constant business from that time.</p> <p>The business attracts mainland and international guests who have enjoyed the ambience of the building and peace and quiet this rural location offers.</p> <p>We feel our main concern with the proposal may come from chainsaw noise as the owner intends the bakery</p>	<p><i>The applicant has advised that chainsaw use relating to wood for the bakery would be limited to 2 occasions annually, when wood is delivered and processed.</i></p> <p><i>The applicant has confirmed that chainsaw use would occur in accordance with the normal noise regulations for a residential property, as detailed below.</i></p> <p><i>In Tasmania there are specific Regulations relating to noise made under the Environmental Management and Pollution Control Act 1994.</i></p> <p><i>The section of the Environmental Management and Pollution Control (Noise) Regulations 2016 specifically relevant to this</i></p>

<p>to be wood fired and cuts both timber logs and smaller rounds on the premises. The use of large saws is unacceptable in a residential location we believe and would be detrimental to both our, and our guests amenity.</p> <p>We would prefer that Cameron Wells cuts his timber off site. However in discussing the matter with Cameron he is amenable to the use of the saw at a mutually agreeable time when guests aren't in residence. However we would still be affected. We wish both Cameron and Chantelle well with their venture.</p>	<p><i>case is section 9 – Chainsaw operation near residential premises.</i></p> <p><i>The requirements are summarised as:</i></p> <ul style="list-style-type: none"> <li>• <i>limiting chainsaw use within 300m of a residential premises to 1 day in any 7 consecutive days;</i></li> <li>• <i>within the hours of Monday to Friday 7am to 6pm, Saturday 9am to 6pm, and Sunday and Public Holidays 10am to 6pm; and</i></li> <li>• <i>Noise emitted by the chainsaw is not otherwise unlawful (ie causing an environmental nuisance).</i></li> </ul> <p><i>Penalties including fines can be imposed if the Regulations are not complied with.</i></p> <p><i>Overall it is considered that the proposed use will not require chainsaw use beyond what may usually occur for residential purposes and that the use of chainsaws can be adequately controlled by the Regulations and the recommended planning permit conditions.</i></p>
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## ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

### Rural Resource Zone

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

<b>Use Standard</b>		
<b>26.3.1 Sensitive Use (including residential use)</b>		
To ensure sensitive use does not unreasonably convert agricultural land or conflict with or fetter non-sensitive use.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p> <p>A sensitive use is for a home based business or an extension or replacement of an existing dwelling or existing ancillary dwelling, or for home-based child care in accordance with a licence under the Child Care Act 2001.</p>	<p>P1</p> <p>A sensitive use must not unreasonably convert agricultural land or conflict with or fetter non-sensitive use on adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed sensitive use;</p> <p>(b) the characteristics of the existing or likely non-</p>	<p><i>The property is currently used for a sensitive use, being a single dwelling.</i></p> <p><i>The proposed bakery will be ancillary to this use as a home based business.</i></p> <p><i>The proposal complies with the Acceptable Solution.</i></p>

	<p>sensitive use on adjoining land;</p> <p>(c) setback to site boundaries and separation distance between the proposed sensitive use and existing or likely non-sensitive use on adjoining land;</p> <p>(d) any characteristics of the site and adjoining land that would buffer the proposed sensitive use from the adverse impacts on residential amenity from existing or likely non-sensitive use.</p>	
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**Development Standard  
26.4.1 Building Height**

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1 Building height must be no more than:</p> <p>9 m if for a residential use.</p> <p>10 m otherwise.</p>	<p>P1 Building height must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy;</p> <p>(c) if for a non-residential use, the height is necessary for that use.</p>	<p><i>The proposal includes the addition of the brick oven section at the rear of the bakery building.</i></p> <p><i>The existing building and addition are under 3.5m high, complying with the requirements of A1.</i></p>

**Development Standard  
26.4.2 Setback**

To minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p>	<p>P1 Building setback from frontages must maintain the</p>	<p><i>The existing shop building is located near the frontage to the Midland Highway.</i></p>



<p>Building setback from frontage must be no less than:  20 m.</p>	<p>desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</p> <p>(a) the topography of the site;</p> <p>(b) the size and shape of the site;</p> <p>(c) the prevailing setbacks of existing buildings on nearby lots;</p> <p>(d) the location of existing buildings on the site;</p> <p>(e) the proposed colours and external materials of the building;</p> <p>(f) the visual impact of the building when viewed from an adjoining road;</p> <p>(g) retention of vegetation.</p>	<p><i>As this proposal does not include any change to the existing setback this clause is not applicable.</i></p>
<p>A2 Building setback from side and rear boundaries must be no less than:  40 m.</p>	<p>P2 Building setback from side and rear boundaries must maintain the character of the surrounding rural landscape, having regard to all of the following:</p> <p>(a) the topography of the site;</p> <p>(b) the size and shape of the site;</p> <p>(c) the location of existing buildings on the site;</p> <p>(d) the proposed colours and external materials of the building;</p> <p>(e) visual impact on skylines and prominent ridgelines;</p> <p>(f) impact on native vegetation.</p>	<p><i>The proposed addition to the bakery building is sited close to the southern side boundary, with the minimum setback just under 1m.</i></p> <p><i>Assessment against the Performance Criteria is necessary.</i></p> <p><i>In this case the site is part of a township with a rural living type character rather than a farming context.</i></p> <p><i>The addition is to an existing building with a setback of less than 1.3m to the southern boundary, so the setback of the proposed addition is in keeping with the existing situation.</i></p> <p><i>There will be no visual impact as the addition is to the rear of the existing building and the site is not located on a skyline or ridgeline.</i></p>

		<p><i>No native vegetation will be impacted.</i></p> <p><i>Overall, it is considered that the proposal is reasonable for the site and complies with the Performance Criteria.</i></p>
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<p><b>Development Standard</b> <b>26.4.3 Design</b> To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape.</p>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1 The location of buildings and works must comply with any of the following:</p> <p>(a) be located within a building area, if provided on the title;</p> <p>(b) be an addition or alteration to an existing building;</p> <p>(c) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline.</p>	<p>P1 The location of buildings and works must satisfy all of the following:</p> <p>(a) be located on a skyline or ridgeline only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;</p> <p>(b) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(c) be located in and area requiring the clearing of native vegetation only if:</p>	<p><i>The proposal includes an addition to an existing building, complying with A1 (b).</i></p>

	<p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</p>	
<p>A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>P2 The appearance of external finishes of buildings must not be incompatible with the rural landscape.</p>	<p><i>The external walls of the building addition will be constructed from aged brick and will a light reflectance value that is less than 40% consistent with A2.</i></p>
<p>A3 The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3 The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <p>(a) does not have significant impact on the rural landscape of the area;</p> <p>(b) does not unreasonably impact upon the privacy of adjoining properties;</p> <p>(c) does not affect land stability on the lot or adjoining areas.</p>	<p><i>The proposal does not include any fill or excavation work.</i></p>

### Road and Railway Assets Code

The proposal must satisfy the requirements of the following relevant development standards of this Code:

<p><b>Use Standard</b> <b>E5.5.1 Existing road accesses and junctions</b> To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.</p>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A2  The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an</p>	<p>P2  Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be</p>	<p><i>The proposed business will be operated by the occupants of the dwelling with no additional staff.</i></p> <p><i>Deliveries to and from the site are not expected to exceed one per</i></p>

<p>area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature and efficiency of the access or the junction;</li> <li>(d) the nature and category of the road;</li> <li>(e) the speed limit and traffic flow of the road;</li> <li>(f) any alternative access to a road;</li> <li>(g) the need for the use;</li> <li>(h) any traffic impact assessment; and</li> <li>(i) any written advice received from the road authority.</li> </ul>	<p>day, with the average being 2-3 per week.</p> <p><i>This complies with the requirements of A2.</i></p>
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**Parking and Access Code**

This Code applies to all use and development.

The Scheme specifies a parking requirement for a home-based business as 1 space for each non-resident employee and 1 visitor space.

In this case the business will not have any non-resident employees. There is more than sufficient space available on the site for two residential car parking spaces and an additional space for visitors if required.

While detailed plans have not been provided of the parking area, there is plenty of space available to allow for parking to be provided in accordance with the Code requirements.

Conditions addressing parking and access are included in the recommendation below.

**Stormwater Management Code**

Stormwater from the proposed building addition can be managed onsite in accordance with the requirements of this Code.

**CONCLUSION**

The report has assessed a Development Application for a proposed Home based business (wholesale bakery) at 1704 Midland Highway, Bagdad.

One (1) representation was made to Council raising concerns with chainsaw use related to the wood fired bakery, as considered above.

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

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

## RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2019/83) for Home Based Business (Wholesale Bakery) at 1704 Midland Highway, Bagdad, owned by C Wells & C Leyland and that a permit be issued with the following conditions:

## CONDITIONS

### *General*

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

### *Approved Use*

- 3) The home-based business (wholesale bakery) is approved as ancillary to the existing Residential (single dwelling) use only. It must not be used for any other purpose or be extended or intensified without prior Council approval.

### *Hours of Operation*

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

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

### *Amenity*

- 5) Chainsaws use on the site must be limited to no more than one (1) day in any seven (7) consecutive days and only operate between the following hours unless otherwise approved by Council's Manager of Development and Environmental Services:

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

### *Parking & Access*

- 6) At least two (2) parking spaces must be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- 7) At least one (1) visitor parking space must be provided on the land at all times in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.

- 8) Car parking spaces must be a minimum of 2.60 metres wide and 5.50 metres long, unless otherwise approved by the Council's Planning Officer.
- 9) The areas set-aside for parking and associated access and turning must have:
  - a. A driveway access with a minimum 3 metres internal width.
  - b. Space on site to allow that vehicles enter and leave the site in a forward direction.
  - c. An all weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Development & Environmental Services.
  - d. Line-marking, signage or some other means to show the visitor parking spaces and delivery space to the satisfaction of Council.
- 10) All vehicle parking associated with the business must occur onsite. Vehicle parking in the road verge must not be permitted.
- 11) The loading and unloading of goods from commercial or delivery vehicles must only be carried out on the land in accordance with Standards Australia (2002): Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities, Sydney.
- 12) All areas set-aside for parking and associated turning, loading and unloading areas and access must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Development Assessment Committee.

#### *Access to State Roads*

- 13) Any work on or affecting the State Road, including drainage, must be carried out in accordance with a permit provided by the Transport Division of the Department of State Growth under the Roads and Jetties Act 1935.

#### *Services*

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

#### *Stormwater*

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

#### *Construction Amenity*

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

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

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

- b. The transportation of materials, goods and commodities to and from the land.
  - c. Obstruction of any public footway or highway.
  - d. Appearance of any building, works or materials.
  - e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 18) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 19) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manager of Infrastructure & Works.

The following advice applies to this permit:

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing.
- C. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.

## DECISION

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

**THAT**, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council **APPROVE** the Development Application (DA 2019/83) for Home Based Business (Wholesale Bakery) at 1704 Midland Highway, Bagdad, owned by C Wells & C Leyland and that a permit be issued with the following conditions:

## CONDITIONS

### *General*

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

### *Approved Use*

- 3) The home-based business (wholesale bakery) is approved as ancillary to the existing Residential (single dwelling) use only. It must not be used for any other purpose or be extended or intensified without prior Council approval.

### *Hours of Operation*

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

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

### *Amenity*

- 5) Chainsaws use on the site must be limited to no more than one (1) day in any seven (7) consecutive days and only operate between the following hours unless otherwise approved by Council's Manager of Development and Environmental Services:

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

### *Parking & Access*

- 6) At least two (2) parking spaces must be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.



- 7) At least one (1) visitor parking space must be provided on the land at all times in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- 8) Car parking spaces must be a minimum of 2.60 metres wide and 5.50 metres long, unless otherwise approved by the Council’s Planning Officer.
- 9) The areas set-aside for parking and associated access and turning must have:
  - a. A driveway access with a minimum 3 metres internal width.
  - b. Space on site to allow that vehicles enter and leave the site in a forward direction.
  - c. An all weather pavement constructed and surfaced to the satisfaction of the Council’s Manager of Development & Environmental Services.
  - d. Line-marking, signage or some other means to show the visitor parking spaces and delivery space to the satisfaction of Council.
- 10) All vehicle parking associated with the business must occur onsite. Vehicle parking in the road verge must not be permitted.
- 11) The loading and unloading of goods from commercial or delivery vehicles must only be carried out on the land in accordance with Standards Australia (2002): Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities, Sydney.
- 12) All areas set-aside for parking and associated turning, loading and unloading areas and access must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council’s Development Assessment Committee.

***Access to State Roads***

- 13) Any work on or affecting the State Road, including drainage, must be carried out in accordance with a permit provided by the Transport Division of the Department of State Growth under the Roads and Jetties Act 1935.

***Services***

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

***Stormwater***

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

***Construction Amenity***

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

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

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

- a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.**
- b. The transportation of materials, goods and commodities to and from the land.**
- c. Obstruction of any public footway or highway.**
- d. Appearance of any building, works or materials.**
- e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.**

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

**19) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manager of Infrastructure & Works.**

**The following advice applies to this permit:**

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.**
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing.**
- C. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.**

**CARRIED**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**ENCLOSURE(S)**

Agenda Item 11.1.1

Development & Environmental Services  
Email: [development@smidlands.tas.gov.au](mailto:development@smidlands.tas.gov.au)  
Phone: (03) 6256301  
Postal Address: PO Box 21 Oatlands Tas 7120

**SOUTHERN  
MIDLANDS  
COUNCIL**



**SMS - KEMPTON**  
**RECEIVED**  
17/09/2019

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

Applicant / Owner Details:

Owner / s Name: Cameron Harold Wells & Chantelle Lee Heyland

Postal Address: 1704 Midland Highway, Bagdad Tasmania 7030  
Phone No: 0418519321  
Fax No:

Email address: cameronthwells@gmail.com

Applicant Name (if not owner): Cameron Harold Wells

Postal Address: 1704 Midland Hwy, Bagdad Tasmania 7030  
Phone No: 0418519321  
Fax No:

Email address: Cameronhwells@gmail.com

Description of proposed use and/or development:

Address of new use and development: 1704 Midland Highway Bagdad Tasmania

Certificate of Title No: Volume No: Lot No:

Description of Use: Woodfired Bakery (wholesale)  
Development on site: Red brick building - Currently unused space separate from home with own driveway.

current use of land and building: Will use at current time, Used to be old butcher shop, applicants are new residents.

Refer Definitions in Clause 8.2 of the Southern Midlands Planning Scheme 2015  
Attach additional information if required.

E.g. Are there any existing buildings on this title? If yes, what is the main building used as?

Is the property Heritage Listed? Yes  No

Signage: Is any signage proposed? Yes  No


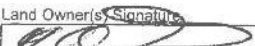

Business Details	Existing hours of operation				Proposed hours of new operation			
	Hours	am	to	pm	Hours	am	to	pm
	Weekdays	8 am	to	5 pm	Weekdays	8 am	-	5 pm
	Sat	NIL	-	NIL	Sat	NIL	-	NIL
	Sun	NIL	-	NIL	Sun	NIL	-	NIL
Number of existing employees	2			Number of proposed new employees :	2			
Traffic Movements	Number of commercial vehicles serving the site at present	1		Approximate number of commercial vehicles servicing the site in the future	2			
	Number of Car Parking Spaces	How many car spaces are currently provided	3-4		How many new car spaces are proposed	0		
Is the development to be staged:	Please tick ✓ answer							
	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>				
Is the development to be staged, If yes	Described proposed stages			Described period of proposed stages				
Proposed Material Types	What are the proposed external wall colours	Brick (Red)			What is the proposed roof colour	Zinc		
	What is the proposed external wall materials	Red Brick			What is the proposed roof materials	Iron		
	What is the proposed new floor area m <sup>2</sup>	- Bakery 30m <sup>2</sup> - shed 200m <sup>2</sup>			What is the estimated value of all the new work proposed	\$50,000		
	If yes attach details: size, colours, fonts, location							

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

Signed Declaration

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

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

Applicant Signature 	Applicant Name (print) Cameron Wells	Date 17.9.2019
Land Owner(s) Signature 	Land Owners Name (please print) Cameron H. Wells	Date 17.9.2019
Land Owner(s) Signature 	Land Owners Name (please print) Chantelle L. Leyland	Date 17.9.2019

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

**Additional Information for R.T.Fish Bakery to move into 'The old Gangell's Butcher Shop' at the residence of 1704 Midland Highway Bagdad, Tasmania 7030.**

R.T.Fish Bakery is a wholesale woodfired bakery specializing in fruit cake, carrot cake, Christmas Puddings, madeira cake and pavlova.

R.T Fish Bakery was originally founded in the Southern Midlands in Wellington street at Oatlands by Roy Tasman Fish in 1908 and the cakes are still made today with the same original machinery and techniques.

These cakes are well known and have been produced the same way since world war two sent to our soldiers in rashern tins.

R.TFish Bakery was moved to 1/138 Hopkins street Moonah in 1987 after a fire at the Wellington street Oatlands premises, which the bakery had operated for over three-quarters of a century. The Fish' family have not been running this business since the 1970's but the techniques and production of their products have been passed to each family owner as the bakery is and has always been a family owned and run Tasmanian business.

Mr. David John Wells brought R.T.Fish Bakery in Oatlands during 1980 and moved the woodfired oven and machinery to Moonah premises after the 1987 fire. His youngest son Cameron Harold Wells brought the bakery so David could retire in 2012, David passed all knowledge and techniques to his son to carry on this family business.

Cameron and his partner Chantelle own and operate this business via a lot of hands on mixing and making the bakery's products, taking orders from local stores and delivering on a Thursday to 2-3 southern stores weekly and also having a Tasmanian distributor VMB collecting on a Wednesday in a van or small truck, whom delivers the northern Tasmanian stores weekly.

R.T.Fish Bakery delivers to all Coles and Woolworth stores statewide annually in mid-November for their Christmas cakes.

Cameron and Chantelle are purposing to move the Heritage Bakery back to the Southern Midlands on their own property with an unused butcher shop building being there for many years with no purpose. Hoping to restore the building for the bakery needs and bringing some of the original Tasmanian heritage back to the southern midlands.




AP2020-1841 - PROPOSED ADDITION  
1704 Midlands Highway,  
BAGDAD

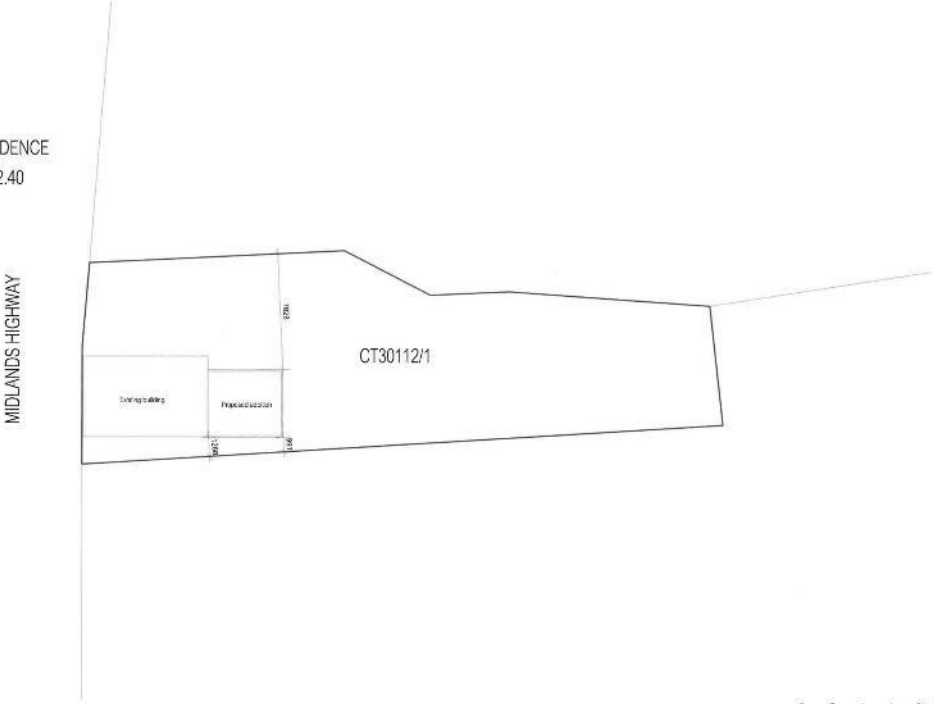
SHEET	DRAWING TITLE
01	SITE PLAN
01a	DRAINAGE PLAN
02	FLOOR PLAN
03	ELEVATIONS

<p><b>SMC - KEMPTON</b> <b>RECEIVED</b> 20/07/2020</p>	<p><b>NOTE:</b></p> <ul style="list-style-type: none"> <li>• All work shall be done in accordance with the Building Regulations 2010.</li> <li>• All work shall be done in accordance with the current Building Regulations 2010.</li> <li>• All work shall be done in accordance with the current Building Regulations 2010.</li> <li>• All work shall be done in accordance with the current Building Regulations 2010.</li> <li>• All work shall be done in accordance with the current Building Regulations 2010.</li> </ul>	<p><b>Designer:</b> ANOTHER PERSPECTIVE PT LTD 1704 MIDLANDS HIGHWAY BAGDAD</p>	<p><b>Client / Project Info:</b> PROPOSED ADDITION 1704 MIDLANDS HIGHWAY BAGDAD</p>	<p><b>Scale:</b> 1:200</p>	<p><b>COVER SHEET</b></p> <p>Drawn: [blank] Sheet: 00/03</p>
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**SMC - KEMPTON**  
**RECEIVED**  
20/07/2020

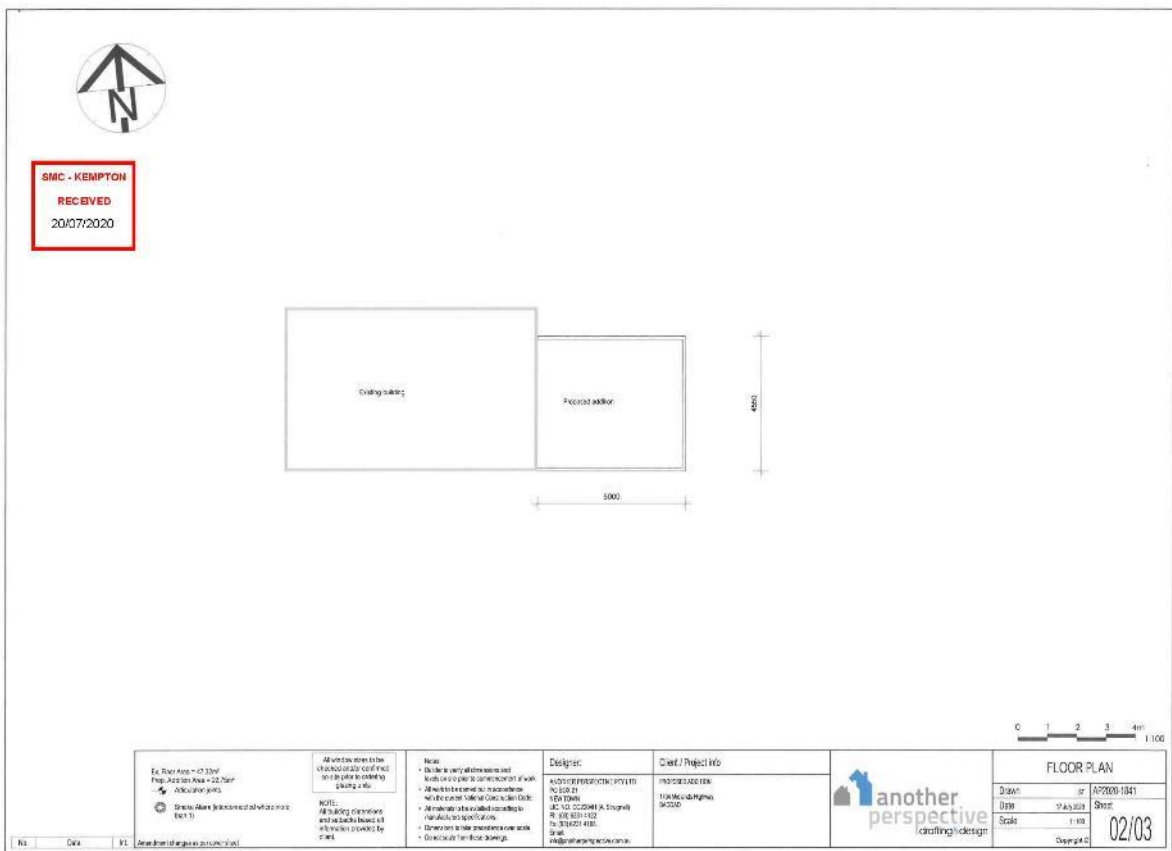
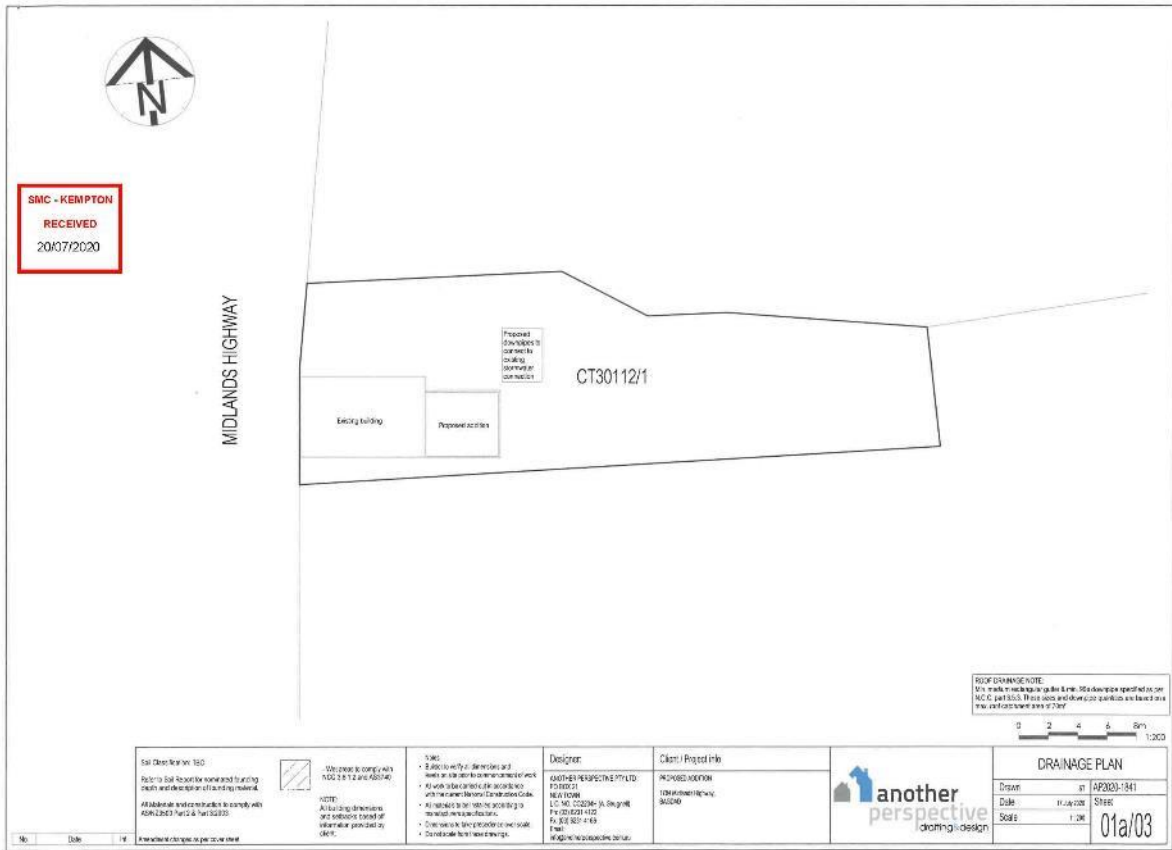


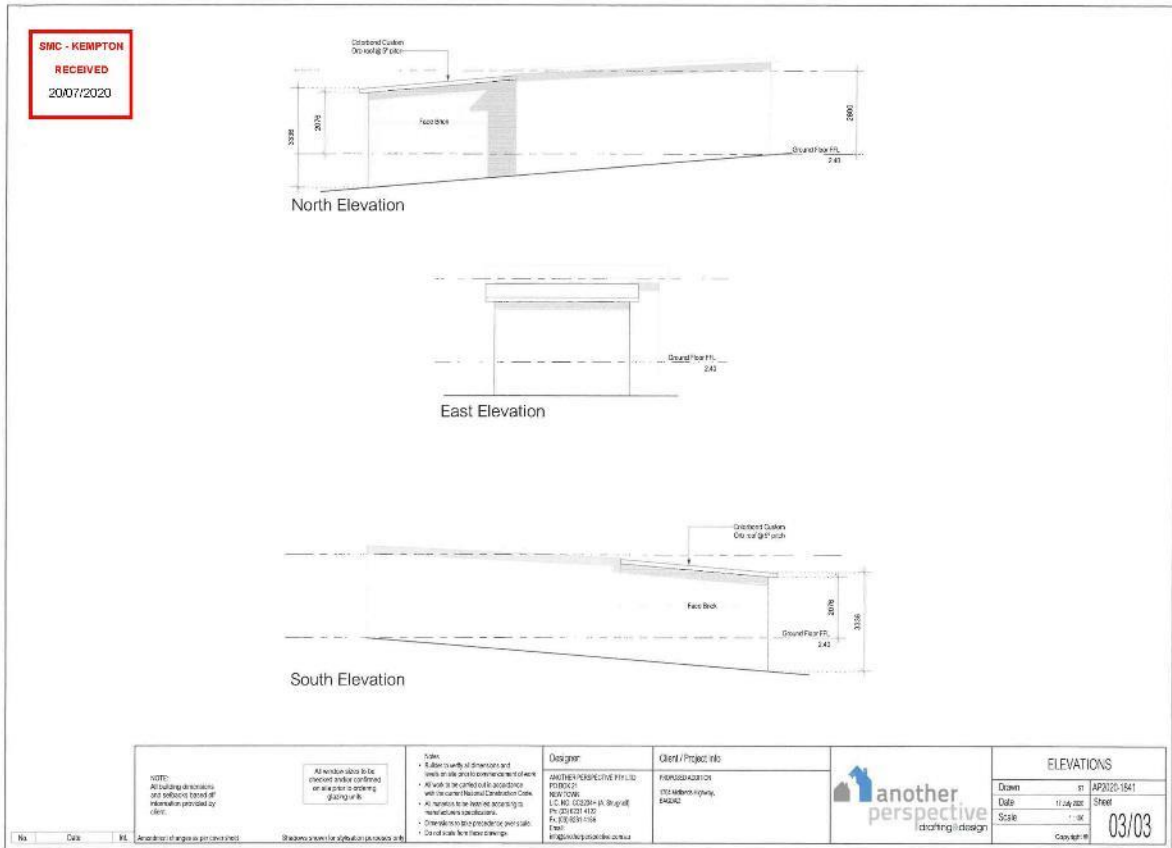
PROPOSED NEW RESIDENCE  
Ground Floor FFL 2.40



<p><b>NOTE:</b></p> <ul style="list-style-type: none"> <li>• All work shall be done in accordance with the Building Regulations 2010.</li> <li>• All work shall be done in accordance with the current Building Regulations 2010.</li> <li>• All work shall be done in accordance with the current Building Regulations 2010.</li> <li>• All work shall be done in accordance with the current Building Regulations 2010.</li> <li>• All work shall be done in accordance with the current Building Regulations 2010.</li> </ul>	<p><b>Designer:</b> ANOTHER PERSPECTIVE PT LTD 1704 MIDLANDS HIGHWAY BAGDAD</p>	<p><b>Client / Project Info:</b> PROPOSED ADDITION 1704 MIDLANDS HIGHWAY BAGDAD</p>	<p><b>Scale:</b> 1:200</p>	<p><b>SITE PLAN</b></p> <p>Drawn: [blank] Sheet: 01/03</p>
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## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



### SEARCH OF TORRENS TITLE

VOLUME	FOLIO
30112	1
EDITION	DATE OF ISSUE
3	17-Dec-2018

SEARCH DATE : 28-Jul-2020

SEARCH TIME : 12.34 PM

### DESCRIPTION OF LAND

Parish of STRANGFORD, Land District of MONMOUTH  
Lot 1 on Sealed Plan 30112  
Derivation : Part of 52A-0R-21Ps Granted to C.A. & R.A.  
Galletly  
Prior CT 4385/91

### SCHEDULE 1

E100638 TRANSFER to CAMERON HAROLD WELLS and CHANTELLE LEE  
LEYLAND Registered 17-Dec-2018 at noon

### SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
SP 30112 EASEMENTS in Schedule of Easements  
SP 30112 FENCING COVENANT in Schedule of Easements  
E162554 MORTGAGE to Westpac Banking Corporation Registered  
17-Dec-2018 at 12.01 PM

### UNREGISTERED DEALINGS AND NOTATIONS

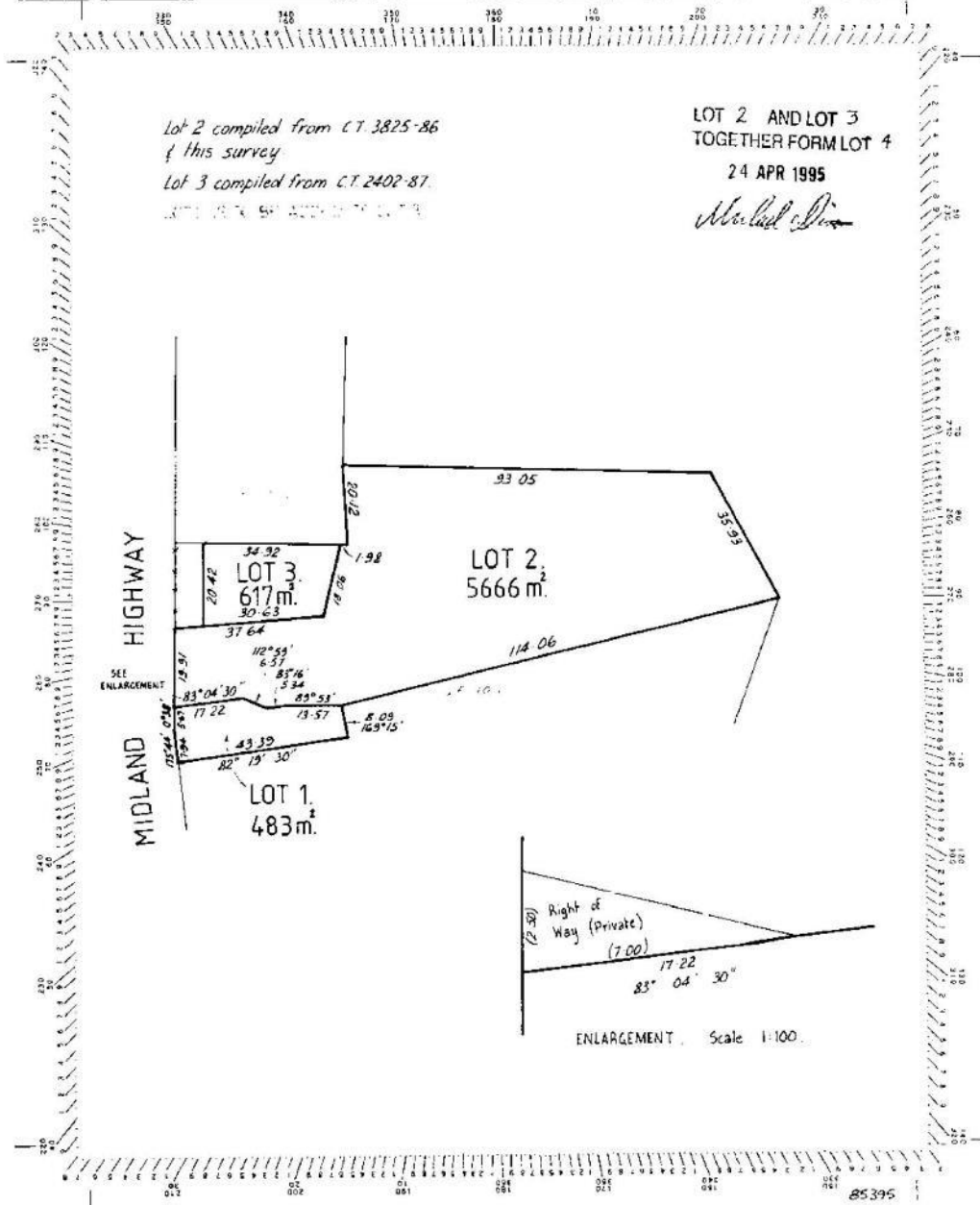
No unregistered dealings or other notations



**FOLIO PLAN**  
RECORDER OF TITLES  
Issued Pursuant to the Land Titles Act 1980



Owner <i>N.J. &amp; G.L. Gargell</i>	PLAN OF SURVEY by Surveyor of land situated in the <i>R. A. Connor</i>	Registered Number <b>S. P30112</b>
Title Reference <i>CT 2402-87 (LOT 3) CT 3825-86 (LOTS 1 &amp; 2)</i>	LAND DISTRICT OF MONMOUTH PARISH OF STRANGFORD	Approved <i>30 JUL 1987</i> Effective from
Grantee <i>Part of 52 0 21 Granted to Claude Armytage Galletty &amp; Reginald Armytage Galletty</i>	SCALE 1: 1000 MEASUREMENTS IN METRES	Recorder of Titles





# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



## SCHEDULE OF EASEMENTS

PLAN NO.

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

# S. P30112

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS THIS COPY SCHEDULE CONSISTS OF 1 PAGE/S

~~Each lot on the plan is together with—~~

- ~~(1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and~~
- ~~(2) any easements or profits à prendre described hereunder.~~

~~Each lot on the plan is subject to:—~~

- ~~(1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and~~
- ~~(2) any easements or profits à prendre described hereunder.~~

~~The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.~~

### 1. PROFITS A PRENDRE

1.1 No profits a prendre are created to benefit or burden any lot shown on this plan.

### 2. RIGHTS OF CARRIAGEWAY

- 2.1 Lot 1 is together with a right of carriageway over the Right of Way (Private) shown on the plan passing through lot 2.
- 2.2 Lot 2 is subject to a right of carriageway appertenant to lot 1 over the Right of Way (Private) shown on the plan passing through lot 2.

### 3. COVENANTS

3.1 The owner of each lot on the plan covenants with the Vendor N. J. & G. L. GANGELL that the Vendor shall not be required to fence.

SIGNED by GAYE LYNETTE GANGELL and ) *G. Lynette Gangell*  
 NEVILLE JOHN GANGELL the Registered )  
 Proprietors of the land comprised in )  
 Folio of the Register Volume 3825 )  
 Folio 86 and Volume 2402 Folio 87 in ) *N. J. & G. L. Gangell*  
 the presence of: )

*M. P. ...*  
*Secretary*  
*Magistrate*  
*Q. J. ...*



**SCHEDULE OF EASEMENTS**  
RECORDER OF TITLES  
*Issued Pursuant to the Land Titles Act 1980*



30112

This is the schedule of easements attached to the plan of N. J. & G. L. GANELL.....  
*(Insert Subdivider's Full Name)*  
..... affecting land in  
.....  
CERTIFICATE OF TITLE VOLUME 3825 FOLIO 56 AND VOLUME 2402 FOLIO 87  
*(Insert Title Reference)*  
Sealed by THE MUNICIPALITY OF BRIGHTON on 11TH SEPTEMBER 1986  
Solicitor's Reference DOBSON MITCHELL & ALLPORT *[Signature]*  
*Acting Council Clerk/Form Clerk*



**Sent:** Tuesday, 11 August 2020 2:45 PM  
**To:** SMC Mail  
**Subject:** Development Application for a Wholesale Bakery at 1704 Midland H'way Bagdad

Thank you for the opportunity to comment on the above proposal. My wife, June Tutty and I live next door to the applicants at [REDACTED] Midland Highway. In 2005 we developed an accommodation business in a colonially built sandstone barn at the rear of our property and have been in constant business from that time. The business attracts mainland and international guests who have enjoyed the ambience of the building and peace and quiet this rural location offers. We feel our main concern with the proposal may come from chainsaw noise as the owner intends the bakery to be wood fired and cuts both timber logs and smaller rounds on the premises. The use of large saws is unacceptable in a residential location we believe and would be detrimental to both our, and our guests amenity. We would prefer that Cameron Wells cuts his timber off site. However in discussing the matter with Cameron he is amenable to the use of the saw at a mutually agreeable time when guests aren't in residence. However we would still be affected. We wish both Cameron and Chantelle well with their venture.

Yours sincerely,



**11.1.2 DEVELOPMENT APPLICATION (DA 2020/72) FOR RESOURCE DEVELOPMENT – FARM BUILDING AT 80 SHENE ROAD, PONTVILLE, OWNED BY A L FEHLBERG PTY LTD**

**Author:** SENIOR PLANNING OFFICER (JACQUI TYSON)

**Date:** 18 AUGUST 2020

**Enclosure(s):**

*Development Application documents*

*Representation*

*Notice of Heritage Decision*

**PROPOSAL**

The applicant, Mr Fehlberg, has applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* (“the Act”) to construct a new Farm Building at 80 Shene Road, Pontville.

The land subject to the application is part of a large farming property. The subject title (CT175769/1) is listed on the Tasmanian Heritage Register as part of the original extent of the land associated with the adjoining Shene homestead, which is now on a separate title together with major outbuildings and is under different ownership. It is noted that the subject title is not listed as a Heritage Place in the Historic Heritage Code of the *Southern Midlands Interim Planning Scheme 2015*.

The proposal seeks approval to construct a new farm building. The proposed building is 20 metres long, 14 metres wide and has a maximum height at the apex of 6.23 metres. The building would consist of four bays, open on one side and is intended to be used for hay storage. The building will be sited within the existing farm yard area, more than 150m northwest of Shene Road and at least 25 metres from the south western side boundary, which adjoins the Shene homestead title.

The building will be accessed from Shene Road via an established internal farm road.

The application has been referred to Heritage Tasmania for assessment due to the listing on the Tasmanian Heritage Register. A Notice of Heritage Decision has been received advising that the Heritage Council consents to the granting of a permit and providing conditions relating to the external cladding and finishes and archaeological values of the site.

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

The land is in the Significant Agriculture Zone. Under the Planning Scheme the proposal is defined as use and development for “*Resource development*”. The proposal is considered under Section 57 of the Act, as discretionary, due to the side boundary setback and as the place is listed on the Tasmanian Heritage Register.

Section 34 of the *Historic Cultural Heritage Act 1995* provides that all works to a place listed in the Heritage Register, are to be considered as discretionary, unless approved by a certificate of exemption, regardless of the provisions of the local planning scheme.

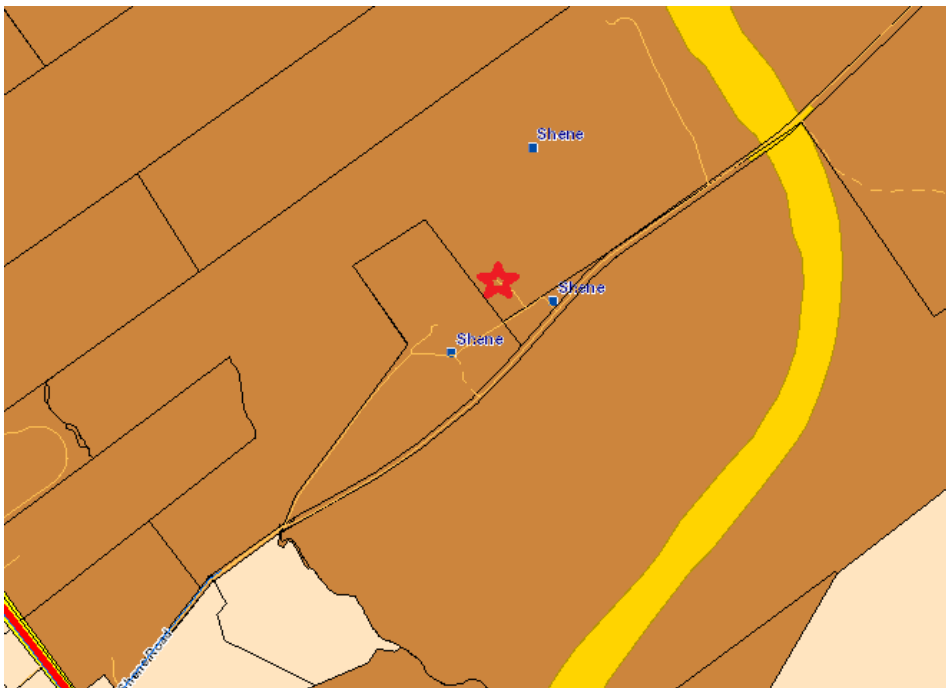
If a Council receives a valid application for a place listed in the Heritage Register (regardless of the use or development status in the scheme), it must refer that application to the Heritage Council within five days for assessment and decision.

The Council gave notice of the application for public comment for 14 days. During the notification period one (1) representation was received. The applicant has provided some comments responding to the issues raised in the representation.

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

## THE SITE

Maps 1 and 2 below shows the location and zoning of the subject titles and surrounding area.



Map 1\_ The subject land and surrounding properties are in the Significant Agriculture Zone (brown) or Rural Resource Zone (cream). The Midland Highway is in the Utilities Zone (bright yellow). The potential future bypass alignment is in the Particular Purpose Zone 2 –Future Road Corridor (dark yellow). The approximate site of the proposed building is marked with a red star. The blue notations show the titles that are listed on the Tasmanian Heritage Register as part of the Shene Estate Source: theLIST





Map 2 \_ Aerial image of the subject land with the approximate location of the proposed building is marked with a red star. Source: theLIST

The subject title is over 200ha in area. The site of the proposed building is on the northern side of Shene Road, which is a gravel road maintained by Council. The development area forms part of the broader farm yard across two titles, which includes a dwelling, outbuildings, yards, silos and other associated farm improvements.

The properties surrounding the site are generally characterised as farming land along the Bagdad Rivulet valley, with smaller rural living style titles generally around the Midland Highway to the west. To the east the land rises to forested hills. The Shene Estate adjoining the site is used for a dwelling, distillery and tourist experience. There are several shooting clubs for various disciplines along Shene Road.

## THE APPLICATION

The Applicant has submitted a Development Application with plans of the site and proposed farm building.

## USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as “Resource development”:

### **Resource development:**

*use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors.*

*Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.*

In this case the subject land is a farm, falling under the definition for “agricultural use”:



**Agricultural use:**

*means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture, intensive tree farming and plantation forestry.*

**USE/DEVELOPMENT STATUS UNDER THE PLANNING SCHEME**

Under the Scheme, a Development Application for use and development relating to “Resource development” has a ‘No Permit Required’ status in the Significant Agriculture Zone.

In this case the Development Application is Discretionary due to the heritage status of the property and the building setback requires assessment against a Performance Criteria.

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

**PUBLIC NOTIFICATION AND REPRESENTATIONS**

The application was advertised on the 17<sup>th</sup> July 2020 for fourteen (14) days. During this period Council received one (1) representation. The applicant has provided a response to some of the matters raised in the representation.

The representations and response are detailed in the table below.

<b>Representation 1</b>	<b>Relevant Applicant Response</b>	<b>Council Officer Comment</b>
<p>The proposed structure adjoins the historic property Shene Estate.</p> <p>Matters to be taken into consideration by Southern Midlands Council when considering approval include:</p> <ul style="list-style-type: none"> <li>The proposed structure should not have a negative impact, building materials and scale, upon the aesthetics of the historic buildings upon Shene – Shene Stables, Barn, Homestead, Servants building</li> </ul>	<p><i>I would appreciate the Council taking consideration of my concerns regarding the matters raised in the Representation received in regard to our application lodged for the construction of the new hay shed on our Pontville property.</i></p> <p><i>The building would be located behind the 2 existing silos which are higher than the proposed building, and also behind a tall hedge on the boundary. The building would not be able to be seen from Shene Estate.</i></p>	<p><b><i>The title is listed on the Tasmanian Heritage Register as a Heritage Place of state significance.</i></b></p> <p><b><i>In this case the title is not listed at the local level in the Historic Heritage Code, as the local listing for Shene is limited to the title containing the main homestead and buildings.</i></b></p> <p><b><i>Therefore, in this case assessment of heritage matters is the responsibility of Heritage Tasmania / Heritage Council.</i></b></p> <p><b><i>The representation has been provided to Heritage Tasmania / Heritage Council</i></b></p>

<p>and other structures developed in harmony with the historic buildings and cultural heritage landscape that makes up the precinct;</p> <ul style="list-style-type: none"> <li>• The proposed structure should not have a negative impact upon the aesthetics of the adjoining historic buildings located on Shene balance land including early shearing shed and cottage;</li> <li>• The proposed structure is located either upon or in close proximity to the stone footings of an early colonial structure that once formed part of the overall Shene Estate. Any proposed structure should be positioned so as to avoid these footings allowing the potential for future archaeological research.</li> </ul>	<p><i>As for any negative impact, it has the same profile and zinc appearance as other buildings in the area. This includes 2 existing, and 2 under construction, buildings that are each at least twice the size of the proposed building and are less than 100 meters away on a neighbouring property, and full of highly flammable material.</i></p> <p><i>We received from the Heritage Council on 16 May 2018 a letter (attached) saying that they would like to update the Heritage Register, and after an investigation on site we received another letter (which has been misplaced) stating that on all our portion of land there was nothing of significance and it was going to be removed from the Heritage Register, this includes the shearing shed, cottages, footings, and any other buildings. I don't believe there has been any objection from the Heritage Council. The 4 buildings on the other side of the shearing shed are only a little further away than the proposed building and in clear site of the shearing shed. There doesn't seem to be a problem with them.</i></p> <p><i>The old footings mentioned are of no significance in this matter, as they are not near the proposed building site. There is no plan to do an</i></p>	<p><b>for consideration in their assessment of the proposal.</b></p> <p><b>The Notice of Heritage Decision advises that the Heritage Council consent to the granting of a permit, including their conditions which address the external cladding/materials of the building and archaeological matters.</b></p> <p><b>These conditions must be attached to any permit issued by Council.</b></p> <p><b>As mentioned by the applicant, it appears that the extent of the Tasmanian Heritage Register listing has been under review and the extent may be reduced at some stage, however this has not yet occurred.</b></p>
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	<p><i>archaeological dig in the future. The construction of the shed on the proposed site will cause little, or no impact as there are only pier holes and not a slab construction.</i></p> <p><i>I have noticed that the several large buildings with slabs and large excavations built on Shene Estate have not had any archaeological digs done on them.</i></p> <p><i>Lastly, the proposed building site was chosen because of the close proximity to our feed mixer, which is used every day to feed our cattle, and as this is a working farm any further away would mean more time and wear and tear on equipment, and as such, I would not expect any change to the proposed site for new hay shed.</i></p> <p><i>I would suggest that the ideological views of others should not impinge on our ability to go about our normal working day without incurring extra costs, especially considering that there will be no impact on them, or the historic values of the area.</i></p>	
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**ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME**

**Rural Resource Zone**

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

<b>Development Standard</b> <b>27.4.1 Building Height</b> To ensure that building height contributes positively to the rural landscape and does not result in unreasonable impact on residential amenity of land.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1 Building height must be no more than:  9 m if for a residential use.  10 m otherwise.	P1 Building height must satisfy all of the following:  (a) be consistent with any Desired Future Character Statements provided for the area;  (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy;  (c) if for a non-residential use, the height is necessary for that use.	<i>The maximum height of the proposed hay shed will be 6.23m, complying with the Acceptable Solution.</i>

<b>Development Standard</b> <b>27.4.2 Setback</b> To minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1 Building setback from frontage must be no less than:  20 m.	P1 Building setback from frontage must satisfy all of the following:  (a) be consistent with any Desired Future Character Statements provided for the area;  (b) minimise adverse impact on the rural landscape as viewed from the road;  (c) be no less than 10 m.	<i>The proposed building is sited around 150m from the frontage to Shene Road, easily complying with the Acceptable Solution.</i>
A2 Building setback from side and rear boundaries must be no less than:	P2 Building setback from side and rear boundaries must satisfy all of the following:	<i>The proposed building is to be sited 25m from the nearest side boundary. Assessment against the Performance Criteria is required.</i>

<p>100 m.</p>	<p>(a) be sufficient to prevent potential for land use conflict that would fetter non-sensitive use of adjoining land;</p> <p>(b) be no less than:</p> <p>40 m, if the lot is greater than 1 ha or if there is an existing building set back less than this distance, the setback must not be less than the existing building;</p> <p>20 m, if the lot is less than or equal to 1 ha or if there is an existing building set back less than this distance, the setback must not be less than the existing building.</p>	<p>(a) <i>The proposed building is a hay shed and will not conflict with non-sensitive use of the adjoining land. In this case the adjoining land is occupied by the Shene Estate and there is an established tall hedge of trees on the boundary which further avoids land use conflicts between the sites.</i></p> <p>(b) <i>In this case the title has an area greater than 1ha. There are existing silos and minor outbuildings closer to the boundary. As such, the proposed setback complies.</i></p>
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**Development Standard  
27.4.3 Design**

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

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1 The location of buildings and works must comply with any of the following:</p> <p>(a) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline;</p> <p>(b) be located within a building area, if provided on the title;</p> <p>(c) be an addition or alteration to an existing building.</p>	<p>P1 The location of buildings and works must satisfy all of the following:</p> <p>(a) be located in an area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</p> <p>(b)</p>	<p><i>The proposed building is not located on a skyline or ridgeline and the proposal does not require the clearing of any native vegetation, in compliance with the Acceptable Solution.</i></p>

	<p>be located on a skyline or ridgeline only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) significant impact on the rural landscape is minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;</p> <p>(c) be consistent with any Desired Future Character Statements provided for the area.</p>	
<p>A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>P2 The appearance of external finishes of buildings must not be incompatible with the rural landscape.</p>	<p><i>The application states that the external walls will be finished in zincalume, however the Heritage Tasmania decision requires that the external finishes be galvanised steel instead.</i></p> <p><i>In either case the light reflectance value of the external materials will be greater than 40% (at least initially), requiring assessment against the Performance Criteria.</i></p> <p><i>In this case given the heritage values of the site and surrounds the use of a traditional building material is the most important outcome and the finish will be compatible with the landscape of the site and surrounds.</i></p>
<p>A3 The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3 The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <p>(a) does not have significant impact on the rural landscape of the area;</p>	<p><i>The proposal does not include any fill or excavation work.</i></p>

	(b) does not unreasonably impact upon the privacy of adjoining properties;  (c) does not affect land stability on the lot or adjoining areas.	
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### **Parking and Access Code**

This Code applies to all use and development.

The Scheme does not require car parking spaces to be provided for the Resource development use class.

In this case there is more than enough space available onsite for any parking and access requirements and no change to the existing situation is proposed.

### **Stormwater Management Code**

This Code applies to all use and development.

Stormwater from the proposed building can be managed onsite in accordance with the requirements of this Code.

### **CONCLUSION**

The report has assessed a Development Application for a Farm Building at 80 Shene Road, Pontville.

One (1) representation was made to Council raising concerns regarding heritage matters. The proposal has been assessed by Heritage Tasmania as is part of the original Shene property listed on the Tasmanian Heritage Register and approved subject to conditions that must be attached to any Council permit.

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

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

### **RECOMMENDATION**

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2020/72) for Resource Development – Farm Building at 80 Shene Road, Pontville, owned by A L Fehlberg Pty Ltd and that a permit be issued with the following conditions:

## CONDITIONS

### *General*

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

### *Approved Use*

- 3) The structure is to be used for the purposes detailed within the approved plan only, that is; a farm related building. It must not to be used for habitable, industrial, commercial or other purposes without the prior written consent of Council.

### *Heritage Tasmania*

- 4) Compliance with any conditions or requirements of the Tasmanian Heritage Council in the attached 'Notice of Heritage Decision' No. 6302.

### *Services*

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

### *Stormwater*

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

### *Construction Amenity*

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

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

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



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

The following advice applies to this permit:

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

## **DECISION**

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

**THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2020/72) for Resource Development – Farm Building at 80 Shene Road, Pontville, owned by A L Fehlberg Pty Ltd and that a permit be issued with the following conditions:**

## **CONDITIONS**

### ***General***

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

### ***Approved Use***

- 3) The structure is to be used for the purposes detailed within the approved plan only, that is; a farm related building. It must not to be used for habitable, industrial, commercial or other purposes without the prior written consent of Council.

### ***Heritage Tasmania***

- 4) Compliance with any conditions or requirements of the Tasmanian Heritage Council in the attached 'Notice of Heritage Decision' No. 6302.

### ***Services***

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

**Stormwater**

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

**Construction Amenity**

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

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

The following advice applies to this permit:

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

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**ENCLOSURE(S)**  
Agenda Item 11.1.2



**APPLICATION FOR PLANNING PERMIT – USE AND DEVELOPMENT**  
**Residential Use**  
Use this form to apply for planning approval in accordance with section 57 and 58 of the Land Use Planning and Approvals Act 1993

**Applicant / Owner Details:**

**Owner / s Name** A. L FEHLBERG P/L

**Postal Address** P/O BOX 1150  
GLENORCHY 7010

**Phone No:** 362 733 185  
**Fax No:** 03 62731399

**Email address:**

**Applicant Name** (if not owner) TONY FEHLBERG

**Postal Address:** P/O BOX 1150  
GLENORCHY 7010

**Phone No:** 03 62733185  
**Fax No:** 03 62731399

**Email address:**

**Description of proposed use and/or development:**

**Address of new use and development:** 80 SHENE RD PONTVILLE

**Certificate of Title No:** Volume No 175769 Lot No: 1

**Description of proposed use or development:** FARM BUILDING  
HAY SHED

**Current use of land and buildings:** FARM BUILDINGS  
2 HOUSES

**Is the property Heritage Listed?** Yes  No

Please tick / answer

ie: New Dwelling / Additions / Demolition / Shed / Farm Building / Carport / Swimming Pool or detail other etc.

Eg. Are there any existing buildings on this title? If yes, what is the main building used as?



Proposed Material	What are the proposed external wall colours	ZINC	What is the proposed roof colour	ZINC
	What is the proposed new floor area m <sup>2</sup> .	280 m <sup>2</sup>	What is the estimated value of all the new work proposed:	\$ 40,000.00

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

Signed Declaration [REDACTED]

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

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

Applicant Signature (if not the Owner)	Applicant Name (Please print)	Date
<input type="text"/>	<input type="text"/>	<input type="text"/>


Land Owner(s) Signature	Land Owners Name (please print)	Date
	TONY FELBERGER	10/7/20

Land Owner(s) Signature	Land Owners Name (please print)	Date
<input type="text"/>	<input type="text"/>	<input type="text"/>

Address all correspondence to: The General Manager, PO Box 21, Oatlands Tasmania 7120  
 Oatlands Office: 71 High Street Oatlands Phone (03) 62545000 Fax (03) 62545014  
 Kempton Office: 85 Main Street Kempton Phone (03) 62545050  
 Email Address: [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au) Web [www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au)  
 ABN 68653459 589

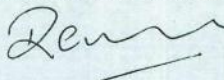



**CERTIFICATE OF TITLE**  
LAND TITLES ACT 1980

  
TASMANIA

TORRENS TITLE	
VOLUME	FOLIO
175769	1
EDITION	DATE OF ISSUE
3	27-Apr-2020
Page 1	of 2

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

  
Recorder of Titles



**DESCRIPTION OF LAND**

Parish of JERVIS Land District of MONMOUTH  
Lot 1 on Plan 175769  
being in part derived from the land described in Conveyance 33/2137  
Excepting thereout Lot 2 (87.90ha) SP 8707, Conveyance No. 43/6986, Part of Lot 2 (174.7ha) P.707DO, Lots 1 & 2 (21.6ha) SP 18559 and Lot 2 (246m2) & Lot 4 (2.076ha) SP 123713, Lot 1 (12.58ha) SP137490, Part of Lot 1 (2.471ha) SP175768  
Derivation : Part of 2400 Acres, 640 Acres and Lot 79 (640 Acres) Gtd. to G. Butler, Part of 499A-2R-0P Gtd. to Gamaliel Butler and Robert Pitcairn and Part of 438A-2R-0P Gtd. to William Kimberley  
Prior CT 137604/1

**SCHEDULE 1**

C347031 TRANSFER to A L FEHLBERG PTY LTD Registered  
28-Feb-2002 at 12.02 PM

**SCHEDULE 2**

Reservations and conditions in the Crown Grant if any

**BENEFITING EASEMENT:** Right of Way (appurtenant to the balance of the said land within described after excepting thereout the land marked ABCD & EFGH on Plan No. 175769) being more fully set forth in Conveyance 33/2137


**BENEFITING EASEMENT:** Right of Carriageway (appurtenant to the balance of the said land within described excepting thereout the land marked ABCD & EFGH on Plan No. 175769) over the Right of Way 'A' shown on Plan No. 175769

SP 11335 FENCING PROVISION in Schedule of Easements  
SP 11335 COUNCIL NOTIFICATION under Section 468(12) of the Local Government Act 1962  
SP 35779 COVENANTS in Schedule of Easements  
SP 107429 FENCING COVENANT in Schedule of Easements  
SP107429 COUNCIL NOTIFICATION under Section 468(12) of the Local Government Act 1962  
SP 35779 BURDENING EASEMENT: Pipeline Easement (appurtenant to the balance of the land remaining in Folio of

**WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER**





**CERTIFICATE OF TITLE**  
LAND TITLES ACT 1980

  
TASMANIA

TORRENS TITLE	
VOLUME	FOLIO
175769	1
EDITION	DATE OF ISSUE
3	27-Apr-2020
Page 2	of 2

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Recorder of Titles 

Register 4072/38 at the date of acceptance of SP35779 after excepting thereout Lot 1 thereon) over Pipeline Easement 4.00 wide shown on Plan No. 175769

SP 35779 BENEFITING EASEMENT: Pipeline Easement (appurtenant to the land formerly comprised in Lot 1 on SP 35779) over Pipeline Easement 3.00 wide shown on Plan No. 175769

SP 137490 BENEFITING EASEMENT: Electricity Infrastructure Easement over the Electricity Infrastructure Easement 12.00 wide shown on Plan No. 175769

SP 137490 BENEFITING EASEMENT: Right of Carriageway over the Right of Way 'B' shown on Plan No. 175769

C931258 BURDENING WAYLEAVE EASEMENT with the benefit of a restriction as to user of land in favour of Aurora Energy Pty Ltd over the Wayleave Easement 12.00 wide shown on Plan 175769 (Subject to Conditions) Registered 17-Sep-2009 at noon

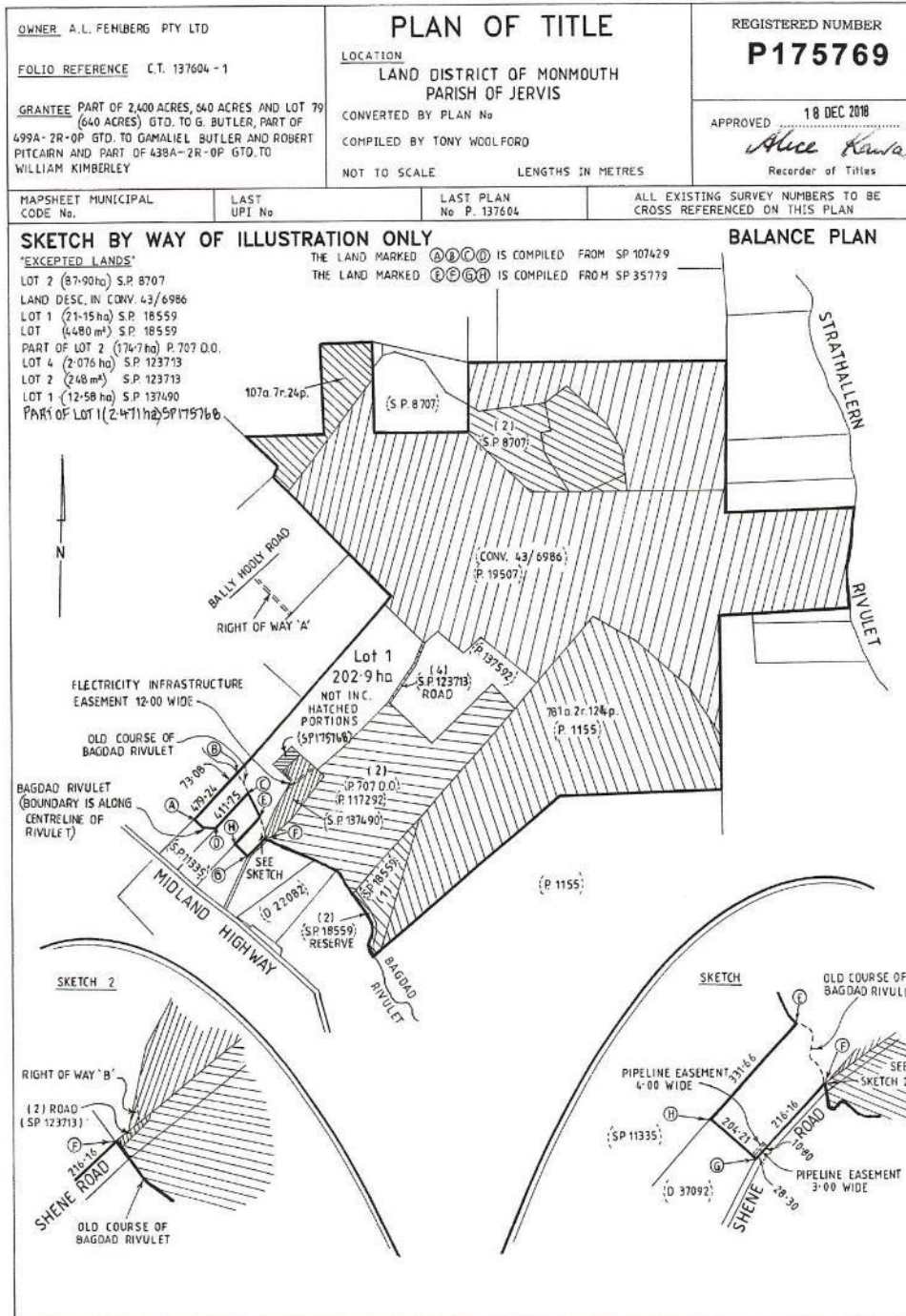
B771601 ADHESION ORDER under Section 110 of the Local Government (Building and Miscellaneous Provisions) Act 1993 Registered 19-Apr-1995 at noon

**WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER**

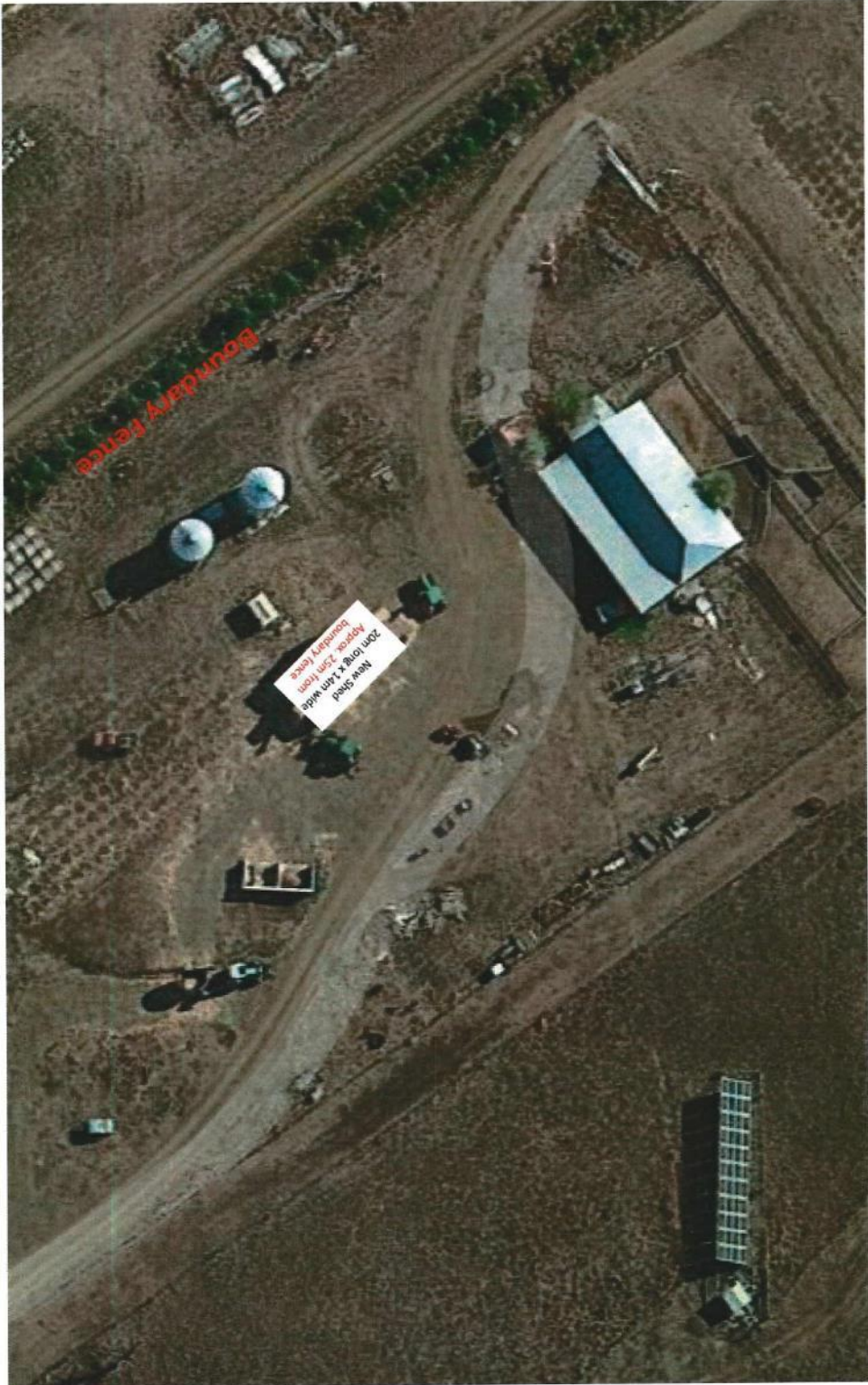


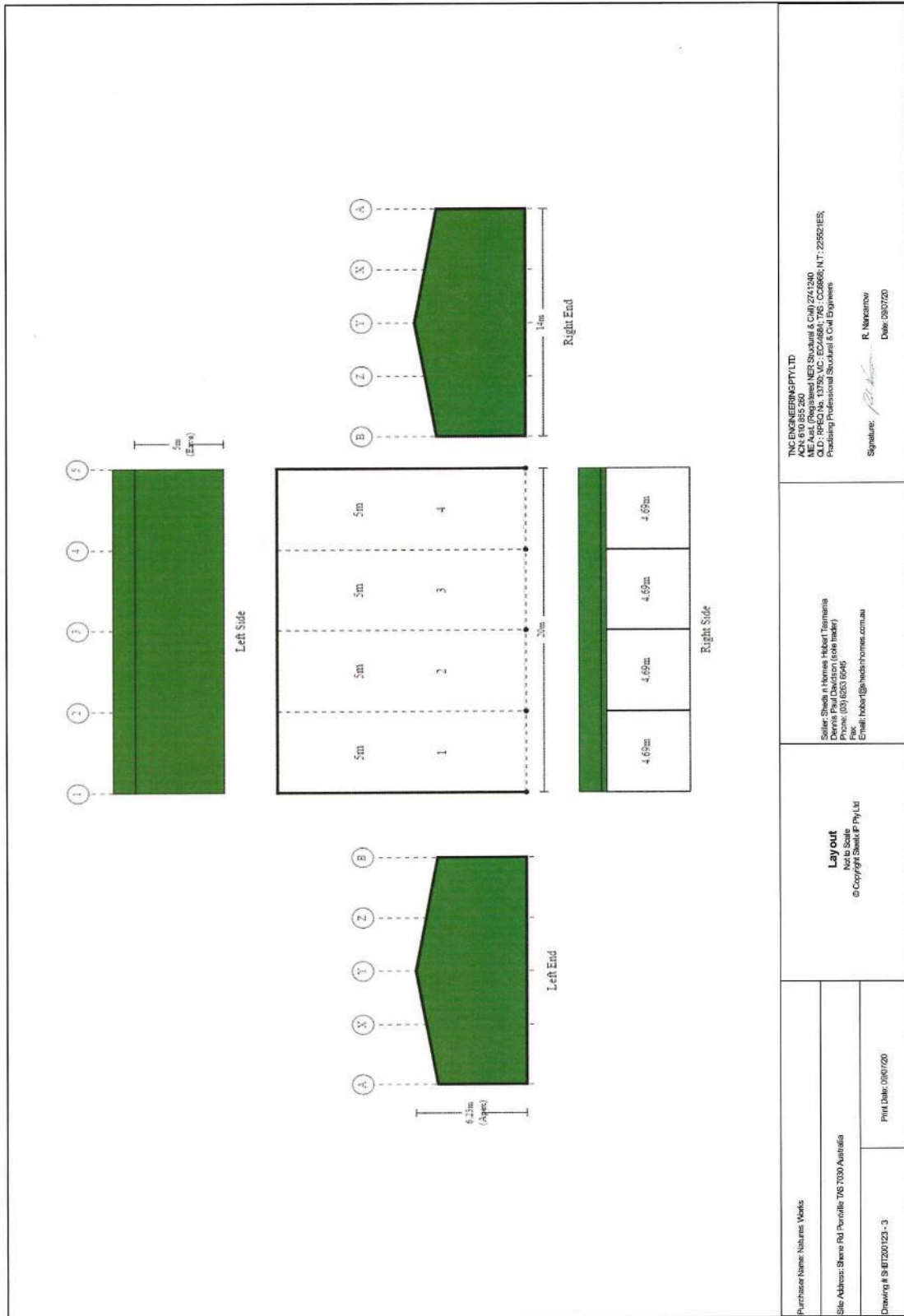
**FOLIO PLAN**  
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980









Purchaser Name: Nature's Works Site Address: Shere Rd Porvalla VIC 3090 Australia Drawing # SH200123 - 3		Layout Not to Scale © Copyright Sweat & Pyl Ltd		Seller: Shere Homes (Hold) Tasmania 100 Shere Rd Porvalla (Shere Road) Phone: (03) 6253 6249 Fax: Email: bob@sherehomes.com.au		TNC ENGINEERING PTY LTD ACN 610 855 260 100 Regentway, NCE Strickland & Cull (71) QLD AUSTRALIA ABN 63 625 625 625 Practising Professional Structural & Civil Engineers	
FPH Date: 09/07/20		Signature: <i>R. Nancarrow</i> R. Nancarrow Date: 09/07/20					



**Sent:** Thursday, 30 July 2020 2:34 PM  
**To:** SMC Mail  
**Subject:** DA 2020 / 00072 (9893706 DA2020-72) Proposed Farm Building at 80 Shene Road, Pontville

**Importance:** High

The General Manager  
Southern Midlands Council  
PO Box 21  
Oatlands. TAS 7120

The proposed structure adjoins the historic property Shene Estate.

Matters to be taken into consideration by Southern Midlands Council when considering approval include:

- The proposed structure should not have a negative impact, building materials and scale, upon the aesthetics of the historic buildings upon Shene – Shene Stables, Barn, Homestead, Servants building and other structures developed in harmony with the historic buildings and cultural heritage landscape that makes up the precinct;
- The proposed structure should not have a negative impact upon the aesthetics of the adjoining historic buildings located on Shene balance land including early shearing shed and cottage;
- The proposed structure is located either upon or in close proximity to the stone footings of an early colonial structure that once formed part of the overall Shene Estate. Any proposed structure should be positioned so as to avoid these footings allowing the potential for future archaeological research.

Yours sincerely





Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
Tel: 1300 850 332  
enquiries@heritage.tas.gov.au  
www.heritage.tas.gov.au

PLANNING REF: DA2020/72  
THC WORKS REF: 6302  
REGISTERED PLACE NO: 5554  
FILE NO: 06-28-92 THC  
APPLICANT: A H Fehlberg  
DATE: 14 August 2020

## NOTICE OF HERITAGE DECISION

*(Historic Cultural Heritage Act 1995)*

The Place: 'Shene', 80 Shene Rd, Pontville.  
Proposed Works: New farm shed.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application DA2020/72 subject to the following conditions:

1. **External cladding, gutters, downpipes and rainwater tanks must be of galvanised corrugated steel (not Zinalume).**

Reason for condition

To ensure that the new building has a material character that is complementary to the surrounding heritage buildings consistent with the appropriate outcomes described in Section 8.1 of the Tasmanian Heritage Council's *Works Guidelines*.

2. (i) **Footings and in-ground services for the proposed new shed must be positioned such that the construction does not disturb any significant archaeological features or deposits in a manner that results in the loss of the archaeological information that they may yield. To achieve this outcome, the identified area that will be affected by the proposed work is to be inspected by a qualified historical archaeologist, to identify the extent and heritage significance of any archaeological features or deposits within the proposed construction site.**
- (ii) **Significant archaeological features or deposits that cannot be avoided by the construction must be excavated and appropriately recorded to the standards identified in the Tasmanian Heritage Council's current Practice Note No. 2, *Managing Historical Archaeological Significance In The Works Process*.**



**(iii) A letter from the historical archaeologist, confirming that the outcomes required in Condition 2(i) and (ii) have been met, is to be provided to Heritage Tasmania prior to the commencement of building construction for this development.**

Reason for condition

To ensure that sub-surface heritage information is considered and appropriately managed, consistent with the appropriate outcome 'design of the works to be amended' described in Section 2.2 of the Tasmanian Heritage Council's *Works Guidelines*.

Advice

In this context potentially significant archaeological features may include subsurface foundations, buried or subsurface paving, pathways and drains; or concentrations of historic domestic refuse including ceramics, glass, metal, and bone and shell fragments; the construction or deposition date of which can reasonably be determined to be pre-1900.

Should you require clarification of any matters contained in this notice, please contact Russell Dobie on 0458 326 828.



Ian Boersma  
**Works Manager – Heritage Tasmania**  
*Under delegation of the Tasmanian Heritage Council*

## 11.2 SUBDIVISIONS

### 11.2.1 DEVELOPMENT APPLICATION (SA 2018/01) FOR SUBDIVISION (4 LOTS) AT 12 FRANKLIN STREET, COLEBROOK OWNED BY P MILTENBURG

**Author:** SENIOR PLANNING OFFICER (JACQUI TYSON)

**Date:** 19 AUGUST 2020

**Enclosure(s):**

*Development Application documents*

*Representation*

*TasWater SPAN*

## PROPOSAL

The applicant, D J Potter (surveyor) on behalf of Mr Miltenburg, has applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* (“the Act”) to subdivide the land at 12 Franklin Street, Colebrook.

The proposal seeks to subdivide the 6118m<sup>2</sup> site into four (4) lots in two stages, as detailed below:

Stage 1:

- Lot 1 – 1510m<sup>2</sup> with 29m frontage to Franklin Street. This lot is already developed with a dwelling approved in March 2019 (DA2019/15).

Stage 2:

- Lot 2 – 1575m<sup>2</sup> with approximately 32m frontage to Franklin Street.
- Lot 3 – 1590m<sup>2</sup> with approximately 18m frontage to Franklin Street.
- Lot 4 – 1575m<sup>2</sup> triangle shape with approximately 50m frontage to Franklin Street.

The application was initially for subdivision into six (6) lots, however this has been reduced to four (4) lots in response to issues raised during the design and assessment process.

The subdivision will require widening and upgrading of Franklin Street along the frontage including provision of kerb and channel and a footpath. The developer must also provide accesses to each lot and stormwater, sewer, water, electricity and communications services.

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

The land is zoned Village and is currently developed with one dwelling, located on the future Lot 1. The remainder of the site has been cleared of trees and is currently a grassed paddock.

There is a sewer easement crossing the land, as identified on the subdivision plan. The title is also subject to a sewerage and sullage easement benefitting adjoining lots fronting Richmond Street. This area will be contained on the proposed Lot 1.

The topography of the site falls away from the street, with the lowest point on the south eastern corner. Stormwater from roofed areas developed on the lots will be able to achieve discharge to the road stormwater system, however stormwater from hard surfaces such as driveways will need to be disposed of onsite. The rear sections of Lots 3 and 4 are also not able to be serviced with sewer due to the topography. These limitations mean that it will be necessary to specify building areas or similar on the lots to ensure that development is suitably placed and sufficient space is retained for servicing needs.

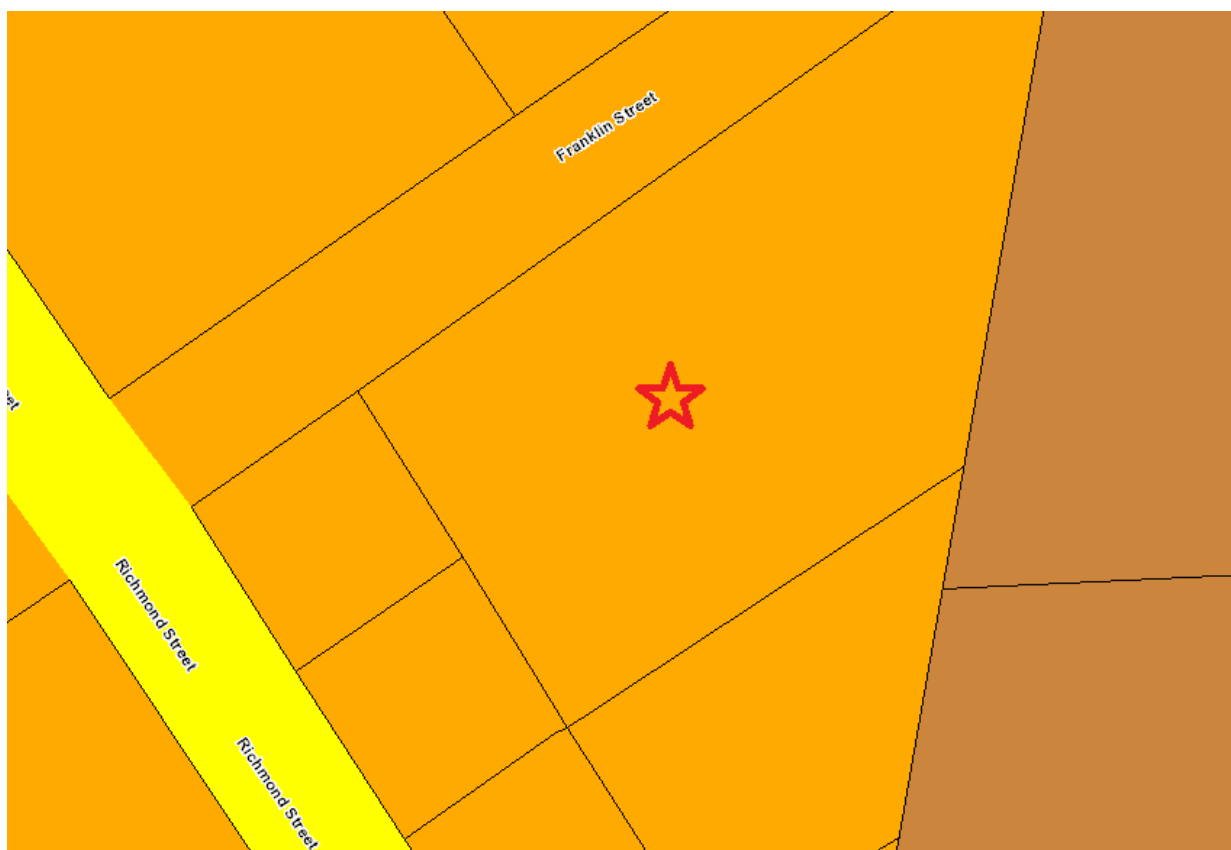
Under the Planning Scheme subdivision is defined as development. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. These matters are described and assessed in this report. This is a discretionary application under the Planning Scheme.

The Council gave notice of the application for public comment for 14 days. During the notification period two (2) representations were received.

This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council grant a permit for the subdivision subject to conditions.

## THE SITE

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



Map 1\_The subject land and surrounding properties on three sides are in the Village Zone (orange). Richmond Street is a State Road and is in the Utilities Zone (yellow). Adjoining land to the east is in the Significant Agriculture Zone (brown). The subject title is marked with a red star. Source: theLIST



Map 2 \_ Aerial image of the subject land and surrounding area. Source: theLIST

## THE APPLICATION

The Applicant has submitted the attached Plan and information to accompany the Development Application form.

The proposal has been referred to TasWater and conditions have been provided to be attached to the planning permit if the proposal is approved by Council.

Council's contracted Engineering Officer has provided an assessment and engineering conditions for the subdivision due to the servicing standards and roadworks necessary for a residential subdivision.

## USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as development for Subdivision, which is Discretionary in accordance with Clause 9.7.2 of the *Southern Midlands Interim Planning Scheme 2015*.

## USE/DEVELOPMENT STATUS UNDER THE PLANNING SCHEME

As a discretionary development, the application was advertised in accordance with Section 57 of the Act.

Council has the discretion to grant a permit for this proposal with or without conditions, or refuse to grant a permit.



## PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised for 14 days from the 17<sup>th</sup> July 2020. Two (2) representations were received.

The matters raised in the representations are detailed in the table below.

<b>Representation 1</b>	<b>Council Officer Comment</b>
<p>I'm writing to oppose the development of subdivision across the street.</p> <p>I have lived here for over 50 years and I would be dissatisfied in having so many buildings placed where my main window views are.</p>	<p><i>The proposed subdivision will create 4 lots, each over 1500m<sup>2</sup> in area. The proposed lots are larger than many existing lots in Colebrook, including adjoining lots fronting Richmond Street and across Franklin Street which are in the range of 800-1000m<sup>2</sup>.</i></p> <p><i>One of the proposed lots is already developed with a dwelling. Given the servicing constraints, which would preclude the development of multiple dwellings on the lots, this will result in a maximum of 3 additional dwellings on the site.</i></p> <p><i>While it is acknowledged that this represents a change for the neighbouring properties from the existing paddock, it must be recognised that development of suitably zoned and serviced land within the existing township is to be expected.</i></p> <p><i>Development of this land will contribute to more efficient utilisation of public services and will contribute to the future of the town by and municipality more broadly by providing new housing (at a time of housing shortage, particularly in affordable areas, across Tasmania, increasing the population and upgrading the road and providing a footpath in Franklin Street.</i></p>
<p>The road is also not big enough to accommodate the increase of traffic.</p>	<p><i>The subdivider is required to widen the existing road and provide kerb, channel and footpath along the frontage.</i></p> <p><i>The amount of traffic to be created by 3 additional dwellings (approximately 8-10 car movements per day) can easily be accommodated by the improved road and surrounding network.</i></p>
<p>The street would become over populated for a small quiet country town and cause unnecessary hassles for long time residents.</p>	<p><i>As discussed above, the subdivision will create lots at the lower end of expected density for Colebrook (around 1500m<sup>2</sup>) and will result in only 3 additional dwellings as Lot 1 has already been developed.</i></p>

	<i>This is considered to be reasonable for the context and ultimately be of benefit to the sustainability of Colebrook and the broader region.</i>
<b>Representation 2</b>	<b>Council Officer Comment</b>
<p>I have strong objections to the proposed development of 6 lots or dwellings at 12 Franklin Street. Colebrook.</p> <p>Colebrook is a country village of historical interest and rustic charm. I believe this proposed development will invade the peace and scar the beauty of this delightful place.</p>	<i>Comment noted – this is not a planning concern.</i>
<p>Just because a developer has an idea, it does not mean it should happen to the detriment of existing residents, who have enjoyed the tranquillity, community cohesion and privacy of Franklin Street.</p>	<i>The proposal complies with the requirements of the Village Zone and applicable Codes of the Planning Scheme and therefore can be approved.</i>
<p>I understand that the land is zoned residential and the owner has the right to develop it for residential purposes but the development should be sympathetic to, and in harmony with the spirit of the village.</p> <p>The house presently being built on the site is no advert for the developer's intentions. It has been built so close to the neighbouring house that it has already caused some distress. It is mean and greedy and against the ethos of the place.</p>	<p><i>As discussed above, the density of the proposed subdivision is in keeping with the existing density of Colebrook.</i></p> <p><i>The proposed lot sizes of just over are in fact larger than many existing lots in Colebrook, that are in the range of 800-1000m<sup>2</sup>.</i></p> <p><i>The dwelling built on the future Lot 1 is a relocated weatherboard dwelling, which is quite similar to many existing residences in Colebrook. The dwelling complied with all the use and development standards of the Village Zone and was approved in a Permitted DA. The dwelling is sited over 6m from the boundary with the adjoining property, which is three times the minimum setback of 2m and generally in keeping with the pattern of development on smaller lots in Colebrook.</i></p>
<p>Under duress, I would accept 3 dwellings built well away from neighbouring boundaries. To build more is asking for problems in terms of congestion, noise, traffic, rubbish but mostly to rip the soul out of this lovely country town and turn it into a housing estate with no supporting infrastructure. No transport, no shop, poor mobile phone coverage and internet, no school or medical services, no jobs. Nothing to support a</p>	<p><i>As discussed above, the proposal will result in a maximum of 3 additional dwellings. Setbacks are determined by the Development Standards of the Village Zone, with the permitted standard being 2m or half the height of the wall, whichever is greater.</i></p> <p><i>It is noted that there was some confusion regarding the number of lots included in the proposal as it was originally for 6 lots and some of the documents still refer to that number.</i></p>

<p>population increase on the proposed scheme.</p>	<p><i>While there are very few local services in Colebrook, the Village zoning does allow for establishment of local shops or other businesses in the town and growing the population is considered to make that more likely. The town is around 20km from Campania and around 30km from Oatlands where services are available, which is not considered unreasonable in a rural area.</i></p>
<p>Finally, I love this place just as it is as and I know my neighbours do, who have been here for generations, for such a radical development which will affect the very core of Colebrook I believe there should have been a lot more community consultation and public notification. Perhaps there still could be?</p>	<p><i>The development is occurring on existing Village zoned land within the established township. The land has been zoned similarly for more than 20 years.</i></p> <p><i>As discussed above, it is acknowledged that this represents a change for the town, however it is considered to be in keeping with the existing character and density of the area.</i></p> <p><i>Further development of suitably zoned and serviced land within an existing township is to be expected and encouraged as it increases the sustainability/efficiency of the town and existing infrastructure and contributes needed housing in an affordable area.</i></p> <p><i>The Development Application has been advertised in accordance with the Act. Further consultation is not expected or necessary for a development of this nature.</i></p>

## ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

### Village Zone

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

<p><b>Development Standards - Subdivision</b> <b>16.5.1 Lot Design</b> To provide for new lots that:</p> <ul style="list-style-type: none"> <li>(a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;</li> <li>(b) contain building areas which are suitable for development, consistent with the Zone Purpose, located to avoid hazards and values;</li> <li>(c) are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces;</li> <li>(d) are not internal lots, except if the only reasonable way to provide for efficient use of land;</li> <li>(e) are provided in a manner that provides for the efficient and ordered provision of infrastructure.</li> </ul>
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Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The size of each lot must be no less than as specified below, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>(a) no less than 600 m2 and no more than 1,000 m2 (except balance lot) if in Bagdad, Campania, Kempton;</p> <p>(b) no less than 800 m2 and no more than 1,500 m2 (except balance lot) if in Colebrook;</p> <p>(c) no less than 5,000 m2 if located in Parattah, Tunbridge or Tunnack.</p>	<p>P1 The size of each lot must satisfy all of the following:</p> <p>(a) variance above the maximum lot size only to the extent necessary due to demonstrated site constraints;</p> <p>(b) be consistent with the Zone Purpose and any applicable Local Area Objectives or Desired Future Character Statements.</p>	<p><i>The proposal is for 4 lots, with areas between 1510m<sup>2</sup> and 1590m<sup>2</sup>.</i></p> <p><i>The lot sizes slightly exceed the maximum lot size of 1500m<sup>2</sup> for Colebrook, as provided in A1 (b).</i></p> <p><i>Assessment against the Performance Criteria is therefore required.</i></p> <p><i>In this case the servicing constraints relating to stormwater and sewer have necessitated the proposed lot arrangement. It is considered that the proposal complies with P1 (a).</i></p> <p><i>With regard to P1 (b), there are no Local Area Objectives or Desired Future Character Statements for the Village Zone.</i></p>
<p>A2 The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) has the long axis of the developable area facing north or within 20 degrees west or 30 degrees east of north;</p> <p>(f) is a minimum of 10 m x 15 m in size.</p>	<p>P2 The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) be reasonably capable of accommodating residential use and development;</p> <p>(b) meets any applicable standards in codes in this planning scheme;</p> <p>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</p> <p>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</p> <p>(e) provides for sufficient useable area on the lot for both of the following;</p> <p>(i) on-site parking and manoeuvring;</p>	<p><i>All the proposed lots are sized and shaped to allow for a suitable 10 x 15m building area that meets the requirements for orientation and topography and is clear of setbacks, title restrictions.</i></p> <p><i>However, the site is subject to the Bushfire Prone Areas Code so does not meet A2 (b). Therefore assessment against the Performance criteria is required. These are assessed in order of the P2 sub criteria:</i></p> <p><i>(a) All lots can accommodate a 10x15m building area which per the A2 is considered the minimum needed to accommodate a dwelling in the Village zone.</i></p> <p><i>(b) The size and shape of the lots allow for the standards of Codes to be met, including stormwater, bushfire requirements, parking areas and access.</i></p> <p><i>(c) Future development will be able to achieve the necessary solar access.</i></p> <p><i>(d) Minimal earthworks will be required to construct future dwellings and associate works on the lots.</i></p>

	(ii) adequate private open space.	(e) <i>The residential lot sizes all comply with the A1 and therefore considered a suitable size for a residential use including parking and private open space.</i>
A3 The frontage for each lot must be no less than 15 m, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.	P3 The frontage of each lot must satisfy all of the following:  (a) provides opportunity for practical and safe vehicular and pedestrian access;  (b) provides opportunity for passive surveillance between residential development on the lot and the public road,  (c) is no less than 6m.	<i>All of the proposed lots have frontage in excess of 15m, complying with A3.</i>
A4 No lot is an internal lot.	P4 An internal lot must satisfy all of the following:  (a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;  (b) it is not reasonably possible to provide a new road to create a standard frontage lot;  (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;  (d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;  (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;  (f) the lot has access to a road via an access strip,	<i>The proposal does not include any internal lots, complying with A4.</i>

	<p>which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate distances to service the likely future use of the lot;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	
<p>A5 Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</p>	<p>P5 Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</p>	<p><i>The proposed side boundary for Lot 1 will be more than 2m from the existing dwelling, complying with the Acceptable Solution for setback in accordance with A5.</i></p>

**Development Standards - Subdivision**

**16.5.2 Roads**

To ensure that the arrangement of new roads within a subdivision provides for all of the following:

- (a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;
- (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic;
- (c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1 The subdivision includes no new road.</p>	<p>P1 The arrangement and construction of roads within a subdivision must satisfy all of the following:  (a)</p>	<p><i>The subdivision does not include a new road and therefore complies with A1. (a)</i></p>

	<p>the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</p> <p>(b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</p> <p>(c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian lanes, where appropriate, to common boundaries;</p> <p>(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</p> <p>(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</p> <p>(f) connectivity with the neighbourhood road network is maximised;</p> <p>(g) the travel distance between key destinations such as shops and services is minimised;</p> <p>(h) walking, cycling and the efficient movement of public transport is facilitated;</p> <p>(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</p>	
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	(j) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.	
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<b>Development Standards - Subdivision</b>		
<b>16.5.4 Services</b>		
To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1 Each lot must be connected to a reticulated potable water supply in Bagdad, Campania, Kempton, Colebrook and Tunbridge.	P1 No Performance Criteria.	<i>The proposal complies with the Acceptable Solution</i>
A2 Each lot must be connected to a reticulated sewerage system in Bagdad, Campania, Kempton and Colebrook.	P2 Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.	<i>The proposal complies with the Acceptable Solution.</i>
A3 Each lot must be connected to a stormwater system able to service the building area by gravity.	P3 If connection to a stormwater system is unavailable, each lot must be provided with an on-site stormwater management system adequate for the future use and development of the land.	<i>The proposal does not fully comply with the Acceptable Solution as any non-permeable finishes (eg sealed driveways) will not be able to be drained by gravity to the stormwater system, however roofed areas will be.</i>  <i>Each lot has been sized to ensure that stormwater from sealed areas can be managed onsite in accordance with P3.</i>

### **E1.0 Bushfire Prone Area Code**

The purpose of this Code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

The Code applies to the development due to the proximity to bushfire prone areas surrounding the site. The land is now identified as a Bushfire Prone Area in the Planning Scheme mapping, which has been introduced into the Planning Scheme since the Development Application was first made.

A Bushfire Hazard Assessment Report *Bushfire Risk Assessment, 12 Franklin Street, Colebrook, 29<sup>th</sup> July 2018* prepared by an accredited person has provided with the Development Application. It is noted that the report was completed for the 6 lot version of the subdivision, however the conclusions are still valid for the 4 lot proposal in that it



demonstrates that the lots can achieve BAL-LOW or BAL-12.5 ratings. A condition is also included in the recommendation requiring an updated Bushfire Management Plan to be provided for the subdivision before the final plan can be sealed.

The assessment against the development standards of the code is provided in the following tables.

<b>Development Standards - Subdivision</b>		
<b>E1.6.1 Subdivision: Provision of hazard management areas</b>		
Subdivision provides for hazard management areas that:		
<p>(a) facilitate an integrated approach between subdivision and subsequent building on a lot;</p> <p>(b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</p> <p>(c) provide protection for lots at any stage of a staged subdivision.</p>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of</p>	<p>P1</p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p> <p>(a) the dimensions of hazard management areas;</p> <p>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p>	<p><i>A Bushfire Hazard Assessment Report is provided with a Certificate under Section 51 (2) (d) of the Act that requires the Planning Authority <u>must accept</u> any certificate issued by an accredited person that certifies there the plans provided are acceptable to manage/mitigate risk or that the development will result in an insufficient risk from the hazard.</i></p> <p><i>The Certificate/Report demonstrates a Hazard Management Areas can be provided for each lot and complies with A1 (b).</i></p> <p><i>There is no need to extend hazard management areas into the adjoining land and therefore A1 (c) is not applicable.</i></p>

<p>buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS.</p>	
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**Development Standards - Subdivision**

**E1.6.2 Subdivision: Public and fire fighting access**

Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, firefighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>P1</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>(a) appropriate design measures, including:</p> <p>(i) two way traffic;</p> <p>(ii) all weather surfaces;</p> <p>(iii) height and width of any vegetation clearances;</p> <p>(iv) load capacity;</p> <p>(v) provision of passing bays;</p> <p>(vi) traffic control devices;</p> <p>(vii) geometry, alignment and slope of roads, tracks and trails;</p> <p>(viii) use of through roads to provide for connectivity;</p>	<p><i>The Report states that the access will comply with the standards for road access.</i></p>

	<p>(ix) limits on the length of cul-de-sacs and dead-end roads;</p> <p>(x) provision of turning areas;</p> <p>(xi) provision for parking areas;</p> <p>(xii) perimeter access; and</p> <p>(xiii) fire trails;</p> <p>(b) the provision of access to:</p> <p>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p> <p>(ii) fire fighting water supplies; and</p> <p>(c) any advice from the TFS.</p>	
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<b>Development Standards - Subdivision</b>		
<b>E1.6.3 Subdivision: Provision of water supply for fire fighting purposes</b>		
Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b> In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire</p>	<p><b>P1</b> No Performance Criterion.</p>	<p><i>The reticulated water supply complies with the Table E4 as certified in the Report.</i></p>

<p>hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire</p>		
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### E5.0 Road and Railway Assets Code

The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

The proposal includes new lots with access onto Franklin Street and upgrade of Franklin Street.

The applicable standards of the Code are addressed in the following tables:

<b>Development Standards</b>		
<b>E5.6.2 Road accesses and junctions</b>		
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b> No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p>	<p><b>P1</b> For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature and frequency of the traffic generated by the use;</li> <li>(b) the nature of the road;</li> </ul>	<p><i>The proposal does not include and new access or junction in an area with a speed limit of more than 60km/h, complying with the Acceptable Solution.</i></p>

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

**Development Standards**

**E5.6.4 Sight distance at accesses, junctions and level crossings**

To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b> Sight distances at:</p> <ul style="list-style-type: none"> <li>a. an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and</li> <li>b. rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings,</li> </ul>	<p><b>P1</b> The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature and frequency of the traffic generated by the use;</li> <li>(b) the frequency of use of the road or rail network;</li> <li>(c) any alternative access;</li> </ul>	<p><i>The Sight distances at the new accesses to Franklin Street are found to comply the Acceptable Solutions for Sight Distance.</i></p>

Standards Association of Australia.	(d) the need for the access, junction or level crossing; (e) any traffic impact assessment; (f) any measures to improve or maintain sight distance; and (g) any written advice received from the road or rail authority.	
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**E6.0 Parking and Access Code**

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

The location and design of the accesses will comply with the Acceptable Solutions through conditioning for a detailed design plan to be submitted to Council prior to construction works and to be approved by Council’s Engineer. There were no concerns otherwise raised by Council’s engineer in the application based on the lot layout and likely location of property access points.

**Stormwater Management Code**

The Stormwater Code applies to all development requiring the management of stormwater.

In this case the proposal will use a combined approach for stormwater disposal as only the roofed areas will be able to be serviced by gravity to the road. Stormwater from non-permeable surfaces at ground level will need to be disposed of onsite.

The applicable standards of the Code are addressed in the following tables:

<p><b>Development Standards</b> <b>E7.7.1 Stormwater Drainage and Disposal</b> To ensure that stormwater quality and quantity is managed appropriately.</p>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b> Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p>	<p><b>P2</b> Stormwater from new impervious surfaces must be managed by any of the following:  (a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles  (b) collected for re-use on the site;  (c) disposed of to public stormwater infrastructure via a pump system which is</p>	<p><i>The Application demonstrates that stormwater from roofed areas will be able to be disposed of the public stormwater infrastructure in Franklin Street, which is to be upgraded as part of the subdivision.</i></p> <p><i>Stormwater from non-permeable ground surfaces will need to be disposed of onsite in accordance with P2 (a).</i></p> <p><i>The recommended conditions address this and further comments from Council’s contract Engineer are provided below.</i></p>

	designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.	
<p><b>A2</b> A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</p> <p>(a) the size of new impervious area is more than 600 m<sup>2</sup>; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.</p>	<p><b>P2</b> A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.</p>	<p><i>The Engineer advises that the development is expected to include less than 600m<sup>2</sup> of impervious areas and is for less than 5 lots, so Water Sensitive Urban Design is not required in accordance with the Acceptable Solution.</i></p>
<p><b>A3</b> A minor stormwater drainage system must be designed to comply with all of the following:</p> <p>(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.</p>	<p><b>P3</b> No Performance Criteria.</p>	<p><i>Conditions are recommended to ensure that the proposal will comply with A3.</i></p>
<p><b>A4</b> A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.</p>	<p><b>P4</b> No Performance Criteria.</p>	<p><i>Conditions are recommended to ensure that the proposal will comply with A4.</i></p>



**Further Engineering Comment and Assessment**

Council’s contracted Development Engineer has assessed the proposal and has provided the following comments and conditions that are included in the recommendation. The comments are provided in the following table:

<p>Roadworks and access</p>	<p>The land has frontage to Franklin St which is a Council road constructed. Fronting the subdivision the road is constructed to a single lane sealed rural road standard.</p> <p>There is kerb and channel on the southern side of Franklin St immediately west of the subject land to the Richmond St intersection. Preliminary engineering plans were submitted with the application. These are indicative only and will need to be amended and prior to consideration for approval.</p> <p>Kerb and channel and concrete footpath are to be provided across the frontage of the subdivision. Council have previously agreed to fund the cost of the kerb and channel and footpath with the developer required to contribute \$14,400 to Kerb and channel and footpath and pay for all other works required by the permit, including road widening, sealing, stormwater pipe and pits and all other services. At this stage it is widening will only take place on the subdivision side and result in a total sealed width of approximately 4.5-5m.</p> <p>A Bushfire Hazard Management Plan and report was submitted with the application.</p>
<p>Stormwater</p>	<p>It is proposed that stormwater from the subdivision will be piped within the road reservation to an existing main at the eastern end of Franklin St. This main however will not be deep enough to provide a connection capable of servicing each of the lots in their entirety by gravity.</p> <p>Portions of the lots will be able to drain to the piped connections and roofs will be able to connect via charged systems. The extent of the areas of each lot able to be serviced by gravity to the main will be determined at the detail design stage.</p> <p>Building areas or other restrictive covenants will be required on the lots limiting development outside the building areas. Some hardstand outside the building areas may be able to be dealt with by on site disposal.</p> <p>It is recommended that a drainage easement be located along the south eastern boundary of the lots to allow for future stormwater infrastructure if required as well as allow for an overland flow path.</p> <p>E7.7.1 A1 New impervious surfaces being created involves predominantly road widening and footpath. A new piped SW system is proposed to service the road. The development is considered to meet the acceptable solution.</p> <p>E7.7.1 A2</p>

	<p>The development is likely to included less than 600 m2 of new impervious area and is less than 5 new lots. As such WSUD principles are not required.</p> <p>E7.7.1 A3 &amp; A4 Standard conditions ensuring compliance with the acceptable solutions for the capacity of the minor and major systems are recommended.</p>
Sewer and Water	<p>Sewer and water reticulation is available to the land. The application was referred to TasWater who have imposed conditions.</p>
Power, Telco, etc	<p>Existing power supply on the opposite side of Franklin St is overhead. NBN is currently only available in the area via satellite.</p>
Codes	<p>Bushfire Prone Areas Parking &amp; Access Stormwater</p>

## CONCLUSION

The report has assessed a Development Application for subdivision of four (4) lots at 12 Franklin Street, Colebrook.

Two (2) representations have been received and the concerns raised have been addressed in this report.

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

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

## RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (SA 2018/01) for Subdivision (4 Lots) at 12 Franklin Street, Colebrook owned by P Miltenburg.

## CONDITIONS

### *General*

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

### *Transfer of reserves*

3. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.

*Easements*

4. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.
5. A 3.0m minimum width drainage easement, in the benefit of the Southern Midlands Council, is to be provided along the entire south eastern boundary of the subdivision to accommodate future stormwater drainage to the satisfaction of Council's General Manager.

*Bushfire*

6. Prior to Council sealing the final plan of survey for any stage an updated Bushfire Hazard Management Plan and Report must be provided to and approved by Council's Manager Environment and Development Services for the 4 lot subdivision plan.
7. The development must be in accordance with the endorsed Bushfire Hazard Management Plan and Report, or as otherwise required by this permit, whichever standard is greater.

*Public open space*

8. As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved value of Lots 2-4 must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer.
9. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

*Endorsements*

10. The final plan of survey must identify that Council cannot or will not provide a means of drainage to the entirety of the lots shown on the plan of survey.

*Covenants*

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

*Final plan*

12. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
13. A fee of \$250.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
14. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Southern Midlands Council. The security must be in accordance with section 86(3) of the *Local Government (Building & Miscellaneous Provisions) Council 1993*. The amount of the security shall be

determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.

15. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
16. The subdivider must pay any Titles Office lodgement fees direct to the Recorder of Titles.

#### *Engineering*

17. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.
18. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Southern Midlands Council before development of the land commences.
19. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
  - (a) all existing and proposed services required by this permit;
  - (b) all existing and proposed roadwork required by this permit;
  - (c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - (d) measures to be taken to limit or control erosion and sedimentation;
  - (e) any other work required by this permit.
20. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

#### *Services*

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

#### *Drainage*

23. The developer is to provide a piped stormwater property connection to each lot capable of servicing the building area of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.  
*Advice: The lots cannot be serviced in their entirety to the proposed stormwater main in the road reservation and will require a building area defined on the final plan of survey; and the title is to be endorsed to the effect that Council cannot or will not provide a means of stormwater drainage to the entirety of each lot shown on the plan.*
24. The developer must provide a piped minor stormwater drainage system designed to comply with all of the following:
  - (a) be able to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed;
  - (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
25. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.

*TasWater*

26. The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice, TWDA 2018/00175-STM, Amendment dated 22/07/2020.

*Telecommunications and electrical reticulation*

27. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
28. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
29. Prior to sealing the final plan of survey the developer must submit to Council:
- (a) Evidence that each lot has existing electrical and telecommunication connections; or
  - (b) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from Telstra or NBN Co.
  - (c) Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

*Roads and Access*

30. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
31. Unless approved otherwise by Council's General Manager roadworks to be provided as part of the subdivision must include -
- (a) Fully paved, sealed and drained carriageway widening between the existing seal and the new kerb and channel;
  - (b) Concrete kerb and channel across the entire frontage of the subdivision;
  - (c) Concrete footpath 1.50 metres wide across the entire frontage of the subdivision;
  - (d) Underground stormwater drainage

*Advice: As an alternative to b) and c) the developer may make a financial contribution to the Southern Midlands Council for the provision of kerb and channel and footpath only. The value of the contribution is \$14,400 indexed by CPI annually. The contribution is payable prior to Council sealing the plan of survey for any stage of the subdivision.*

32. Unless approved otherwise by Council's General Manager all carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt with a minimum compacted depth of 35 mm in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division).

33. A reinforced concrete vehicle access must be provided from the road carriageway to each lot in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager.

*Water quality*

34. A soil and water management plan (here referred to as a 'SWMP') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences.
35. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
36. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
37. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

*Weed management*

38. Prior to the carrying out of any works approved or required by this approval, the subdivider must provide a weed management plan detailing measures to be adopted to control any weeds on the site and limit the spread of weeds listed in the *Weed Management Act 1999* through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Municipal Engineer and of the Regional Weed Management Officer, Department of Primary Industries Water and Environment.

*Construction*

39. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
40. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
41. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.

*'As constructed' drawings*

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

*Maintenance and Defects Liability Period*

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

*Construction amenity*

45. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:
  - Monday to Friday 7:00 AM to 6:00 PM
  - Saturday 8:00 AM to 6:00 PM
  - Sunday and State-wide public holidays 10:00 AM to 6:00 PM
46. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
  - (a) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
  - (b) Transport of materials, goods or commodities to or from the land.
  - (c) Appearance of any building, works or materials.
47. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.
48. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.
- C. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule prior to Council approving the engineering design drawings.
- D. All approved engineering design drawings will form part of this permit on and from the date of approval.

## DECISION

*Moved by Cllr R McDougall, seconded by Cllr D Fish*

**THAT**, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council **APPROVE** the Development Application (SA 2018/01) for Subdivision (4 Lots) at 12 Franklin Street, Colebrook owned by P Miltenburg:

## CONDITIONS

### *General*

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

### *Transfer of reserves*

3. All land noted as roadway, footway, open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.

### *Easements*

4. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.
5. A 3.0m minimum width drainage easement, in the benefit of the Southern Midlands Council, is to be provided along the entire south eastern boundary of the subdivision to accommodate future stormwater drainage to the satisfaction of Council's General Manager.

### *Bushfire*

6. Prior to Council sealing the final plan of survey for any stage an updated Bushfire Hazard Management Plan and Report must be provided to and approved by Council's Manager Environment and Development Services for the 4 lot subdivision plan.
7. The development must be in accordance with the endorsed Bushfire Hazard Management Plan and Report, or as otherwise required by this permit, whichever standard is greater.

### *Public open space*

8. As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved value of Lots 2-4 must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer.
9. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.



***Endorsements***

10. The final plan of survey must identify that Council cannot or will not provide a means of drainage to the entirety of the lots shown on the plan of survey.

***Covenants***

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

***Final plan***

12. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
13. A fee of \$250.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
14. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Southern Midlands Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.
15. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
16. The subdivider must pay any Titles Office lodgement fees direct to the Recorder of Titles.

***Engineering***

17. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.
18. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Southern Midlands Council before development of the land commences.
19. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
  - (a) all existing and proposed services required by this permit;
  - (b) all existing and proposed roadwork required by this permit;
  - (c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - (d) measures to be taken to limit or control erosion and sedimentation;
  - (e) any other work required by this permit.

20. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

**Services**

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

**Drainage**

23. The developer is to provide a piped stormwater property connection to each lot capable of servicing the building area of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager. *Advice: The lots cannot be serviced in their entirety to the proposed stormwater main in the road reservation and will require a building area defined on the final plan of survey; and the title is to be endorsed to the effect that Council cannot or will not provide a means of stormwater drainage to the entirety of each lot shown on the plan.*
24. The developer must provide a piped minor stormwater drainage system designed to comply with all of the following:
- (a) be able to accommodate a storm with an ARI of 20 years, when the land serviced by the system is fully developed;
  - (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
25. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.

**TasWater**

26. The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice, TWDA 2018/00175-STM, Amendment dated 22/07/2020.

**Telecommunications and electrical reticulation**

27. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
28. New electrical and fixed line telecommunications services must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
29. Prior to sealing the final plan of survey the developer must submit to Council:
- (a) Evidence that each lot has existing electrical and telecommunication connections; or
  - (b) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from Telstra or NBN Co.
  - (c) Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

### **Roads and Access**

30. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
31. Unless approved otherwise by Council's General Manager roadworks to be provided as part of the subdivision must include -
  - (a) Fully paved, sealed and drained carriageway widening between the existing seal and the new kerb and channel;
  - (b) Concrete kerb and channel across the entire frontage of the subdivision;
  - (c) Concrete footpath 1.50 metres wide across the entire frontage of the subdivision;
  - (d) Underground stormwater drainage

*Advice: As an alternative to b) and c) the developer may make a financial contribution to the Southern Midlands Council for the provision of kerb and channel and footpath only. The value of the contribution is \$14,400 indexed by CPI annually. The contribution is payable prior to Council sealing the plan of survey for any stage of the subdivision.*

32. Unless approved otherwise by Council's General Manager all carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt with a minimum compacted depth of 35 mm in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division).
33. A reinforced concrete vehicle access must be provided from the road carriageway to each lot in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager.

### **Water quality**

34. A soil and water management plan (here referred to as a 'SWMP') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences.
35. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
36. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
37. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

### **Weed management**

38. Prior to the carrying out of any works approved or required by this approval, the subdivider must provide a weed management plan detailing measures to be adopted to control any weeds on the site and limit the spread of weeds listed in the *Weed Management Act 1999* through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Municipal Engineer and of the

Regional Weed Management Officer, Department of Primary Industries Water and Environment.

**Construction**

39. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
40. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
41. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.

**'As constructed' drawings**

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

**Maintenance and Defects Liability Period**

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

**Construction amenity**

45. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:

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

46. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
  - (a) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
  - (b) Transport of materials, goods or commodities to or from the land.
  - (c) Appearance of any building, works or materials.
47. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.

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

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

- A. This permit does not imply that any other approval required under any other legislation has been granted.**
- B. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.**
- C. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule prior to Council approving the engineering design drawings.**
- D. All approved engineering design drawings will form part of this permit on and from the date of approval.**

**CARRIED**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

*Mr J Lyall (Manager, Infrastructure & Works) entered the meeting at 11.09 a.m.*

**ENCLOSURE(S)**  
*Agenda Item 11.2.1*

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

SOUTHERN  
MIDLANDS  
COUNCIL



**APPLICATION FOR PLANNING PERMIT – USE AND DEVELOPMENT**  
**Subdivision Development**  
Use this form to apply for planning approval in accordance with section 57 and 58 of the *Land Use Planning and Approvals Act 1993*

Applicant / Owner Details:

Owner / s Name: PAUL MILTONBERG  
Postal Address: [ ] Phone No: [ ]  
[ ] [ ] Fax No: [ ]  
Email address: [ ]

Applicant Name (if not owner): D.J. POTTER  
Postal Address: 9 WARWICK ST Phone No: 62343082  
HOBART 7000 Fax No: 62343360  
Email address: djpotter@inet.net.au

Description of proposed use and/or development:

Address of new use and development: FRANKLIN ST COLEBROOK  
Certificate of Title details: [ ]  
Description of proposed use or development: SUBDIVISIONAL  
Current use of land and buildings for each title: RESIDENTIAL (VACANT)  
E.g. are there any existing buildings on these titles?  
If yes, what are the main buildings used as?


Is the property Heritage Listed: Yes  No

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

Signed Declaration

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

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

Applicant Signature 	Applicant Name (print) D. J. POTTER	Date 30/11/17
Applicant Signature	Applicant Name (print)	Date
Land Owner(s) Signature	Land Owners Name (please print)	Date
Land Owner(s) Signature	Land Owners Name (please print)	Date

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



**D. G. J. POTTER**  
**LAND & ENGINEERING SURVEYORS**

9 Warwick St  
Hobart 7000  
Ph 03 6234 3082  
Mob. 0412 170 970  
[djpotter@inet.net.au](mailto:djpotter@inet.net.au)

30<sup>th</sup> November, 2017

General Manager  
Southern Midlands Council  
Council Offices  
85 Main Street  
KEMPTON 7130

Dear Sir,

**Re: Proposed Subdivision for P. Miltonberg – Franklin Street, Colebrook**

Please find enclosed our plan of the above.

The owner wishes to create additional lots as shown in 3 separate stages.

An existing sewer main dissects the lot and will be used as appropriate.

A second main exists in lot 3 and may be used for stage 1 connections if this proves more useful.

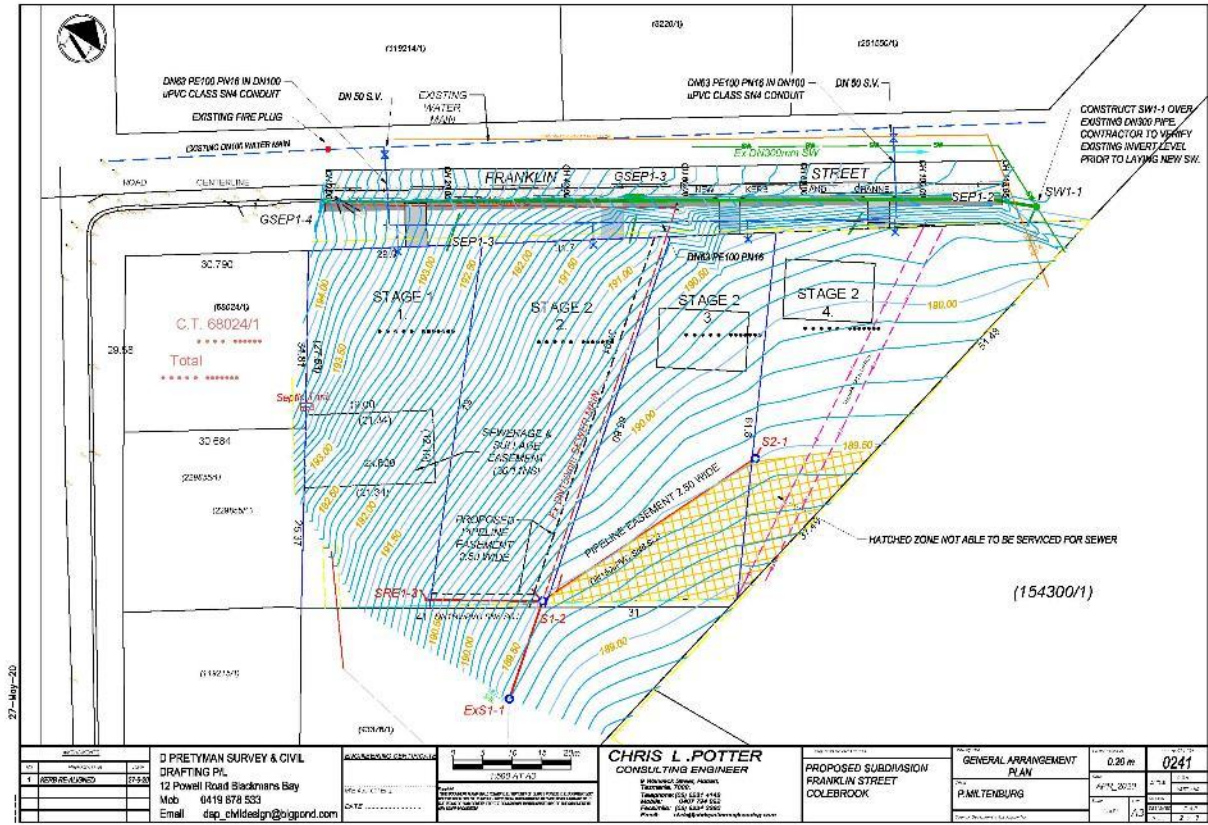
Water is available on the North Side of Franklin, and will have a connection across the street then to each lot individually.

The lots conform with the current Scheme so we request your approval.

Yours faithfully,

D.G.J. Potter  
Authorised Surveyor







18079-01

BUSHFIRE RISK ASSESSMENT  
6 LOT SUBDIVISION  
12 FRANKLIN STREET, COLEBROOK



PREPARED BY  
N M CREESE  
Accredited Bushfire Practitioner BFP-118  
29<sup>th</sup> March 2018

1  
LARK & CREESE  
62 Channel Highway, Kingston 7050 Ph 6229 6563 info@larkandcreese.com.au



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ATTACHMENT 1 - BUSHFIRE HAZARD MANAGEMENT PLAN

Disclaimer:

AS 3959-2009 cannot guarantee that a dwelling will survive a bushfire attack, however the implementation of the measures contained within AS 3959-2009, this report and accompanying plan will improve the likelihood of survival of the structure. This report and accompanying plan are based on the conditions prevailing at the time of assessment. No responsibility can be accepted to actions by the land owner, governmental or other agencies or other persons that compromise the effectiveness of this plan. The contents of this plan are based on the requirements of the legislation prevailing at the time of report.





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## 1. SUMMARY:

This Bushfire Risk Assessment has been prepared to support the development of a new 6 lot subdivision at 12 Franklin Street, Colebrook. The site has been deemed to be bushfire prone due to its proximity to the areas of bushfire prone vegetation surrounding the site.

This report identifies the protective features and controls that must be incorporated into the design and construction works to ensure compliance with the standards. Fire management solutions are as defined in *AS 3959-2009 Construction of Buildings in Bushfire-Prone Areas, Bushfire Prone Areas Code (The Code)*, and the Tasmania Fire Service publication *Guidelines for Development in Bushfire Prone Areas 2005*.

All lots have been designed to achieve a bushfire attack level of **BAL-12.5** (or lower) of *AS 3959-2009* in accordance with *E1.6.1, The Code, Southern Midlands Interim Planning Scheme 2015*. New habitable buildings on these lots are to be constructed to this level, or greater, with the establishment and maintenance of the specified Hazard Management Areas to ensure ongoing protection from the risk from bushfire attack. A reduced bushfire attack level may be permitted where the separation distance between the bushfire prone vegetation and the building exceeds that required for **BAL-12.5**. **Lots 1, 2, 5 & 6** all contain building areas capable of compliance with **BAL-LOW**, and construction of habitable buildings to that level is permitted. Any new habitable building on **Lots 3 & 4** must comply with the construction standards for **BAL-12.5**.

Private accesses are to be constructed in accordance with *Table E2, Element D, E1.6.2, The Code*. Lots 1, 2, 5 & 6 do not require specific access construction standards due to their assessed bushfire attack level of **BAL-LOW**. Turning areas are not required to be constructed at the time of subdivision of lots 3 & 4, however they may be required at the time of development of a habitable building in accordance with *Table E2(B)(j)* where appropriate. Should the location of the new habitable building be less than 90 metre hose lay from the street, no specific construction standards may apply in accordance with *Part 4.2.2 (b), The Directors Determination*. Compliance with this part is to be determined at the time of application of a new habitable building. Reticulated water is available to the site with all water supply requirements reliant on TASWater. A new fire hydrant will be required adjacent to the accesses to lots 3 & 4 in order to comply with *E1.6.3, The Code*.

The effectiveness of the measures and recommendations detailed in this report and *AS 3959-2009* is dependent on their implementation and maintenance for the life of the development or until the site characteristics that this assessment has been measured from alter from those identified. No liability can be accepted for actions by lot owners, Council or governmental agencies which compromise the effectiveness of this report.

This report has been prepared by Nick Creese, principal of Lark & Creese surveyors. Nick is a registered surveyor in Tasmania and is accredited by the Tasmania Fire Service to prepare bushfire hazard management plans.

Site survey was carried out on 21<sup>st</sup> March 2018.



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**2. LOCATION:**

Property address: 12 Franklin Street, Colebrook  
Title owner: P.M. Miltenburg  
Title reference: C.T. 199354/1  
PID N°: 3519756  
Title area: Approximately 6300 m<sup>2</sup>  
Municipal area: Southern Midlands  
Zone: Village

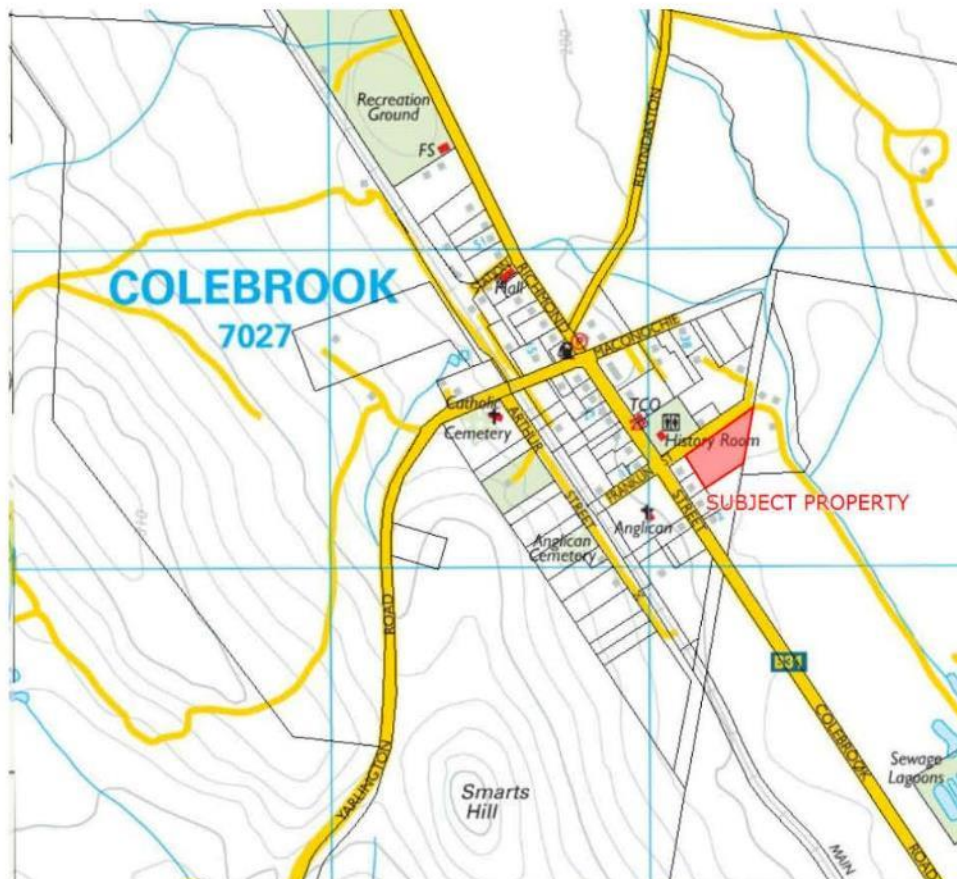


Image 1: Site Location (Source The LIST)



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### 3. SITE CHARACTERISTICS:

The site is located off Franklin Street, approximately 60 metres north east of intersection of Richmond Street and Franklin Street, Colebrook. The site is located at an elevation of approximately 190 metres. The site has been assessed as being level.

At the time of assessment, the site was vacant and vegetated predominately by grasses with a line of trees along the eastern boundary and an area of native trees at the north western corner of the allotment.

To the north and west were similarly sized allotments that had been developed for residential purposes and consisted of dwellings, outbuildings, hardstand areas and established gardens. To the east was a larger allotment that had been developed for residential purposes and consisted of a dwelling, a number of outbuildings, hardstand areas, established gardens and large areas of pasture that appeared to be utilised for farming purposes. To the south were 2 developed allotments that consisted of dwellings, outbuildings, hardstand areas and established gardens. Also to the south were a number of larger rural allotments that appeared to be vacant and utilised for farming purposes.

Reticulated water supply is available to the site with domestic water supply requirements reliant on TASWater.





Image 2: Aerial Image of site and surrounds (Source: The LIST)



Image 3: Typical site photo. (Looking north)



Image 4: Typical site photo. (Looking south west)





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**Planning Controls:**

Planning controls are administered by the Southern Midlands Council under the *Southern Midland Interim Planning Scheme 2015*. The site is zoned Village under the scheme. No Bushfire Prone Areas overlay is currently available for this site with the application of E1.0, Bushfire Prone Areas Code based on the presence of in excess 1 hectare of potential bushfire prone vegetation within 100 metres of the site.



Image 5: Council zoning and overlays

- |        |                         |
|--------|-------------------------|
| Yellow | Utilities               |
| Orange | Village                 |
| Brown  | Significant Agriculture |

**Fire History:**

From the Fire History overlay detailed within The LIST map imagery, four bushfire events are mapped within a 2 km radius of the site. The site was involved in the 1967 bushfire which affected a large portion of southern Tasmania. Two bushfires to the north east (approx. 13 ha in December 2015) and one to the east (approx 81 ha in October 2015) were of indeterminate origin.

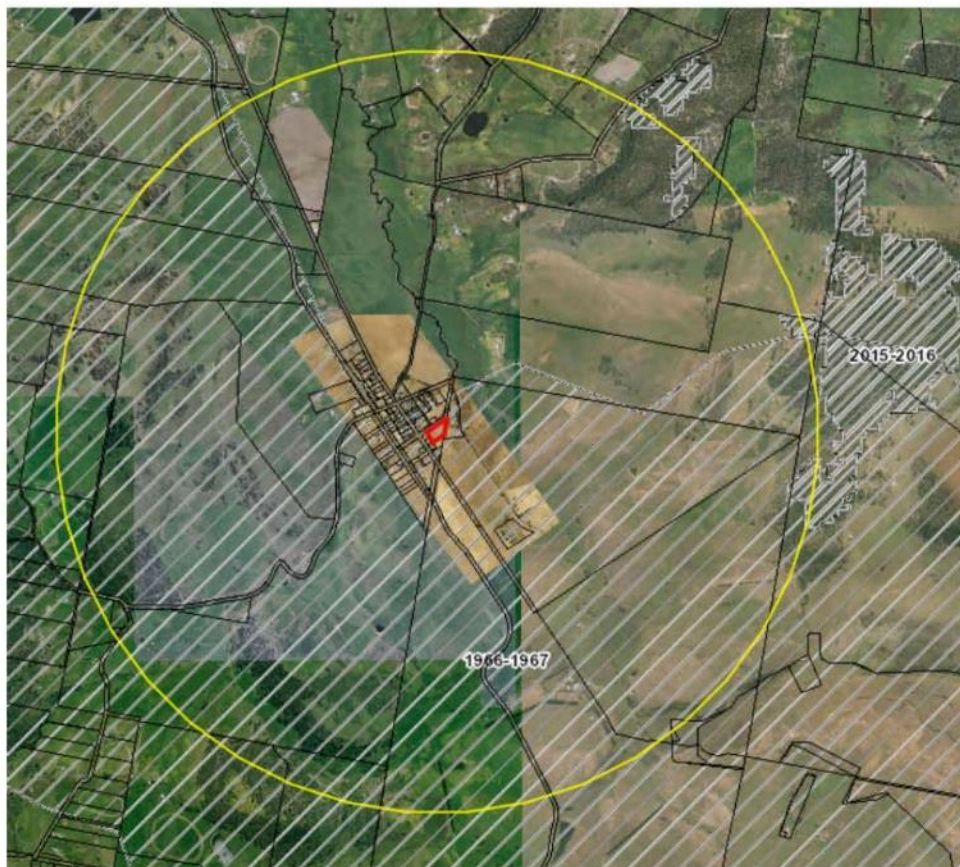


Image 6: Bushfire History (Source: TheLIST)



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4. PROPOSED DEVELOPMENT:

A new 6 lot subdivision is proposed for the site with four lots fronting Franklin Street with two rear access lots behind. Lot sizes vary from 886 m<sup>2</sup> to 1330 m<sup>2</sup>.

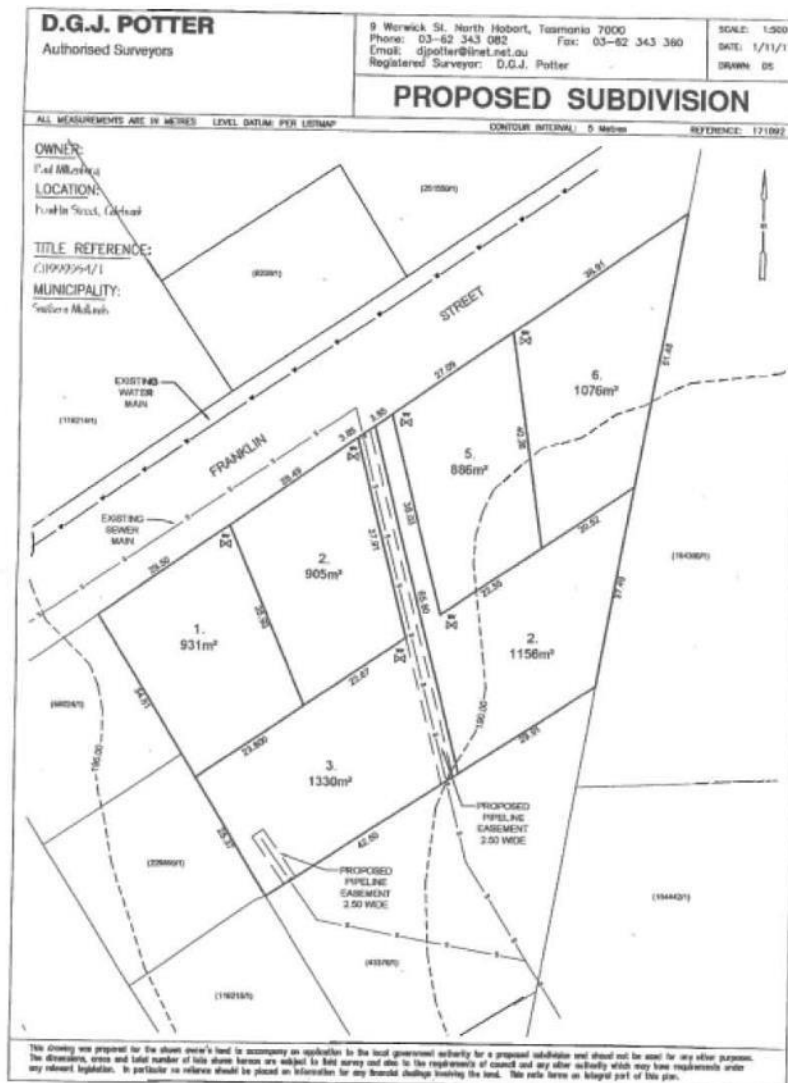


Image 7: Subdivision layout.





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**5. BUSHFIRE ATTACK LEVEL:**

Fire Danger Index (FDI): The Fire Index Rating for Tasmania is adopted as 50.

Vegetation Assessment:

Following assessment of the characteristics of the site, the vegetation types, separation distances from development site and slope under the vegetation have been identified as shown in Table 1 below.

Direction:	Vegetation type:	Distance:	Slope:
North east:	Maintained Grasses	0-70 metres 70-100 metres	Level
South east:	Maintained Grasses	0-20 metres 20-100 metres	Level
South west:	Maintained	0-100 metres	Level
North west:	Maintained	0-100 metres	Level

Table 1: Site Assessment

NOTE: To the north of the development site is Franklin Street which consisted of a bitumen carriageway and grassed verges and has been assessed as Managed Land under the provisions of *Part 2.2.3.2 (e) & (f), AS 3959-2009*. Beyond Franklin Street to the north and to the east were a number of allotments that appeared to have been developed for residential purposes and consisted of dwellings, outbuildings, hardstand areas and established gardens and as such have been assessed as Managed Land under the provisions of *Part 2.2.3.2 (e) & (f), AS 3959-2009*. Beyond the allotment to the east is an extensive area of grasses which appeared to be utilised for farming purposes and as such the grasses may exceed 100 mm in height and have therefore been assessed as Classification G(i): Grassland. As the grassed area is in excess of 50 metres from the development site it poses an insufficient bushfire risk to the site and therefore the land to the north east has been assessed as **Managed Land** under the provisions of *Part 2.2.3.2 (e) & (f), AS 3959-2009*. To the south are a number of developed and undeveloped allotments. The undeveloped allotment is vacant and vegetated by grasses that appeared to be maintained in a reduced fuel condition. The developed allotment consisted of dwellings, outbuildings, hardstand areas and established gardens. These allotments have been assessed as Managed Land under the provisions of *Part 2.2.3.2 (e) & (f), AS 3959-2009*. To the south east is a large allotment that was vegetated by grasses which appeared to be short due to environmental conditions and possibly the grazing by animals. As the grasses on this allotment may exceed 100 mm in height in the future and poses the greatest bushfire threat to the south east, the vegetation south east has been assessed as **Classification G(i): Grassland**. To the south west and north west of the development site were developed allotments that consisted of dwellings, outbuildings, hardstand areas and established gardens. Richmond Road to the south west and Franklin Street to the north west consisted of bitumen carriageways with grassed verges. As such the land to the south west and north west has been assessed as **Managed Land** under the provisions of *Part 2.2.3.2 (e) & (f), AS 3959-2009*.



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Vegetation Classification:

In consideration of vegetation classifications under *Table 2.3, AS 3959-2009* and as detailed above, the predominant vegetation, separation distances from development site and slope under the classified vegetation is assessed as shown in Table 2 below:

Direction:	Predominate vegetation:	Distance:	Slope:
<b>Lot 1:</b>			
North east:	Managed Land	N/A	Level
South east:	G(i): Grassland	>50 metres	Level
South west:	Managed Land	N/A	Level
North west:	Managed Land	N/A	Level
<b>Lot 2:</b>			
North east:	Managed Land	N/A	Level
South east:	G(i): Grassland	40 metres	Level
South west:	Managed Land	N/A	Level
North west:	Managed Land	N/A	Level
<b>Lot 3:</b>			
North east:	Managed Land	N/A	Level
South east:	G(i): Grassland	20 metres	Level
South west:	Managed Land	N/A	Level
North west:	Managed Land	N/A	Level
<b>Lot 4:</b>			
North east:	Managed Land	N/A	Level
South east:	G(i): Grassland	20 metres	Level
South west:	Managed Land	N/A	Level
North west:	Managed Land	N/A	Level
<b>Lot 5:</b>			
North east:	Managed Land	N/A	Level
South east:	G(i): Grassland	45 metres	Level
South west:	Managed Land	N/A	Level
North west:	Managed Land	N/A	Level
<b>Lot 6:</b>			
North east:	Managed Land	N/A	Level
South east:	G(i): Grassland	>50 metres	Level
South west:	Managed Land	N/A	Level
North west:	Managed Land	N/A	Level





Image 8: Predominant vegetation surrounding the site  
Note: fire hydrants not located are as shown in ListMAP and are assumed to be erroneously mapped



Image 9: Predominant vegetation to north east - **Managed Land**



Image 10: Managed Land to the south east of development site providing separation to classified vegetation beyond.





Image 11: Predominant vegetation to south east - **Classification G(i):Grassland**



Image 12: Predominant vegetation to south west: **Managed Land**





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Image 13: Predominant vegetation to north west: **Managed Land**



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**Bushfire Attack Level (BAL):**

Based on the predominant vegetation detailed above, and the separation distances available between the predominant vegetation and the development, the BAL applicable for a compliant building area within each lot has been determined from Table 2.4.4, AS 3959-2009 as follows:

LOT No.	BAL	Direction	Distance to veg	Slope	HMA per Table 2.4.4	Vegetation Classification
1	BAL-LOW	North east	N/A	Level	None	Managed Land
		South east	N/A	Level	None	Managed Land
		South west	N/A	Level	None	Managed Land
		North west	N/A	Level	None	Managed Land
2	BAL-LOW	North east	N/A	Level	None	Managed Land
		South east*	N/A	Level	None	Managed Land
		South west	N/A	Level	None	Managed Land
		North west	N/A	Level	None	Managed Land
3	BAL-12.5	North east	N/A	Level	None	Managed Land
		South east	20 metres	Level	None	G(i): Grassland
		South west	N/A	Level	None	Managed Land
		North west	N/A	Level	None	Managed Land
4	BAL-12.5	North east	N/A	Level	None	Managed Land
		South east	20 metres	Level	None	Managed Land
		South west	N/A	Level	None	G(i): Grassland
		North west	N/A	Level	None	Managed Land
5	BAL-LOW	North east	N/A	Level	None	Managed Land
		South east*	N/A	Level	None	Managed Land
		South west	N/A	Level	None	Managed Land
		North west	N/A	Level	None	Managed Land
6	BAL-LOW	North east	N/A	Level	None	Managed Land
		South east*	N/A	Level	None	Managed Land
		South west	N/A	Level	None	Managed Land
		North west	N/A	Level	None	Managed Land

Table 2: Assessed Bushfire Attack Level for each lot

**NOTE:** the building areas within lots 2, 5 & 6 are in excess of 50 metres from the grassland to the south east and as such this area of vegetation has been deemed to poses an insufficient bushfire threat to the development site. Therefore the vegetation to the south east of lots 2, 5 & 6 has been assessed as Managed Land under the provisions of Part 2.2.3.2 (f), AS 3959-2009.



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**Qualification on assessed bushfire attack level:**

It is acknowledged that lots 2, 5 & 6 are within 50 metres of the grassland to the south east, the incursion into the individual allotments is only minor, does not impact on a buildable area on those lots and has therefore been deemed to pose an insufficient bushfire risk to the development sites to warrant specific construction standards.

The provision of a fire hydrant adjacent to the accesses for lots 3 & 4 will be required in order to comply with the E 1.6.3, The Code. This fire hydrant will also provide better fire fighting capacity to the remaining lots within the subdivision.

At the time of application of a habitable building on lots 3 & 4 the need for turning areas will need to be assessed. If the furthest part of the habitable building is less than 90 metres from the road frontage then no specific access construction standards will apply, if however the furthest part of the habitable building is greater than 90 metres from the road frontage then a turning area will be required at the time of construction of the habitable building.



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## 6. COMPLIANCE:

The site has been assessed as being within 100 metres of bushfire prone vegetation and compliance is assessed against the provisions of *E1.6.1, Bushfire Prone Areas Code, Southern Midlands Interim Planning Scheme 2015* in the following manner:

### E1.6.1 Provision of Hazard Management Areas:

This provision seeks to:

- facilitate an integrated approach between subdivision and subsequent building on a lot;*
- provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and*
- provide protection for lots at any stage of a staged subdivision.*

In accordance with Acceptable Solution A1(b), all lots are assessed as being within a bushfire prone area and must comply with the provisions of this part as follows:

- A1(b)(i) The attached Bushfire Hazard Management Plan details all lots which are in or partly within a bushfire-prone area.
- A1(b)(ii) Each lot contains a building area compliant with this part.
- A1(b)(iii) Each lot assessed as being subject the bushfire risk is provided with a hazard management area with a dimension equal to, or greater than that for BAL-19.
- A1(b)(iv) The attached Bushfire Hazard Management Plan details the location and extent of the Hazard Management Areas with a dimension equal to, or greater than that for BAL-19.

All lots are identified as containing building areas capable of compliance with the separation distances prescribed under *Table 2.4.4, AS 3959-2009*. Although the existing house on Lot 2 is not required to comply with the standards, sufficient area exists around these buildings to provide for the minimum hazard management areas required.

Lots assessed as <b>BAL-LOW</b> are:
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<b>Lots: 1, 2, 5 &amp; 6</b>
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Lots assessed as <b>BAL-12.5</b> are:
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<b>Lots: 3 &amp; 4</b>
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**Individual Lot Management:**

Each lot subject to this assessment, and considered to be exposed to a risk of attack from bushfire is to be maintained in a manner to ensure the risk to any building on the lot, or to adjoining lots is minimised. This may be achieved, but is not necessarily limited to the following:

- Establishing non-flammable areas around the dwelling such as paths, patios, driveways, lawns etc.
- Locating dams, orchards, vegetable gardens, effluent disposal areas etc on the bushfire prone side of the building.
- Providing heat shields and ember traps on the bushfire prone side of the dwelling such as non-flammable fencing, hedges, separated garden shrubs and small trees. Avoid the use of highly flammable plants.
- Ensure flammable materials such as wood piles, fuels and rubbish heaps are stored away from the dwelling.
- Replace highly flammable plants with low flammability species.
- Provide horizontal separation between tree crowns and vertical separation between ground fuels and overhead branches.
- Regular slashing or mowing of grass to a height of less than 100mm.
- Removal of ground fuels such as leaves, bark, fallen branches etc on a regular basis.
- Ensuring no trees overhang the dwelling so that vegetation falls onto the roof.



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**E1.6.2 Public and fire fighting access:**

This provision seeks to:

- allow safe access and egress for residents, firefighters and emergency service personnel;
- provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken; -
- are designed and constructed to allow for fire appliances to be maneuvered;
- provide access to water supplies for fire appliances; and
- are designed to allow connectivity, and where needed, offering multiple evacuation points.

The development requires the construction of a new private access to each allotment from Franklin Street to provide safe access and egress for residents, fire fighters and emergency service personnel. In accordance with E1.6.2 A1 (b), The Code this private access is to comply with the requirements of Table E2 from the edge of Franklin Street to the boundary of each allotment.

A turning area is to be provided where necessary at the building sites on each allotment at the time of development of a dwelling in accordance with Table E2. For the purpose of this subdivision, the compliant access is only required to extend to the boundary of the lots.

It is not considered necessary to provide alternative means of egress from the lots due to the small scale of the development and the proximity of the building areas to Franklin Street.

Table E2 Standards for Property Access		
A	Property access length is less than 30 metres; or access is not required for fire appliance to access a water connection point.	There are no specific design and construction requirements
B	Property access length is 30 metres or greater; or access for fire appliance to a water connection point.	The following design and construction requirements apply to property access: <ul style="list-style-type: none"> <li>(a) All-weather construction;</li> <li>(b) Load capacity of at least 20 tonnes, including for bridges and culverts;</li> <li>(c) Minimum carriageway width of 4 metres;</li> <li>(d) Minimum vertical clearance of 4 metres;</li> <li>(e) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;</li> <li>(f) Cross falls of less than 3° (1:20 or 5%);</li> <li>(g) Dips less the 7° (1:8 or 12.5%)</li> <li>(h) Curves with a minimum inner radius of 10 metres;</li> <li>(i) Maximum gradient of 15° (1:3.5 or 28%),for sealed roads, and 10° (1:5.5 or</li> </ul>



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	<p>18%) for unsealed roads; and</p> <p>(j) Terminating with a turning area for fire appliances provided by one of the following:</p> <ul style="list-style-type: none"> <li>(i) A turning circle with a minimum inner radius of 10 metres;</li> <li>(ii) A property access encircling the building; or</li> <li>(iii) A hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.</li> </ul>
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**1.6.3 Provision of Water Supply for Firefighting purposes:**

This provision seeks to provide:

*Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.*

Reticulated water supply is available to the site and new fire hydrant is to be installed opposite the accesses to Lots 3 & 4 at the time of subdivision to facilitate compliance with *Table E4, The Code*.

<b>Table E4 Reticulated Water Supply for Fire fighting</b>		
A	Distance between building area to be protected and water supply	<p>The following requirements apply:</p> <ul style="list-style-type: none"> <li>(a) The building area to be protected must be located within 120 metres of a fire hydrant; and</li> <li>(b) The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.</li> </ul>
B	Design Criteria for fire hydrants	<p>The following requirements apply:</p> <ul style="list-style-type: none"> <li>(a) Fire hydrant systems must be designed and constructed in accordance with <i>TASWater Supplement to Water Supply Code of Australia WSA 03-2011-3.1 MRWA 2<sup>nd</sup> Edition</i>; and</li> <li>(b) Fire hydrants are not installed in parking areas.</li> </ul>
C	Hardstand	<p>A hardstand area for fire appliances must be:</p> <ul style="list-style-type: none"> <li>(a) No more than 3m from the hydrant, measured as a hose lay;</li> <li>(b) No closer than 6m from the building area to be protected;</li> <li>(c) A minimum width of 3m constructed to the same standard as the carriageway; and</li> <li>(d) Connected to the property access by a carriageway equivalent to the standard of the property access.</li> </ul>





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## 7. CONCLUSIONS & RECOMMENDATIONS:

This Bushfire Risk Assessment and Bushfire Hazard Management Plan have been prepared to support application for planning approval for a subdivision at 12 Franklin Street, Colebrook. The report has reviewed the bushfire risks associated with the site, and determined the fire management strategies that must be carried out to ensure the development on the site is at reduced risk from bushfire attack.

Provided the elements detailed in this report are implemented, the development on the site is capable of compliance with AS 3959-2009 and E1.6 Bushfire-Prone Areas Code and any potential bushfire risk to the site is reduced.

The proposed lots have been assessed as compliant with bushfire attack levels (BAL) detailed in Table 2. The Council approval issued for the development should contain conditions requiring that the protective elements defined in this report and E1.6, Bushfire-Prone Areas Code be implemented during the construction phase. Any new building required to comply with this assessment must be constructed to the bushfire attack level described in Table 2, within the prescribed building areas noted on the Bushfire Hazard Management Plan. Should the extent or classification of the bushfire prone vegetation surrounding the site alters from that assessed by this report, building on the lots affected by this variation may be constructed to a lower level subject to the preparation of a revised assessment.

Lot No.	Compliant BAL
1, 2, 5 & 6	BAL-LOW
3 & 4	BAL-12.5

Table 3: Compliant BAL for each lot

Private access, where necessary is to be constructed in accordance with Table E2, E1.6.2, Bushfire-Prone Areas Code. A fire hydrant is to be installed at the time of subdivision in compliance with Table E4, E1.6.3, Bushfire-Prone Areas Code.

Although not mandatory, any increase in the construction standards above the assessed Bushfire Attack Level will afford improved protection from bushfire and this should be considered by the owner, designer and/or builder prior to construction commencing.

Hazard Management Areas must be established and maintained in a minimal fuel condition in accordance with this plan and the TFS guidelines. It is the owner's responsibility to ensure the long term maintenance of the hazard management areas in accordance with the requirements of this report.

This report does not recommend or endorse the removal of any vegetation within, or adjoining the site for the purpose of bushfire protection without the explicit approval of the local authority.

  
N M Creese - Bushfire Management Practitioner BFP-118





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**8. REFERENCES:**

- *AS 3959-2009 - Construction of Buildings in Bushfire Prone Areas.*
- *Southern Midlands Interim Planning Scheme 2015.*
- *Guidelines for Development in Bushfire Prone Areas - Tasmania Fire Service.*
- *The LIST - Department of Primary Industry Parks Water & Environment.*



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## 9. GLOSSARY

<b>AS 3959-2009</b>	Australian Standards AS 3959-2009 <i>Construction of buildings in bushfire-prone areas.</i>
<b>BAL (Bushfire Attack Level)</b>	A means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire. The following BAL levels, based on heat flux exposure threshold are used within AS3959-2009; BAL-LOW, BAL-12.5, BAL-19, BAL-29, BAL-40, BAL-FZ.
<b>Bushfire</b>	An unplanned fire burning vegetation.
<b>Bushfire Hazard Management Plan</b>	A plan showing means of protection from bushfire in a form approved in writing by the Chief Officer.
<b>Bushfire-Prone Area</b>	An area that is subject to, or likely to be subject to, bushfire attack. Land that has been designated under legislation; or Has been identified under environmental planning instrument, development control plan or in the course of processing and determining a development application.
<b>Carriageway (also vehicular access)</b>	The section of the road formation which is used by traffic, and includes all the area of the traffic lane pavement together with the formed shoulder.
<b>Classified vegetation</b>	Vegetation that has been classified in accordance with Clause 2.2.3 of AS3959-2009.
<b>FDI (Fire Danger Index)</b>	The chance of a fire starting, its rate of spread, its intensity and the difficulty of its suppression, according to various combinations of air temperature, relative humidity, wind speed and both long- and short-term drought effects.
<b>Hazard Management Area</b>	The area between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for fire fighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.
<b>Hose lay</b>	The distance between two points established by a fire hose laid out on the ground, inclusive of obstructions.
<b>Predominate vegetation</b>	The vegetation that poses the greatest bushfire threat to the development site.
<b>Gradient under</b>	The slope of the ground under the classified vegetation.
<b>Distance to</b>	The distance between the building, or building area to the classified vegetation.
<b>Fire fighting water point</b>	The point where a fire appliance is able to connect to a water supply for fire fighting purposes. This includes a coupling in the case of a fire hydrant, offtake or outlet, or the minimum water level in the case of a static water body.
<b>Water supply - Reticulated (Fire hydrant)</b>	An assembly installed on a branch from a water pipeline, which provides a valved outlet to permit a supply of water to be taken from the pipeline for fire fighting.
<b>Water supply - Static</b>	Water stored on a tank, swimming pool, dam, or lake, that is available for fire fighting purposes at all times.

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**CODE E1 – BUSHFIRE-PRONE AREAS CODE**

**CERTIFICATE<sup>1</sup> UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993**

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**1. Land to which certificate applies<sup>2</sup>**

*Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.*

Name of planning scheme or instrument:

SOUTHERN MIDLANDS INTERIM PLANNING SCHEME  
2015

Street address:

12 FRANKLIN STREET, COLEBROOK

Certificate of Title / PID:

C.T.199354-1  
PID 3519756

*Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.*

Street address:

Certificate of Title / PID:

**2. Proposed Use or Development**

Description of Use or Development:

(Provide a brief description of the proposed use or development; including details of scale, siting and context.)  
SUBDIVISION OF 5 RESIDENTIAL LOTS OF 886 - 1330 m<sup>2</sup>. SHARED ACCESS TO LOTS 3 & 4 FROM FRANKLIN STREET.

Code Clauses<sup>3</sup>:

E1.4 Exempt Development

E1.5.1 Vulnerable Use

E1.5.2 Hazardous Use

E1.6.1 Subdivision

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<sup>1</sup> This document is the approved form of certification for this purpose, and must not be altered from its original form.

<sup>2</sup> If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.

<sup>3</sup> Indicate by placing X in the corresponding  for the relevant clauses of E1.0 Bushfire-prone Areas Code.

**3. Documents relied upon<sup>4</sup>**

**Documents, Plans and/or Specifications**

**Title:**

**Author:**

**Date:**  **Version:**

**Bushfire Hazard Report**

**Title:**

**Author:**

**Date:**  **Version:**

**Bushfire Hazard Management Plan**

**Title:**

**Author:**

**Date:**  **Version:**

**Other Documents**

**Title:**

**Author:**

**Date:**  **Version:**

<sup>4</sup> List each document that is provided or relied upon to describe the use or development, or to assess and manage risk from bushfire. Each document must be identified by reference to title, author, date and version.

<b>4. Nature of Certificate<sup>5</sup></b>			
<input type="checkbox"/> <b>E1.4 – Use or development exempt from this code</b>			
Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)	
<input type="checkbox"/> E1.4 (a)	Insufficient increase in risk		
<input type="checkbox"/> <b>E1.5.1 – Vulnerable Uses</b>			
<b>E1.5.1.1 Standards for vulnerable use</b>			
Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)	
<input type="checkbox"/> E1.5.1.1 P1.	Risk is mitigated		
<input type="checkbox"/> E1.5.1.1 A2	BHMP		
<input type="checkbox"/> E1.5.1.1 A3	Emergency Plan		
<input type="checkbox"/> <b>E1.5.2 – Hazardous Uses</b>			
<b>E1.5.2.1 Standards for hazardous use</b>			
Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)	
<input type="checkbox"/> E1.5.2.1 P1.	Risk is mitigated		
<input type="checkbox"/> E1.5.2.1 A2	BHMP		
<input type="checkbox"/> E1.5.2.1 A3	Emergency Plan		
<input type="checkbox"/> <b>E1.6.1 – Development standards for subdivision</b>			
<b>E1.6.1.1 Subdivision: Provision of hazard management areas</b>			
Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)	
<input type="checkbox"/> E1.6.1.1 P1.	Hazard Management Areas are sufficient to mitigate risk		
X E1.6.1.1 A1. (a)	Insufficient increase in risk	LOTS 1, 2, 5 & 6 ONLY - SEE BUSHFIRE RISK ASSESSMENT 18079-01	

<sup>5</sup> The certificate must indicate by placing X in the corresponding  for each applicable standard and the corresponding compliance test within each standard that is relied upon to demonstrate compliance to Code E1

X	E1.6.1.1 A1. (b)	Provides BAL 19 for all lots	BAL-12.5 ACHIEVED FOR LOTS 3 & 4. SEE BUSHFIRE RISK ASSESSMENT 18079-01
<input type="checkbox"/>	E1.6.1.1 A1. (c)	Consent for Part 5 Agreement	

<b>E1.6.1.2 Subdivision: Public and fire fighting access</b>			
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>
<input type="checkbox"/>	E1.6.1.2 P1.	Access is sufficient to mitigate risk	LOTS 1, 2, 5 & 6 ONLY - SEE BUSHFIRE RISK ASSESSMENT 18079-01
<input type="checkbox"/>	E1.6.1.2 A1. (a)	Insufficient increase in risk	
X	E1.6.1.2 A1. (b)	Access complies with Tables E1, E2 & E3	LOTS 3 & 4. SEE BUSHFIRE RISK ASSESSMENT 18079-01

<b>E1.6.1.3 Subdivision: Provision of water supply for fire fighting purposes</b>			
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>
<input type="checkbox"/>	E1.6.1.3 A1. (a)	Insufficient increase in risk	LOTS 1, 2, 5 & 6 ONLY - SEE BUSHFIRE RISK ASSESSMENT 18079-01
X	E1.6.1.3 A1. (b)	Reticulated water supply complies with Table E4	LOTS 3 & 4. SEE BUSHFIRE RISK ASSESSMENT 18079-01
<input type="checkbox"/>	E1.6.1.3 A1. (c)	Water supply consistent with the objective	
<input type="checkbox"/>	E1.6.1.3 A2. (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.1.3 A2. (b)	Static water supply complies with Table E5	
<input type="checkbox"/>	E1.6.1.3 A2. (c)	Static water supply is consistent with the objective	

5. Bushfire Hazard Practitioner <sup>6</sup>			
Name:	NICHOLAS MARK CREESE	Phone No:	6229 6563
Address:	62 CHANNEL HIGHWAY	Fax No:	
	KINGSTON	Email Address:	nick@larkandcreese.com.au
			7050
Accreditation No:	BFP – 118	Scope:	1, 2, 3a, 3b

**6. Certification<sup>7</sup>**

I, certify that in accordance with the authority given under Part 4A of the Fire Service Act 1979 –

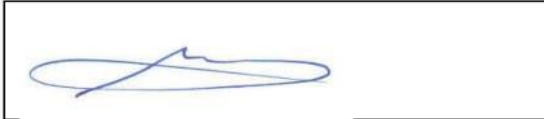
<i>The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.</i>	<input type="checkbox"/>
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or

<i>There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.</i>	<input type="checkbox"/>
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and/or

<i>The Bushfire Hazard Management Plan/s identified in Section 4 of this certificate is/are in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.</i>	<input checked="" type="checkbox"/>
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Signed:   
certifier

Date: 29/3/18 Certificate No: 18079-01

<sup>6</sup> A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of *Fire Service Act 1979*. The list of practitioners and scope of work is found at [www.fire.tas.gov.au](http://www.fire.tas.gov.au).

<sup>7</sup> The relevant certification must be indicated by placing X in the corresponding .



[REDACTED]

**Sent:** Thursday, 30 July 2020 1:43 PM  
**To:** SMC Mail  
**Subject:** General Manager.. Representations to council, proposed subdivision at 12 Franklin Street Colebrook

My name is [REDACTED] residing at [REDACTED] Franklin Street Colebrook. I'm writing to oppose the development of subdivision across the street. I have lived here for over 50 years and i would be dissatisfied in having so many buildings placed where my main window views are. The road is also not big enough to accommodate the increase of traffic. The street would become over populated for a small quiet country town and cause unnecessary hassles for long time residents.



**Sent:** Thursday, 30 July 2020 10:58 PM  
**To:** SMC Mail; SMC Mail  
**Subject:** SA2018/00001 3519756

Dear Ms Tyson

This submission is late. But we only received the letter through the post 10 days ago which is 8 working days ago and there had been no public notice attached to the proposed development.

I have strong objections to the proposed development of 6 lots or dwellings at 12 Franklin Street. Colebrook. Colebrook is a country village of historical interest and rustic charm. I believe this proposed development will invade the peace and scar the beauty of this delightful place. Just because a developer has an idea, it does not mean it should happen to the detriment of existing residents, who have enjoyed the tranquillity, community cohesion and privacy of Franklin Street.

I understand that the land is zoned residential and the owner has the right to develop it for residential purposes but the development should be sympathetic to, and in harmony with the spirit of the village. The house presently being built on the site is no advert for the developer's intentions. It has been built so close to the neighbouring house that it has already caused some distress. It is mean and greedy and against the ethos of the place.

Under duress, I would accept 3 dwellings built well away from neighbouring boundaries. To build more is asking for problems in terms of congestion, noise, traffic, rubbish but mostly to rip the soul out of this lovely country town and turn it into a housing estate with no supporting infrastructure. No transport, no shop, poor mobile phone coverage and internet, no school or medical services, no jobs. Nothing to support a population increase on the proposed scheme.

Finally, I love this place just as it is as and I know my neighbours do, who have been here for generations, for such a radical development which will affect the very core of Colebrook I believe there should have been a lot more community consultation and public notification. Perhaps there still could be?

Yours Sincerely,





## Amended Submission to Planning Authority Notice

Council Planning Permit No.	SA 2018 / 01	Council notice date	9/02/2018
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2018/00175-STM	Date of response	25/01/2019
		Amendment date	22/07/2020
TasWater Contact	Phil Papps	Phone No.	(03) 6237 8246
<b>Response issued to</b>			
Council name	SOUTHERN MIDLANDS COUNCIL		
Contact details	mail@southernmidlands.tas.gov.au		
<b>Development details</b>			
Address	12 FRANKLIN ST, COLEBROOK	Property ID (PID)	3519756
Description of development	Proposed Staged Subdivision - 4 Lots		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Chris Potter Consulting Engineer	Plan of Subdivision / 0241	1	27/05/2018
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> </ol>			
<b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b>			
<ol style="list-style-type: none"> <li>3. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.</li> <li>4. Prior to applying for a Permit to Construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.</li> <li>5. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.</li> <li>6. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.</li> <li>7. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.</li> </ol>			



8. After testing/disinfection, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
9. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document, the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
  - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
  - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
  - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
  - d. As constructed drawings must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
10. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
11. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.

**FINAL PLANS, EASEMENTS & ENDORSEMENTS**

12. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.  
*Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.*
13. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.
14. The Plan of Subdivision Council Endorsement Page is to note, pursuant to Section 83 of the Local Government (Building and Miscellaneous Provisions) Act 1993, that TasWater will only accept the discharge from septic tanks into its sewerage system for all lots on the plan.  
*Advice: Colbrook is serviced for sewerage by a Septic Tank Effluent Disposal (STED) scheme.*
15. In the event that the property sewer connection for affected lots cannot control the lot for a gravity connection, the Plan of Subdivision Council Endorsement Page for those affected lots is to note, pursuant to Section 83 of the Local Government (Building and Miscellaneous Provisions) Act 1993, that TasWater cannot guarantee sanitary drains will be able to discharge via gravity into TasWater's sewerage system.





*Advice: See WSA 02—2014-3.1 MRWA Version 2 section 5.6.5.3 Calculating the level of the connection point*

**DEVELOPMENT ASSESSMENT FEES**

16. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:

- a. \$351.28 for development assessment; and
- b. \$149.20 for Consent to Register a Legal Document

The payment is required within 30 days of the issue of an invoice by TasWater.

17. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

**Advice**

**General**

For information on TasWater development standards, please visit <http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

**Service Locations**

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

The location of TasWater infrastructure as shown on TheList and DBYD is indicative only.

- TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies

**Advice to Planning Authority (Council) and developer on fire coverage**

It should be noted that fire hydrants in the town are on DN50 & DN80 PVC pipes. This does not comply with item 3.1.2 & 3.1.5 of the TasWater Supplement to the Water Supply Code of Australia WSA-03-2011-3.1 MRWA Version 2 (min. DN100 required to be compliant with minimum fire flows).

**Declaration**

The drawings/documents and conditions stated above constitute TasWater’s Submission to Planning Authority Notice.

**Authorised by**

**Jason Taylor**  
Development Assessment Manager

**TasWater Contact Details**

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

**11.3 MUNICIPAL SEAL (Planning Authority)**

Nil.

**11.4 PLANNING (OTHER)**

Nil.

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

**DECISION**

*Moved by Clr K Dudgeon, seconded by Clr D Fish*

**THAT the meeting be adjourned for morning tea at 11.10 a.m.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**DECISION**

*Moved by Clr A Bisdee OAM, seconded by Clr K Dudgeon*

**THAT the meeting be reconvened at 11.33 a.m.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## **12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)**

### **12.1 Roads**

**Strategic Plan Reference 1.1**

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

Nil.

### **12.2 Bridges**

**Strategic Plan Reference 1.2**

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

Nil.

### **12.3 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.

### **12.4 Lighting**

**Strategic Plan Reference 1.4**

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

Nil.



## 12.5 Buildings

### Strategic Plan Reference 1.5

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

#### 12.5.1 PARATTAH – PUBLIC TOILET OPTIONS

**Author:** NRM OFFICER (HELEN GEARD)

**Date:** 18 AUGUST 2020

**Enclosure(s):**

*Parattah Public Toilet Options Report*

*Parattah Progress Association correspondence (previously tabled)*

#### ISSUE

The provision of appropriate public toilet facilities at Parattah for users of the Recreation Ground and Dulverton Walking Track.

#### BACKGROUND

In early July 2020, the Parattah Progress Association wrote to the Southern Midlands Council (*the correspondence was presented to Council meeting on 15 July 2020 under agenda item 16.2.5 – Tabling of Documents*).

The Association requested the installation of public toilet amenities at the Parattah Recreation Ground. The Association believes that public toilets would facilitate the use of the play equipment, oval and barbeque area at the Recreation Ground.

Another issue highlighted by the Association, was users of the Dulverton Walking Track discovering 'the hard way' that there are no public toilets at Parattah. This problem is obviously creating issues for track users and residents.

#### DETAIL

Public toilet options for Parattah are outlined in the attached report. An option for users of the Dulverton Walking Track is to utilise an existing toilet at the Parattah Railway Station by implementing a door code lock system. It is not considered feasible for users of the Track to use facilities at the Recreation Ground because of distance and difficulties locating the ground, as access is via Austral Park Road.

There are a number of options for the provision of public toilets at the Recreation Ground. The installation of a sewer connected portable toilet is one option that is preferred by the Parattah Progress Association.

**Human Resource & Financial Implications** – The estimated financial implications of the public toilet options are outlined in the attached report. The door code lock system at the Parattah Railway Station could be implemented for a cost of approximately \$1000, should Council agree to this course of action. The financial implications of providing public toilets at the Recreation Ground is subject to the final option/outcome determined by Council.

Staff time would be required to check and clean the toilets.

**Community Consultation & Public Relations Implications** – To date Council officers have consulted with members of the Parattah Progress Association and the Parattah Railway Station Society to gauge their response to the various options. The Progress Association have expressed a preference for the installation of a portable toilet at the Recreation Ground. The Railway Society are very supportive of the door code lock system being installed on a toilet at the railway station.

Many users of the Dulverton Walking Track expect there will be public toilets at Parattah and are disappointed to discover that this is not the case.

**Policy Implications** – Council already manages public toilets.

**Priority - Implementation Timeframe** The door code lock system at the Parattah Railway Station could be implemented within a relatively short period of time, should Council agree to this course of action. The implementation time frame for the provision of public toilets at the Recreation Ground is subject to the final option/outcome determined by Council.

## RECOMMENDATION

THAT:

- a. Council note the public toilet options report for Parattah;
- b. Council agree to the installation of the door code lock system at the Parattah Railway Station; and
- c. Council consider the options for public toilets at the Parattah Recreation Ground and give an indication of the preferred option / direction to be undertaken.

## DECISION

*Moved by Cllr R McDougall, seconded by Deputy Mayor E Batt*

THAT:

- a. Council note the public toilet options report for Parattah;
- b. Council agree to the installation of the door code lock system at the Parattah Railway Station; and
- c. Council prepare a report for the next meeting (including a detailed budget) to consider the options for public toilets at the Parattah Recreation Ground.

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

**ENCLOSURE(S)**  
*Agenda Item 12.5.1*

### Public toilet facilities at Parattah – possible options

#### Background

In early July 2020, the Parattah Progress Association wrote to the Southern Midlands Council requesting the installation of public toilet amenities at the Parattah Recreation Ground. The Association believes that public toilets would facilitate the use of the play equipment, oval and barbeque area at the Recreation Ground.



Another issue highlighted by the Association, was users of the Dulverton Walking Track discovering ‘the hard way’ that there are no public toilets at Parattah. This problem is obviously creating issues for track users and residents.

#### Recreation Ground toilets - options

1. Construct a new toilet – approximate cost \$23,000 - 25,000  
Construct a purpose built public toilet at the Recreation Ground. The Modus company is one Australian company that constructs pre-fabricated toilet blocks that can be quickly erected on site. A single universal design toilet would cost approximately \$23,000 – 25,000 to construct. Other building options could be investigated if Council wanted to pursue the construction of a public toilet at the Recreation Ground



2. Install a portable toilet – approximate cost \$3,000 (plus on-going cleaning/maintenance costs)  
Another option is the installation of a portable toilet that can be plumbed directly into the septic and water tank system. Plumbing the toilet removes the need to ‘empty’ the unit and users have the luxury of a fully flushing toilet. This would be a cost effective way to address the immediate concerns of the Progress Association. The Unit may need to be replaced at some point in the future – this could not be considered a permanent solution compared to a constructed building.

The photos below show a portable toilet being used at a Brighton building site (other colours available).





**3. Make an existing toilet at the Recreation Ground 'public' – approximate cost \$4000-\$5000 (plus on-going cleaning/maintenance costs)**

The Recreation Ground has toilets that could potentially be utilised by making one publicly available using a door code lock system (see lock description below). There are however issues with the existing toilet set up and construction works would be required. There are three female toilets in the space and an internal door into the clubrooms. The male toilet has urinals making it unsuitable as a unisex toilet and there is an internal door into the clubrooms. Construction works would be needed to convert one of the existing female toilets into a unisex toilet only accessible from the outside door. The works proposed relate only to modification of the entry point.

The other potential issue is the variation in the level of mobile phone coverage at the Recreation Ground. There could be times when a person was unable to send or receive a text message to gain the access code for the toilet door.



**Public toilets for Dulverton Walking Track users**

**Parattah Railway Station (alteration of door access to existing toilet) – approximate cost \$1000 (plus on-going cleaning/maintenance costs)**

The Recreation Ground is a long distance from the end of the Track and any toilet developed there is not a practical solution for users of the Track.

There is a toilet facility at the Parattah Railway Station that currently remains locked. It remains locked because of concerns about vandalism. Volunteers open the toilet if a large walking group makes a booking and this has worked well. There is no access to toilets for individuals or small ad hoc groups as opening of the existing toilet relies on volunteers.

One solution, which has the support of the Railway Society, is to use a door code lock system on a toilet (convert signage to unisex) at the Railway Station. Signage would direct the users to the Station and the toilet facility. The public toilet would increase visitation to the site which also has a barbeque area. The

Parattah Railway Society have a donation box and it could be expected that the level of donations would increase.



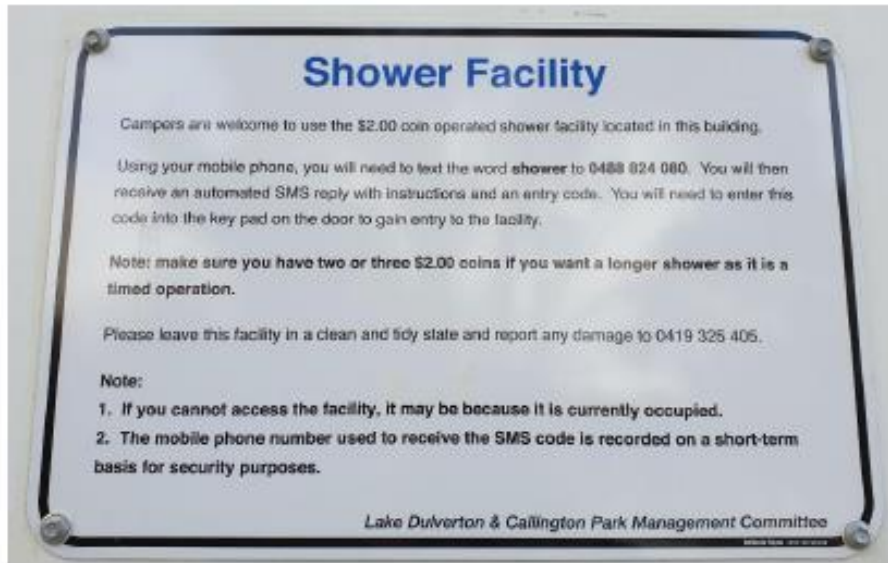
#### Door code lock system - detail

A person wanting to use the toilet facility at the Railway Station would text the word 'toilet' or 'loo' to a mobile number and receive a text back with a specific code. That person would then enter the code into the lock to gain access.

The Council is currently successfully using this system at the Oatlands shower block and there has been no vandalism. There have only been two minor issues when wall hooks and then a shower head were stolen.

The on-line system used to deliver the text messages is called "Clicksend" and this software records the mobile number of the user and the day the facility was accessed. There would be no issue adding a new facility/lock to the existing system. Works required would be the installation of the lock and signage. There is a suitable door latch with keypad already available that could be fitted to the toilet door.

Following is the sign on the Oatlands shower door explaining to users how to gain access the shower facility. A similar sign would be used at the Railway Station.



Helen Geard

August 2020



Southern Midlands Council  
Minutes – 15 July 2020

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## 16.2.5 TABLING OF DOCUMENTS

### PARATTAH PROGRESS ASSOCIATION

Parattah Progress Association

Parattah, Tasmania, 7120

Date: 07/07/2020

Southern Midlands Council

71 High Street

Oatlands, Tasmania, 7120

Dear Mayor Green and Council Members,

I am writing to you on behalf of the Parattah Progress Association and humbly ask for your support for the installation of public toilet amenities on the recreation grounds of Parattah.

The Parattah Progress Association has recently held an Annual General Meeting and many members have expressed concern that there is an absence of a public toilet on the grounds. Such an installation will encourage the use of our play equipment, oval and barbeque area which seeks to benefit members of the community and visitors in our area. It will also alleviate the instances in which tourists that use the walking track from Oatlands to Parattah ask to use a resident's facilities when they realise that there is an absence of any public toilets in our town.

If this proposal is considered, the Parattah Progress Association has agreed and is willing to contribute in kind to this project that will benefit not only the community but also the tourists that frequent Oatlands and the Southern Midlands areas.

Thank you for your valuable time.

Sarah Clark

Secretary of Parattah Progress Association

0456939414



## 12.6 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.

## 12.7 Drainage

**Strategic Plan Reference 1.7**

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

Nil.

## 12.8 Waste

**Strategic Plan Reference 1.8**

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

Nil.

## 12.9 Information, Communication Technology

**Strategic Plan Reference 1.9**

*Improve access to modern communications infrastructure.*

Nil.

*Mr Brad Williams (Manager, Heritage Projects) entered the meeting at 11.49 a.m.*

## **12.10 Officer Reports – Infrastructure & Works**

### **12.10.1 MANAGER – INFRASTRUCTURE & WORKS REPORT**

**Author:** MANAGER INFRASTRUCTURE & WORKS (JACK LYALL)

**Date:** 21 AUGUST 2020

#### **ROADS**

The graders are working in the Campania, Tunnack and Woodsdale areas and being directed to any areas of water damage to roads as they occur.

The recent rains have caused damage to some roads with water going over at York Plains, Inglewood Road, Mudwalls Road at Colebrook, Native Corners Road and damage to small sections all over the municipality.

#### **BRIDGES**

The Sydney Cottage bridge went under water! After the water subsided Council received a call to inform us of a road failure at the eastern side of the bridge. Upon inspection by Paul Lang, Councils Engineer Phil Gee was called to inspect.

An engineering fix was agreed upon and plans were in place to commence the work. Council staff were able to place large rocks at the piled section then smaller rocks at the intermediate section and then lock in spalls and gravel to allow the road to be opened to traffic. The road was closed for one night only.

Other bridges are being inspected as the water levels allow.

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

Green Valley Road Traffic Counter Report - to be included in the next Information update to Councillors.

A date was set for Councillors Roads Tour – Monday, 5<sup>th</sup> October 2020.

Mayor – requested an update on Mahers Point and when works will commence?.  
*Manager advised that approval has been granted, to now assign time and resources for works staff to complete. To be commenced in near future.*

Clr McDougall – advice of a number of potholes on Stonor Road that need attention.

Clr Bisdee – question regarding \$100k budget allocation for dust suppressant seals and if all requests will be actioned? *Advised that all requests should be completed prior to summer.*

#### **RECOMMENDATION**

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

**DECISION**

*Moved by Clr A Bisdee OAM, seconded by Clr K Dudgeon*

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

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

*Mr Jack Lyall (Manager, Infrastructure & Works) left the meeting at 12.07 p.m.*

### **13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)**

#### **13.1 Residential**

**Strategic Plan Reference 2.1**

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

Nil.

## 13.2 Tourism

**Strategic Plan Reference 2.2**

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

### 13.2.1 PROPOSED OATLANDS ACCOMMODATION FACILITY – COMMUNITY INFORMATION PROCESS OUTCOMES

*Item deferred to later in the meeting pending the arrival of Special Projects Officer Damian Mackey.*



### **13.2.2 OATLANDS TOWN MAP SIGN – NORTHERN END OF VILLAGE – RELOCATION FROM CURRENT LOCATION – FOR INFORMATION**

**Author:** ACTING GENERAL MANAGER (ANDREW BENSON)

**Date:** 20 AUGUST 2020

#### **BACKGROUND**

The Oatlands Town Maps were established a number of years ago to provide visual cues for travellers on their visit to Oatlands. Four were erected in each of the following locations;

- Southern end of Oatlands approximately 150m from the junction of the Midland Highway, along Dudley Street;
- Barrack Street car park;
- Lake Dulverton Stop Over; and
- Northern end of Oatlands on the wall of the Historic Society.

#### **DETAIL**

As can be seen in the image on the next page, the Oatlands Town Sign on the Historic Society wall has become obscured by the installation of the Wool Press which was required to be relocated from the former Roberts Ltd location on High Street. The Wool Press adds considerable value to the Historic Society site.

Therefore, the location of this sign is to be relocated from the wall on the Historic Society to a free standing sign approximately 150m in, from the northern entrance the Midland Highway. DeNeefe Signs will handle the removal as well as the supply & erecting of the updated sign.

The following updates will be shown on the new sign;

1. The 'You Are Here' location will need to be revised;
2. The Commissariat branding to be added in the location;
3. There is a new ATM at the Post Office;
4. Council phone number, website and Facebook contacts near the Council logo;
5. Take the P (parking) out of the Callington Park location as this is an overflow campers space only and we would prefer the campers on the Lake side;
6. Campers Amenities (Former Oatlands Aquatic Club building); and
7. Private Property on the Northern side of the Mary's Island bund wall.



*Currently on the Wall of the Oatlands District Historical Society*



*View from the junction of Esplanade and High Street*

**Human Resources & Financial Implications** - Allocation from the signs budget.

**Community Consultation & Public Relations Implications** - There has been strong Community comment about the sign location now being obscured for travellers and supporting the location detailed in the report.

**Policy Implications** – Nil.

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

## RECOMMENDATION

THAT Council receive and note the report.

## DECISION

*Moved by Cllr K Dudgeon, seconded by Cllr A Bisdee OAM*

**THAT Council receive and note the report.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

### 13.3 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.

### 13.4 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.

## 14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

### 14.1 Heritage

#### Strategic Plan Reference 3.1

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

#### 14.1.1 HERITAGE PROJECT PROGRAM REPORT

**Author:** MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

**Date:** 21 AUGUST 2020

#### 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:

- Evaluation of the Heritage Hub and Artist in Residence Programs for a proposed new way forward (see separate report – agenda item 14.1.2).
- Planning for the 200<sup>th</sup> anniversary of the 2<sup>nd</sup> Macquarie visit through Tasmania. A workshop with various stakeholders is to be held on 26<sup>th</sup> August as a preliminary ‘brainstorm’ with the expectation that a working group be formed (we will seek an elected member to join that group subsequent to that initial meeting).
- Retrieving and preparing collection material for the upcoming exhibitions program and locking-in dates (pending COVID19 restrictions).
- Continuing the collection audit process.
- Working with Callington Mill Distillery for loan of artefacts from the collection for display at Callington Mill.
- An audit of the Oatlands Key system in preparation for re-launch.
- Maintenance works in various Council buildings, including improved security (internal door locks), fitting of door seals and addressing an ongoing damp issue in 79 High Street (installation of a sump-pump beneath the floor).
- Heritage staff were given a tour of the Glamorgan Spring Bay Heritage Centre facilities and discussed with staff their experiences in establishing their excellent heritage collections store ahead of planning for the SMC facility.
- Providing support for two new volunteers to plan projects within the Heritage Projects unit.
- Excellent media coverage through ABC Tasmania and Sydney was gained with the finding of rare wallpaper in a house at Broadmarsh. Alan Townsend and volunteer Linda Clark have been assisting the property owner with conservation.

- Social media posts. Since the last update in April we have continued to consistently post at least 2 items a week. Post content has revolved around the gradual release of annotated Weeding letters, historic wallpaper & local history info. We have increased our page followers by 49 people since April to 797 followers. The post reach has been between 300 people to over 3,500 depending on the post content. The post that reached over 3500 people & led to an ABC news article regarding the find of 170 year Rococo wallpaper with a hand drawn landscape revealed beneath, at a property in Broadmarsh. We about to start our promotion of the upcoming exhibition schedule that starts in September. Note that it is intended to undertake a 3-monthly overview of social media engagements and provide this to Councillors in the Weekly Information Bulletin.

## RECOMMENDATION

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

## DECISION

*Moved by Cllr K Dudgeon, seconded by Deputy Mayor E Batt*

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

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

#### **14.1.2 REVIEW OF THE HERITAGE HUB SOCIAL ENTERPRISE PLAN (79 HIGH STREET, OATLANDS) AND PROPOSED USE OF THE BUILDING FOR THE ARTIST IN RESIDENCE PROGRAM**

**Author:** MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

**Date:** 21 AUGUST 2020

**Enclosure:**

*Artist in Residence Policy*

#### **ISSUE**

To seek Council endorsement to discontinue the Heritage Hub Social Enterprise at 79 High Street, Oatlands and to resolve to use that building as the headquarters of Council's Artist in Residence Program. Note that this report proposes no changes to the current use of the Commissariat.

#### **BACKGROUND**

##### ***The Heritage Hub Social Enterprise initiative***

The roots of the Heritage Hub arose from the *Southern Midlands Integrated Heritage Skills Hub*, which was formed as a conceptual plan as part of the application to the National Stronger Regions Fund together with the restoration of the Commissariat building as the home for the Centre for Heritage at Oatlands. That funding was through an economic development scheme which sought to restore the buildings and install commercial purposes into them – but with the added presentation of these as heritage sites. In brief, the project was to:

- Restore the Commissariat building as the headquarters and training room for the Centre for Heritage (also as a potentially shared space). This has been achieved and this report does not propose any amendment to those existing arrangements (formalised by a MOU between SMC and CfH).
- The shop/cottage at 79 High Street was restored in what was to be a 'community heritage/arts/culture co-operative', where a group of artisans/vendors (etc.) would operate that co-op at armslength from Council. Whilst Council officers were to have an oversight role – the day-to-day operation of the facility was to be solely by the co-op members.

Upon the near completion of the buildings, a more formalised project plan for the re-named 'Heritage Hub' was produced by the Community and Corporate Development unit of Council. Drawn from the Social Enterprise plan for the Heritage Hub are the following statements:

##### *The Vision:*

- To grow Oatlands as a thriving Heritage community that celebrates its unique history
- Using the Heritage buildings as a backdrop to display the culture & heritage of Oatlands
- To help visitors discover an interest in historic buildings, traditional skills & the stories behind the buildings.



*How:*

- By providing a space for a community/artisan shop & gallery showcasing traditional/heritage skills, trades, art & craft
- Linking in with the Heritage & Bullock Festival artisans & encourage a more permanent base to feature their skills & wares
- By creating a calendar of events/exhibitions & workshops that feature existing museum collections, collaborations with other stakeholders.

The Social Enterprise Plan for the Heritage Hub was endorsed by Council at the September 2018 meeting and the Heritage Hub opened in March 2019.

The National Stronger Regions Fund funding was gained on the strength of the implementation of a 3+ year business plan (for both the Heritage Hub and Centre for Heritage use of the site), which provides an obligation/expectation for the continued operation of those businesses from the site (note that the Centre for Heritage will continue to be headquartered in the Commissariat which continues the fulfilment of that obligation). Decisions on the future of the Heritage Hub need to keep that obligation in mind.

The initial uptake of participants for the Heritage Hub was promising, with approximately 6 participants initially having an active role in stocking, exhibiting and opening the building as per the Social Enterprise Plan. A regular roster of occasional users also added to the dynamic of the building with regular craft meetings and activities. Staff from Council's Community and Corporate Development Unit took an active role in promoting the business and engaging with prospective participants.

An operational issue that became apparent was the inability or non-viability of many artisans to travel from out of the region to open the building (there being insufficient local interest for the 'co-operative' model) – so it was decided to consign items from a number of those artisans (16 in total, as this did prove successful). This however resulted in the need for Council staff to undertake a more hands-on role with stock control and financial management. Four local volunteers assisted with opening, but that did not allow sufficient opening hours.

During summer 2019/20 the hub continued operating, however this was partly utilising SMC staff time, with staff from Community and Corporate Development and Heritage Projects opening the building and undertaking management duties (plus their own time as volunteers in many instances). That time was used both to keep the public face of the building open, as well as background operations in attempting to garner further participants and support for the model. The Social Enterprise Plan did not envisage SMC staff operating the site as anything more than an oversight role and providing support for what was to be a largely independent community-based operational model. This is not considered tenable.

This issue was further compounded by a privately operated co-operative model opening at Oatlands – which in effect offered a similar community-based inclusion model as the Heritage Hub.

The initial business model, consistent with the Centre for Heritage Business Plan envisaged that Heritage Building Solutions would be a member of the 'co-operative' and utilise part of the building as a shopfront, however the CfH has indicated that it does not have the capacity at this stage to do so. Officer level discussions with CfH staff has not indicated a strong appetite for CfH to utilise the retail space.

The above issues required divergence from the original Social Enterprise model and required unforeseen levels of staff inputs, which was seen only as a temporary measure until a more workable model could be brought to the Committee for review.

With COVID-19 shutdowns in March 2020, the Heritage Hub was temporarily closed and stock returned to the co-operative members and consignees (for security reasons), pending further consideration of the future direction of the hub once restrictions allowed.

### ***The Artist in Residence Program***

The Artist in Residence program (AiR) has been operating from the Oatlands Gaoler's Residence since 2011. The program had its roots in the Arts Tasmania Artist in Residence scheme, whereby artists were supported by Arts Tasmania grants and 'rented' the building for a nominal fee. In 2015 it was decided to diverge from that program, which was highly competitive and deal directly with the artists (not to preclude participation in that program if circumstances permitted). An AiR Policy was endorsed by Council in June 2017 which provided guidelines for the operation of the program. A copy of the policy is provided in the attachment.

Currently, artists stay in an upstairs room of the Gaoler's Residence and utilise exhibition space either in that building, and/or the Supreme Court House.

Around 20 artists have undertaken residencies under the program, and under the terms of the policy Council has acquired a number of artworks which are managed as part of the SMC Heritage Collection. Numerous free public exhibitions have been staged, and there are 5 residencies 'in the pipeline' (deferred currently due to COVID-19, but to recommence in September). Overall, the program is considered successful in meeting the aims of the policy, highlighting the inspiration available in the region and giving artists an opportunity to raise their profile and engage the community.

### **DETAIL**

The issue of the ongoing viability of the Heritage Hub was discussed at a meeting of the Heritage Hub Steering Committee at their meeting on July 30<sup>th</sup> (see minutes in these agenda papers). A range of options were considered, however it was strongly recognised that Council's undertaking in the enterprise was for an oversight role, and it has proven that a greater degree of time inputs is required for the success of the initiative due to largely unforeseen circumstances. It was never intended that Council be the 'operator' of the hub and it is not considered cost-effective for Council staff to continue in such a role. Council's priority must be to secure a feasible use for the building – but this should not be at any great impost to Council.

The committee discussed the possibility of installing the AiR program in the building, under the following broad terms (the AiR Policy is to be amended to reflect this should Council resolve to proceed with the program in this form):

- Artists may occupy the building for a maximum of one month, rent free.
- One mid room may be used for residential purposes, the other mid room for a workspace, the front room for exhibits plus the use of the kitchen and bathroom facilities (small bathroom upgrade required to include a shower, which has rough-in plumbing already in place).

- The artists must open the building freely to the public for at least 3 days per week during their stay and hold at least one free public event (advertised in collaboration with the Heritage Projects Program).
- The artist reserves all rights to profit, but must manage their own stock/sales/books etc.
- The artist will donate a work to Council.
- The artist will acknowledge the contribution of Council in any publicity.

This scheme is seen to have the following advantages:

- It provides the artists with dedicated living, working and exhibition space - rather than shared office/workspace with Council staff in the Gaoler's Residence. Whilst no issues have arisen from such, the desire to provide artists with their own space is high.
- It provides dedicated High Street frontage for the artist to exhibit and sell (managing their own stock/sales independently of Council).
- Currently artist workspaces are not publicly accessible – this would give the artist the ability to engage with the public as they work (if they choose to).
- The inclusion of previous Heritage Hub exhibitors is not precluded – they could apply to be an 'Artist in Residence'.
- This usage is consistent with the 'community cooperative' tenor that arises from the obligations of the funding which contributed to the restoration of the site.
- The artist may also use the exhibition spaces at the Gaoler's Residence and Supreme Court House if desired.
- Vacating one upstairs room at the Gaoler's Residence allows that room to be used for other purposes (and frees up ground floor space for public use).
- This would inject a vibrant and constantly changing new attraction in High Street.
- Potential collaboration with the Centre for Heritage for commissariat use and/or co-branded projects.
- This arrangement does not preclude other occasional uses of the building by Council (e.g. for public exhibition purposes similar to the current use of the C.T. Fish building) – this would just need to fit the artists booking program.

**Human Resources and Financial Implications** - The operation of the Heritage Hub was more resource intensive than anticipated, with Council staff often opening the building a couple of days a week (in lieu of the lack of volunteers/exhibitors). It was never intended that Council staff be stationed in the building nor be undertaking retailing activities.

Management of Community and Corporate Development and Heritage Projects both recommend that the direct staffing of a retail building is not considered to be a priority for Council. By the AiR operating their own shopfront, managing their own sales, promotion etc. this arrangement would not require any notable additional time inputs from Council staff than the current AiR program.

**Community Consultation and Public Relations Implications** - It is considered that a more prominent location for the AiR program would enhance community participation and be a positive outcome for the appreciation of the arts in the district.

**Policy Implications** - This proposed resolution is considered to be generally in accordance with the aspirations of the Oatlands Commissariat and 79 High Street Master Plan. This proposed resolution is consistent with the tenor of several initiatives in the Southern Midlands Council Arts Strategy.

This proposed resolution would effectively rescind the resolution that enacted the Heritage Hub Social Enterprise Plan.

The Southern Midlands Council Heritage Hub Committee would need to be disbanded. It is proposed that the AiR program be a standard item on the Arts Advisory Committee's agenda for reporting purposes and any guidance necessary. This is considered to fit with that committee's Terms of Reference. The AiR Policy would be amended to reflect that oversight role of the committee.

Minor amendments would be required to the AiR Policy and associated procedural documentation to reflect the changed operation of the program.

**Priority – Implementation Timeframe** - Should Council resolve to close the Heritage Hub and install the AiR Program into 79 High Street, the following steps would need to be taken:

- Ensure that the current occupancy permit is amended to reflect occasional residential occupation.
- Seek Council endorsement of an amended AiR Policy.
- Undertake minor works to the bathroom of the building to install a shower (there is an existing carry-forward capital budget to do so).
- Move any surplus Heritage Hub equipment out of the building.
- Move in the AiR equipment (e.g. bed, domestic equipment etc.).
- Formulate a 'User Guide' for the building (in a similar format to that existing for the Gaoler's Residence).

The existing line-up of future artists are to be given the choice to utilise this building rather than the Gaoler's Residence and all future promotion is to highlight 79 High Street.

## RECOMMENDATION

THAT:

- a) Council resolves to close the Heritage Hub Social Enterprise;
- b) Council resolves to disband the Southern Midlands Council Heritage Hub Committee;
- c) Council resolves to use 79 High Street as the base for Council's Artist in Residence Program.

**DECISION**

*Moved by Deputy Mayor E Batt, seconded by Cllr R McDougall*

**THAT:**

- a) Council resolves to close the Heritage Hub Social Enterprise;
- b) Council resolves to disband the Southern Midlands Council Heritage Hub Committee and its activities to be undertaken by Council's Arts Advisory Committee;
- c) The Artist in Residence Policy be amended by the Arts Advisory Committee and tabled at the next Council meeting; and
- d) A detailed report on financial implications and ongoing operational costs associated with the Artist in Residence Program utilising 79 High Street be presented at the next Council meeting.

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

*Mr Brad Williams (Manager, Heritage Projects) left the meeting at 12.36 p.m.*

**ENCLOSURE(S)**

*Agenda Item 14.1.2*



Council Policy  
**ARTIST IN RESIDENCE POLICY**

Approved by: Council  
Approved date: 28 June 2017  
Review date: June 2022

**1. PURPOSE**

The purpose of this policy is to provide guidelines for the operation of the Artist in Residence (AiR) program which is intended to operate in conjunction with Council's Heritage Projects Program.

**2. OBJECTIVE**

This policy seeks to further the following program objectives:

- To encourage the pursuit of the arts in the Southern Midlands.
- To foster emerging artists.
- To utilise Council owned heritage assets.
- To promote the depiction of the Southern Midlands as artistic subject matter.
- To promote the arts, heritage and culture of the Southern Midlands.
- To build Council's collection of art which relates to the Southern Midlands.

**3. POLICY**

**3.1 Staffing and administration**

The policy will be administered by a working group comprising:

- Manager Heritage Projects or Heritage Project Officer - the working group Chairperson
- Manager, Community Development (or delegate)
- The Chairperson of the Arts Advisory Group

The working group will meet on an as-needs basis and outcomes of meetings will be reported to Council through the Heritage Projects report and/or the Arts Advisory Group.

**3.2 Funding and budget**

- Any budget for the AiR program will be considered by the Manager, Heritage Projects and/or Manager, Community Development through Council's normal budgeting process, although it is intended that the program be cost-neutral where possible.
- External funding may be sought for the program on an opportunistic basis.

**3.3 Partnerships**

This policy does not prevent SMC from participating in any other AiR program (or similar).

Partnerships which assist in the delivery of the AiR program should be encouraged.

**3.4 Eligibility for application and application/selection process**

- The AiR program will be advertised as widely as practicable.
- Timing of advertising and assessment of applications will be at the discretion of the Working Group.



Council Policy  
**ARTIST IN RESIDENCE POLICY**

Approved by:	Council
Approved date:	28 June 2017
Review date:	June 2022

- An artist is eligible for application if they:
  - Intend to utilise the Southern Midlands as their primary subject matter.
  - Can demonstrate how they will meet the objectives of the AiR program.
  - Agree to be bound by the provisions of this policy.
- Applications are to include the following (but not be limited to):
  - A c.v.
  - A portfolio of work.
  - Statements detailing how their residency will fulfil the objectives of the program.
- Applications are to be assessed by the Working Group against the eligibility criteria and objectives.
- Successful applicants may be asked to sit an interview with the Working Group who may seek further information on how they intend to meet the objectives of the AiR program.
- Unsuccessful applicants will be notified as soon as practicable after assessment. The decision of the Working Group is final and not subject to appeal.

### 3.5 Southern Midlands Council's (SMC's) inputs, expectations and responsibilities

- SMC will provide accommodation at the Oatlands Gaoler's Residence free of charge (including utilities).
- The maximum number of nights for any single residency will be 60 (e.g. two months full time, or 3 months of weekdays, or equivalent).
- SMC will provide in-kind support at the discretion of the Heritage Project Officer (e.g. printing, assistance to contact property owners, access to buildings etc.).
- SMC will provide exhibition space free of charge (generally in the Gaoler's Residence, Supreme Court House, Commissariat, Green Ponds Watch House). The duration of exhibition time is at the discretion of the Heritage Project Officer and must consider other user groups.
- SMC will promote the program, events and individual artists as widely as practicable (in consultation with the artist).
- SMC reserve the right to terminate the residency if the provisions of this policy or any other SMC policy are breached.

### 3.6 The Artist's inputs, expectations and responsibilities

- The artist will predominantly utilise the Southern Midlands as their subject matter.
- The artist is to be familiar with, and abide by the Oatlands Supreme Court House and Gaol Use Policy and the Oatlands Gaol User Manual.
- The artist will conduct at least one freely accessed public event at the culmination of their residency.
- Will donate one piece of work to SMC's art collection of at least 'mid-range' value. Southern Midlands Council will ensure that this work is on public display within a SMC managed building.
- To make reasonable effort in promoting their residency and the SMC AiR program as widely as practicable.





Council Policy  
**ARTIST IN RESIDENCE POLICY**

Approved by:	Council
Approved date:	28 June 2017
Review date:	June 2022

### 3.7 Copyright and right to profit

- Council's input and support of the AiR program will be acknowledged in all initiatives directly arising from the AiR program.
- The artist retains copyright of all work produced, unless otherwise purchased or negotiated by SMC.
- The artist will allow SMC to utilise images resulting from the residency for not-for-profit purposes with due acknowledgement.
- The artist may freely sell their work resulting from the residency (during and after) and SMC will charge no commission.
- The artist and SMC may negotiate joint commercial initiatives arising from the residency.

### 4. RELATED DOCUMENTS

- Oatlands Supreme Court House and Gaol Use Policy
- Oatlands Gaol User Manual.

### 5. DOCUMENT ADMINISTRATION

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

This document is Version 1.0 effective 28<sup>th</sup> June 2017. The document is maintained by the Heritage Projects Program, for the Southern Midlands Council.

## 14.2 Natural

### Strategic Plan Reference 3.2

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

### 14.2.1 NRM UNIT – GENERAL REPORT

**Author:** NRM PROGRAMS MANAGER (MARIA WEEDING)

**Date:** 18 AUGUST 2020

#### ISSUE:

Southern Midlands Landcare Unit Monthly Report.

#### DETAIL

- Lake Dulverton foreshore pathway new and upgrade project: A Development Application with SMC has been lodged and subsequently advertised for public comment.
- In regard to the pine tree area at Mahers Point an Aboriginal Heritage Trust permit - the final Parks & Wildlife Authority for the works to proceed has been issued. It is now up to the works being scheduled by Works and Services to complete the final tidy of the site.
- Victoria Hall at Kempton – The building plans have been approved by SMC. An officer from the Aust Govt has made contact regarding the draft funding agreement. Now waiting for a final agreement to be forwarded back for signing.
- Mt Pleasant Recreation Ground Club Rooms - toilet block extension. Construction works have commenced and are progressing although rain has held up the site works in the last three weeks. Maria Weeding has been busy sourcing materials as required by the builder, and arranging trade people/ suppliers for specific works that require specialist input.
- Callington Park playground upgrade works and surrounding ground underground watering system works are progressing. The new equipment is now substantially in place in terms of concreting the items into place. The new underground irrigation system and turf upgrade will follow after the playground construction works have been completed, which should be in three to four weeks time.
- Maria Weeding, Jen Milne and Helen Geard concreted in two tree guards at Kempton Recreation Ground and planted two ornamental pear trees the following day. Initial maintenance and replacement of a few native plants at the rear of the recreation ground work commenced, but there is still more to do. Generally the site has a good strike rate, with only a few replacements required.
- Jen Milne and Helen Geard undertook some maintenance and replanting works on a section of the Dulverton Walking track. Maria Weeding, Jen Milne and Helen Geard placed some posts ready for two lots of 'people counters' to be installed in the near future.

## WEEDS REPORT

The Weeds Officer Jen Milne has provided the following report for the month ending 17<sup>th</sup> August 2020.

### Site visits and roadside weed control

- All known sites of Spanish heath have been updated into SMC weed database. Some outliers were found on the Natural Values Atlas in the Dromedary/Levendale area. Have since been visited and one referred on to Sustainable Timber Tas to investigate. New roadside site of Spanish heath found and controlled in Campania.
- Weeding of broom on various Council managed roadsides, footpaths and foreshore of Lake Dulverton. Where unable to be controlled by spraying contractor, or missed during spot spraying.
- Survey of Campania bush reserve for boneseed and other weeds.
- Assistance with weeding and planting in Oatlands and Kempton with NRM unit as required.
- Revisited and removed Patterson's Curse on roadsides at Broadmarsh.

### Projects

- Brighton – Follow up site visits and mapping (boneseed and Paterson's curse) as part of resource sharing arrangement.
- Drought Weed project – The grants are now available. These are to assist farmers to undertake targeted weed management of species favoured by drought and post drought conditions that impact on agricultural production. Application form and details are available on the SMC website and at both council offices. Applications are due on Monday the 14<sup>th</sup> September 2020 and will be assessed by a panel.

### Communication

- Weed and grant information in the council newsletter for August 2020 on SMC website and Facebook.

### Enquiries

- Roadside query of blue periwinkle (State Roads).
- No spray request for property.
- weld (*Reseda luteola*) management options due to issues with race horses.

## RECOMMENDATION

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

**DECISION**

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

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

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

### 14.3 Cultural

**Strategic Plan Reference 3.3**

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

Nil.

### 14.4 Regulatory (Development)

**Strategic Plan Reference 3.4**

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

Nil.

### 14.5 Regulatory (Public Health)

**Strategic Plan Reference 3.5**

*Monitor and maintain a safe and healthy public environment.*

Nil.

## 14.6 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*

#### 14.6.1 ANIMAL MANAGEMENT REPORT

**Author:** ANIMAL MANAGEMENT OFFICER (RACHEL COLLIS)

**Date:** 20 AUGUST 2020

**Enclosure(s):**

*Animal Management Statement – July/August 2020*

#### ISSUE

Consideration of the Animal Management/Compliance Officer's report for July/August 2020.

The purpose of the report is twofold:

1. To inform Council and the Community of infringements issued by Council Officers in relation to Animal Management for the period June-July 2020; *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

DATE: 20<sup>th</sup> July 2020 – “Dog at large” Kempton area.

DATE: 27<sup>th</sup> July 2020 - “Dog at large” Mangalore area.

DATE: 6<sup>th</sup> August 2020 – “Dog at large” Campania area.

DATE: 11<sup>th</sup> August 2020 - “Dog attacks or bites any animal and causes serious injury or death to the animal” Bagdad area.

DATE: 19<sup>th</sup> August 2020 – “Dog attacks or bites any animal and causes serious injury or death to the animal” Kempton area.

## RECOMMENDATION

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

## DECISION

*Moved by Cllr K Dudgeon, seconded by Cllr R McDougall*

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

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	



**ENCLOSURE(S)**  
*Agenda Item 14.6.1*



**YTD ANIMAL MANAGEMENT STATEMENT**  
**January to July 2020**

<b>DOG IMPOUNDS</b>	<b>RECLAIMED</b>	<b>ADOPTED</b>	<b>EUTHANISED</b>	<b>OTHER IMPOUNDS</b>
27	21	2 (Dogs Home)	4	Ewe & Lamb

**JOBS ATTENDED**  
**July/August 2020**

<b>DOGS AT LARGE</b>	<b>DOG ATTACKS</b>	<b>DOG BARKING</b>	<b>DOG GENERAL</b>
8	5	2	
Central Highlands 0	Central Highlands 0	Central Highlands 1	Central Highlands 0
<b>NEW KENNEL INSPECT</b>	<b>WELFARE</b>	<b>STOCK</b>	<b>OTHER</b>
3 active kennel licences	1	4	1
Central Highlands 0	Central Highlands 0	Central Highlands 0	Central Highlands 0

**REGISTERED DOGS: 1486**

**KENNEL LICENCES: 43**

**INFRINGEMENTS ISSUED: 5**

## 14.7 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.

**15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)**

**15.1 Community Health and Wellbeing**

**Strategic Plan Reference 4.1**

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

Nil.

## 15.2 Recreation

### Strategic Plan Reference 4.2

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

### 15.2.1 PROGRESS REPORT - PROPOSED OATLANDS AQUATIC CENTRE DEVELOPMENT

**Author:** ACTING GENERAL MANAGER (ANDREW BENSON)

**Date:** 21 AUGUST 2020

**Enclosure(s):**

1. *Project Plan (Gantt Chart dated 18<sup>th</sup> June 2020)*
2. *Copy of Invitation to adjoining owners, previous appellants and major users*
3. *Copy of the Slides Presented the Community Forum 10<sup>th</sup> August 2020*

### ISSUE

Update for Councillors on the progress of the proposed development of the Oatlands Aquatic Centre.

### BACKGROUND

Councillors are aware of the matters relating to the development of this project on the former Council Depot in Church Street Oatlands, this Report is the third of a regular monthly update in respect of the progress of the project.

### DETAIL

The following schedule is provided for Councillors to understand the scoping of the project over the next few months up until the Tender assessment/determination date.

#### 1. Status of new Development Application

- a. 9<sup>th</sup> June 2020 - A Community forum comprising, adjoining owners to the proposed Aquatic Centre site, appellants to the previous Development Application by Bzowy Architecture and major users of the proposed Aquatic Centre, was undertaken. The Project Manager and the Architect were present and the forum was facilitated by the Acting General Manager (Andrew Benson). Twenty members of the Community attended the Forum.
- b. 22<sup>nd</sup> June 2020 - DA documents were submitted to Council;
- c. 10<sup>th</sup> July 2020 - DA advertising closed – COB Friday 10 July 2020;
- d. Six representations were received;
- e. 23<sup>rd</sup> July 2020 - Council acting as a Planning Authority approved the DA;
- f. 10<sup>th</sup> August 2020 – A Community forum comprising adjoining owners to the site, appellants to the previous Development Application by Bzowy Architecture and major users of the proposed Aquatic Centre, was undertaken (invitation letter attached). The Project Manager, the Architects, the Services Engineers and the Acoustic Engineer were present and the forum was facilitated by the Acting General Manager (Andrew Benson). Eleven members of the Community attended the Forum.

- g. 11<sup>th</sup> August 2020 - No Appeals were received through the Resource Management Appeals Tribunal by the end of the Appeals period; and
- h. 12<sup>th</sup> August 2020 - The Planning Permit as issued is a valid Planning Permit.

## 2. Status of the Design Process

- a. Project Manager, Patrick Stanton has assembled the Consultant Design team. The Acting General Manager participates in the regular Consultant Design Team meetings.

Part of the issue when assembling the Consultant Design Team was trying to use the same Consultants that were contracted to Bzowy Architecture (BA) Previous Consultants, COVA (Services Engineers) and RARE (Structural and Civil Engineers) were appointed to the new Team. Philip Lighten Architects (PLA) are the new Architects and a range of minor consultants has been appointed.

A core component of the Consultant Design Team is the Pool Engineering and Water Filtration Services. This was previously an organisation called CREO. Geoff Ninnes Fong & Partners (GNFP) has replaced them. Whilst it was hopeful to release the Tender on the 14<sup>th</sup> August 2020, the ability of getting the CREO Consultants to talk to the new Team was unsuccessful. By the time it came to the realisation that this connection would not happen, it then provided a very short timeframe for GNFP to develop their design drawings and contract material ready for the anticipated Tender release date.

The target date for the Tender release was 14<sup>th</sup> August 2020, providing the maximum time for the Tender response and assessment. In reviewing the ability for GNFP to provide full documentation a rescheduled tender release date is now Monday 7<sup>th</sup> September 2020 and the Tender closing date being 30<sup>th</sup> September 2020. Project Manager (Patrick Stanton) advises that he is comfortable with the revised Tender release date, and that he will be able to provide a recommendation to the October 2020 Council meeting as per the original Project Plan (copy attached).

- b. 7<sup>th</sup> September 2020 - Building Application to be lodged
- c. 7<sup>th</sup> September 2020 - Building Tenders released
- d. 30<sup>th</sup> September 2020 – Tender closes
- e. 20<sup>th</sup> October 2020 – Tender analysis completed

## 3. Council considerations

- a. 14<sup>th</sup> September 2020 - Aquatic Centre Operational costs and considerations of life cycle costing – Workshop
- b. 21<sup>st</sup> October 2020 – Agenda closes
- c. 28<sup>th</sup> October 2020 - Contractor Tender Assessment considered by Council
- d. 2<sup>nd</sup> November 2020 - Award Contract

## 4. Other

- a. 9<sup>th</sup> November 2020 - 'CT Fish' building demolition. All Permits are in place.
- b. 9<sup>th</sup> November 2020 - Contractor commences on site

- c. Council team undertakes the car park construction as well as the landscaping – subject to coordination with the Contractor.
- d. 21<sup>st</sup> October 2021 – Aquatic Centre Practical Completion
- e. 31<sup>st</sup> October 2021 Official opening
- f. 21<sup>st</sup> October 2022 - End of Defects Liability Period

**Human Resources & Financial Implications** - The Acting General Manager is the Client representation for the project.

**Community Consultation & Public Relations Implications** - The Community, comprising adjoining owners to the site, appellants to the previous Development Application by Bzowy Architecture and major users of the proposed Aquatic Centre, have been engaged and consulted pre-Development Application submission and pre Building Application / Tender Release.

**Policy Implications** – Nil.

**Priority - Implementation Time Frame** - As detailed in the Report.

## RECOMMENDATION

THAT Council receive and note the report.

## DECISION

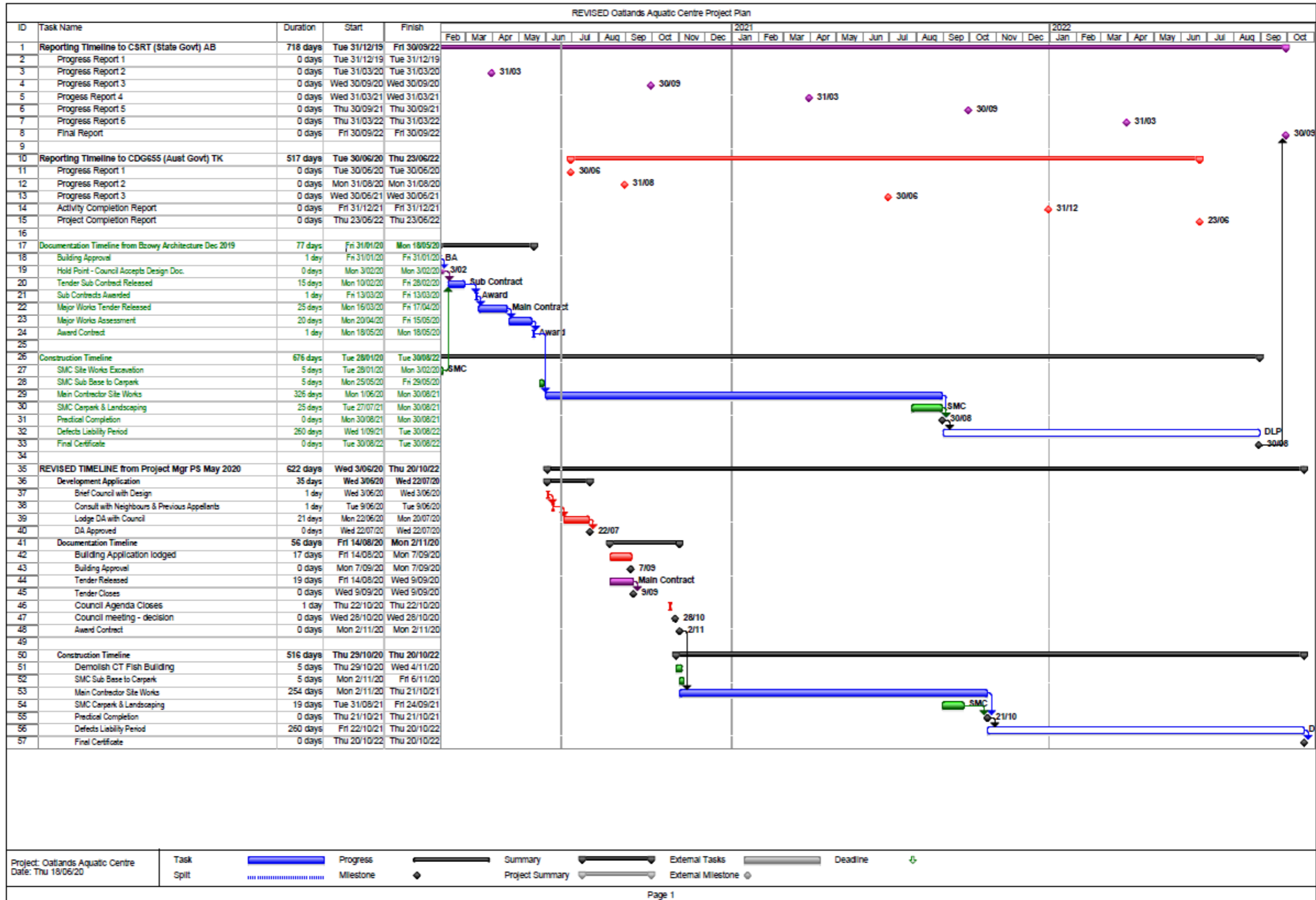
*Moved by Clr A Bisdee OAM, seconded by Clr D Fish*

**THAT Council receive and note the report.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**ENCLOSURE(S)**  
Agenda Item 15.2.1







31<sup>st</sup> July 2020

Email

Dear

**PROPOSED OATLANDS AQUATIC CENTRE**

At the forum for the proposed Oatlands Aquatic Centre held at the Gay Street Community Hall on Tuesday 9<sup>th</sup> June 2020, I made a commitment to bring the Project Manager and the Architect back to another forum to meet with participants, to enable further questions to be addressed prior to the Building Application being submitted.

It was noted that some matters raised at the June forum were not able to be addressed because the Architect had only been appointed some five weeks prior to the forum and that the full depth of understanding around the mechanical plant & equipment design considerations such as noise and vibration were relatively unknown until the final design was further down the track to completion.

We are now at a position within the design process to be able to structure another forum to share further information.

It is my intention to bring, the designer of the mechanical services equipment, along with our Acoustics Engineer to that forum, in addition to the Project Manager and the Architect, to talk through any matters that were unresolved at the previous forum.

The Oatlands Ex Servicemen & Community Club in Albert Street, has been booked for this forum with the same participants from the June forum invited to attend. The forum will commence at 2.00pm on Monday 10<sup>th</sup> August 2020.

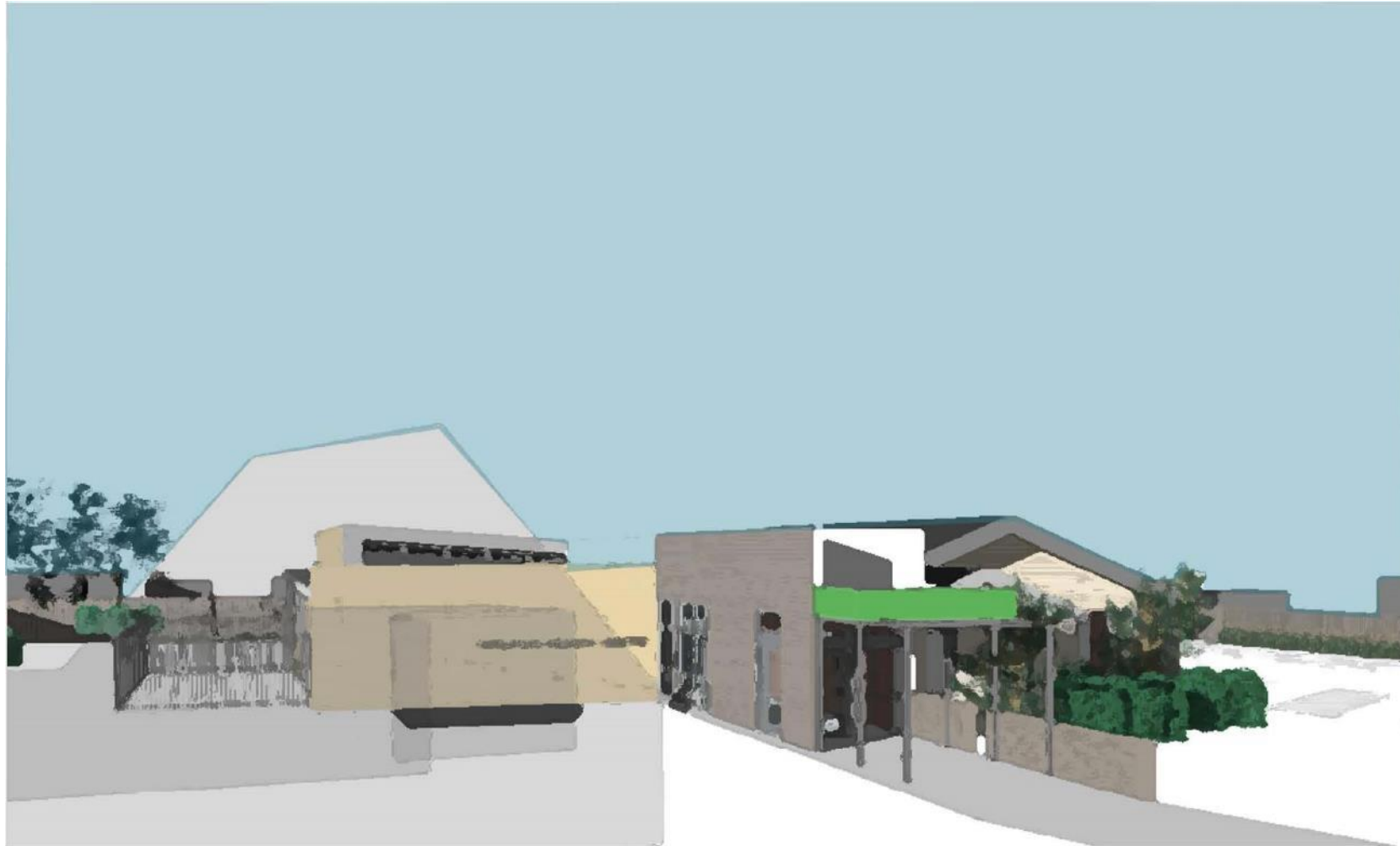
I would like to invite you to join the forum to participate in the discussions if you are available.

It would be appreciated if you could advise me, on my mobile 0429 852 730, via call or text, if you will be able to attend the forum,

Yours sincerely

A handwritten signature in black ink that reads 'Andrew Benson'. The signature is fluid and cursive, with a long horizontal flourish extending from the end.

Andrew Benson  
Acting General Manager



## OATLANDS AQUATIC CENTRE

Presentation to the Community  
10 August 2020

**PhilpLighton** Architects

 **SMG**  
STANTON MANAGEMENT GROUP



## Project Team

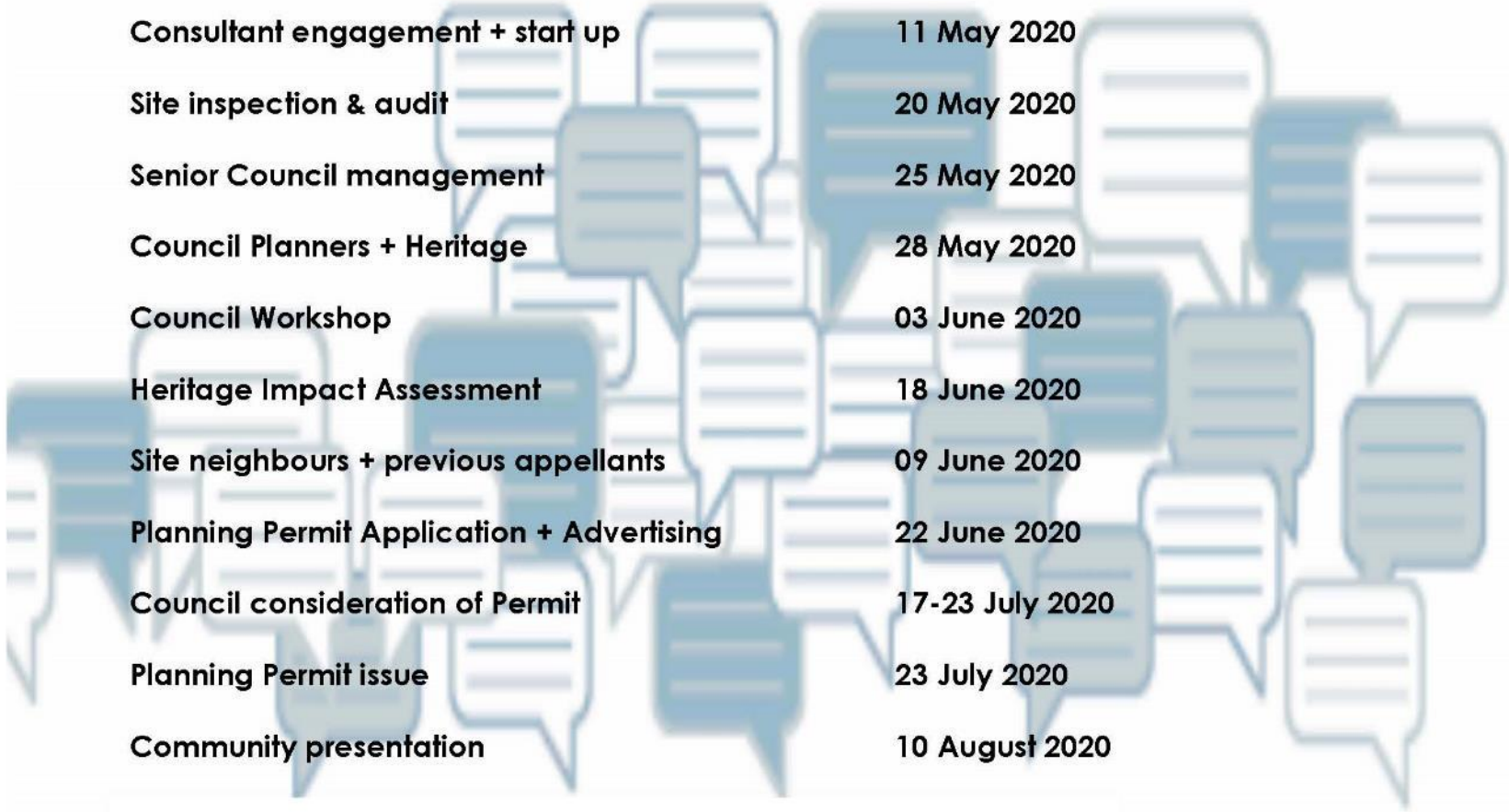
<b>Client</b>	<b>Southern Midlands Council</b>	<b>Andrew Benson</b>
<b>Project manager</b>	<b>Stanton Management Group</b>	<b>Patrick Stanton</b>
<b>Architects</b>	<b>Philp Lighton Architects</b>	<b>Peter Gaggin</b> <b>Maciek Salacinski</b>
<b>Services Engineers</b>	<b>COVA</b>	<b>Simon Little</b> <b>Julian Cook</b>
<b>Structural Engineers</b>	<b>RARE</b>	<b>Alan Leake</b>
<b>Civil Engineers</b>	<b>RARE</b>	<b>Alan Leake</b>
<b>Acoustic Engineers</b>	<b>Tarkarri Engineering</b>	<b>Alex McLeod</b>
<b>Aquatic Engineers</b>	<b>Geoff Ninnnes Fong &amp; Partners</b>	<b>Brad Fong</b>
<b>ESD + Energy</b>	<b>RED Sustainability</b>	<b>Steve Watson</b>
<b>Surveyors</b>	<b>Leary + Cox</b>	<b>Noel Leary</b>
<b>Landscape Design</b>	<b>PLA + Land Solutions</b>	<b>Paul Bramich</b>
<b>Building Surveyors</b>	<b>Pitt &amp; Sherry</b>	<b>Roland Wierenga</b>
<b>Heritage</b>	<b>Wadsley Heritage Planners</b>	<b>John Wadsley</b>
<b>Builder</b>	<b>To tender</b>	<b>To be advised</b>

## OATLANDS AQUATIC CENTRE PROJECT TEAM

**PhilpLighton** Architects







<b>Consultant engagement + start up</b>	<b>11 May 2020</b>
<b>Site inspection &amp; audit</b>	<b>20 May 2020</b>
<b>Senior Council management</b>	<b>25 May 2020</b>
<b>Council Planners + Heritage</b>	<b>28 May 2020</b>
<b>Council Workshop</b>	<b>03 June 2020</b>
<b>Heritage Impact Assessment</b>	<b>18 June 2020</b>
<b>Site neighbours + previous appellants</b>	<b>09 June 2020</b>
<b>Planning Permit Application + Advertising</b>	<b>22 June 2020</b>
<b>Council consideration of Permit</b>	<b>17-23 July 2020</b>
<b>Planning Permit issue</b>	<b>23 July 2020</b>
<b>Community presentation</b>	<b>10 August 2020</b>

## **OATLANDS AQUATIC CENTRE CONSULTATION**

**PhilpLighton** Architects

OATLANDS AQUATIC CENTRE





## OATLANDS AQUATIC CENTRE PROPOSAL

PhilpLighton Architects





## Oatlands Aquatic Centre – Proposal

Construction of a new single storey indoor aquatic centre comprising:

- 25 x 12m main pool
- 12 x 5m child pool
- Change amenities, including Male / Female / Parenting, Accessible / Carers
- Activities room
- Administration area and associated facilities
- Internal circulation and egress
- External recreational spaces and playgrounds
- Plant and services
- 37 carparking spaces, including 2 accessible spaces, emergency vehicles and road access
- Associated civil and services infrastructure

The proposal will demolish the existing retail building known as the CT Fish building, together with miscellaneous fences, and a redundant dilapidated shed.

The public park to High Street is to be retained, redeveloped and incorporated into the design

### Site



PhilpLightton Architects

OATLANDS AQUATIC CENTRE





## Site – images



1 2



1  
From Council Chambers  
across High St

2  
High Street  
CT Fish Building +  
Community Centre



3 4



3  
High Street  
Community Centre

4  
Site  
Looking North West



5 6



5  
Site  
Looking South East

6  
Site  
Looking North East







<b>Engagement of Consultants + Briefing</b>	<b>May 2020</b>
<b>Site information – survey / heritage / infrastructure</b>	<b>May 2020</b>
<b>Schematic Design</b>	<b>May – June 2020</b>
<b>Consultation</b>	<b>May – June 2020</b>
<b>Design Development to Planning Application</b>	<b>June 2020</b>
<b>Planning Permit issued</b>	<b>23 July 2020</b>
<b>Detailed documentation and specifications</b>	<b>June – August 2020</b>
<b>Tender issued via Tenderlink</b>	<b>21 August 2020</b>
<b>Architectural, Engineering + Building Surveyor certification</b>	<b>August 2020</b>
<b>Building + Plumbing Permits</b>	<b>September 2020</b>
<b>Council Approval</b>	<b>October 2020</b>
<b>Construction start</b>	<b>November 2020</b>
<b>Completion</b>	<b>September 2021</b>
<b>Commissioning + opening</b>	<b>October 2021</b>

## OATLANDS AQUATIC CENTRE PROGRAMME TIMELINE



## OATLANDS AQUATIC CENTRE TOWN PLANNING

PhilpLighton Architects





## Oatlands Aquatic Centre – Planning Permit DA2020 – 63

Planning Application submitted to Council 23 June 2020

6 Representations

Unanimous approval at Council meeting 23 July 2020

### Main concerns of representations

Landscaping – consideration of planting and community building

Traffic management on South Parade

Noise

Stormwater disposal

Lot 3 future use

Archaeology and heritage

Opening hours

## Oatlands Aquatic Centre – Planning Permit DA2020 – 63

### Main concerns of representations

Landscaping – consideration of planting and community building

**Comment:** *Met by minor redesign of the garden*

Traffic management on South Parade

**Comment:** *see following from SMC*

Noise

**Comment:** *covered in conditions of permit (following)*

Stormwater disposal

**Comment:** *covered in conditions of permit (following)*

Lot 3

**Comment:** *see following from SMC*

Archaeology and heritage

**Comment:** *covered in conditions of permit (following)*

Opening hours

**Comment:** *covered in conditions of permit (following)*

## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Main concerns of representations

**Andrew Benson**

**Southern Midlands Council**

Location and Site Plans follow

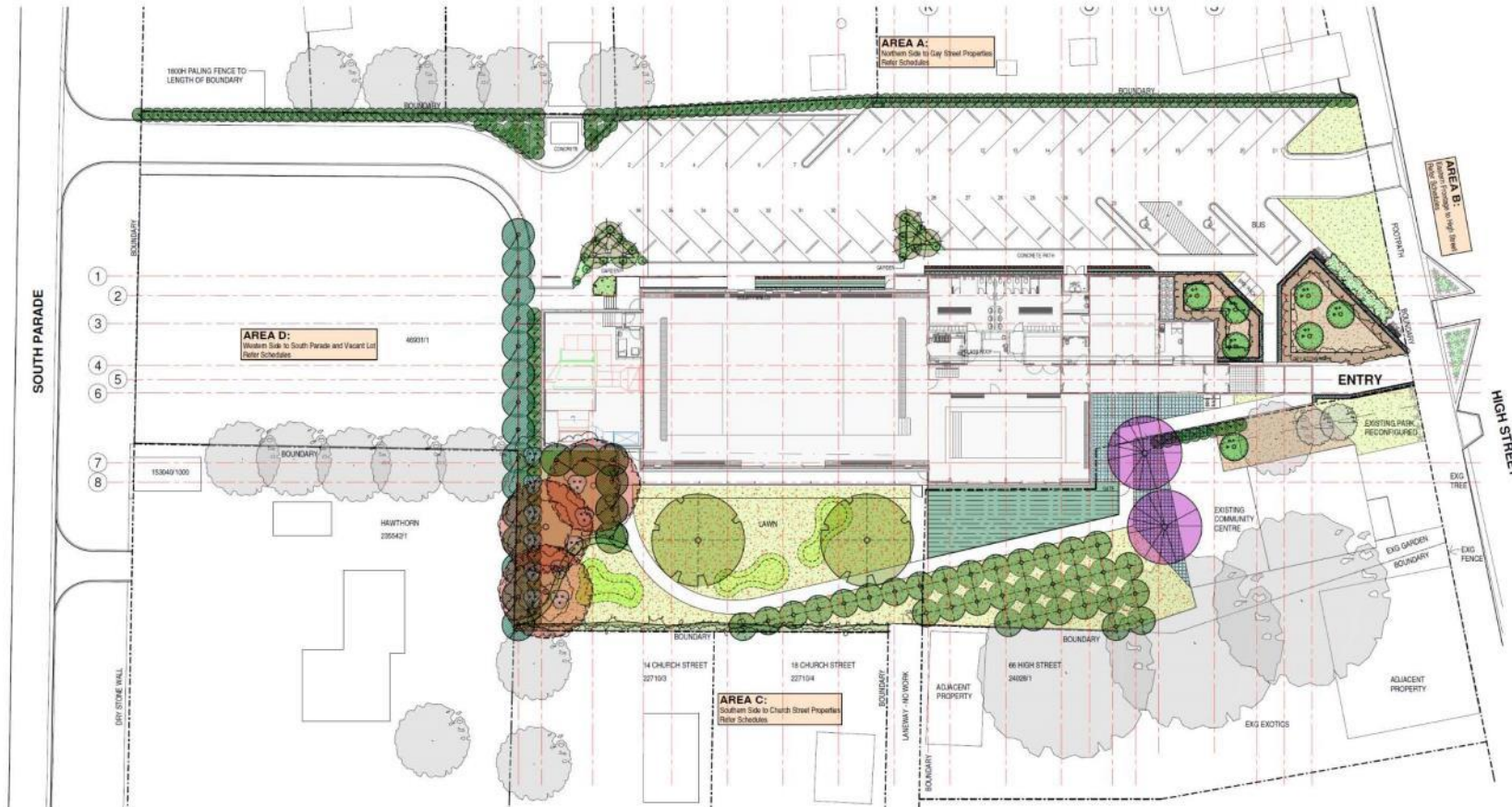
Traffic management on South Parade

Lot 3



## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Traffic management - Andrew Benson, Southern Midlands Council







## Oatlands Aquatic Centre – Planning Permit DA2020 – 63

32 Conditions on Permit – listed below with commentary

### Conditions 1-3 General

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

## Oatlands Aquatic Centre – Planning Permit DA2020 – 63

32 Conditions on Permit – listed below with commentary

### Conditions 1-3 General

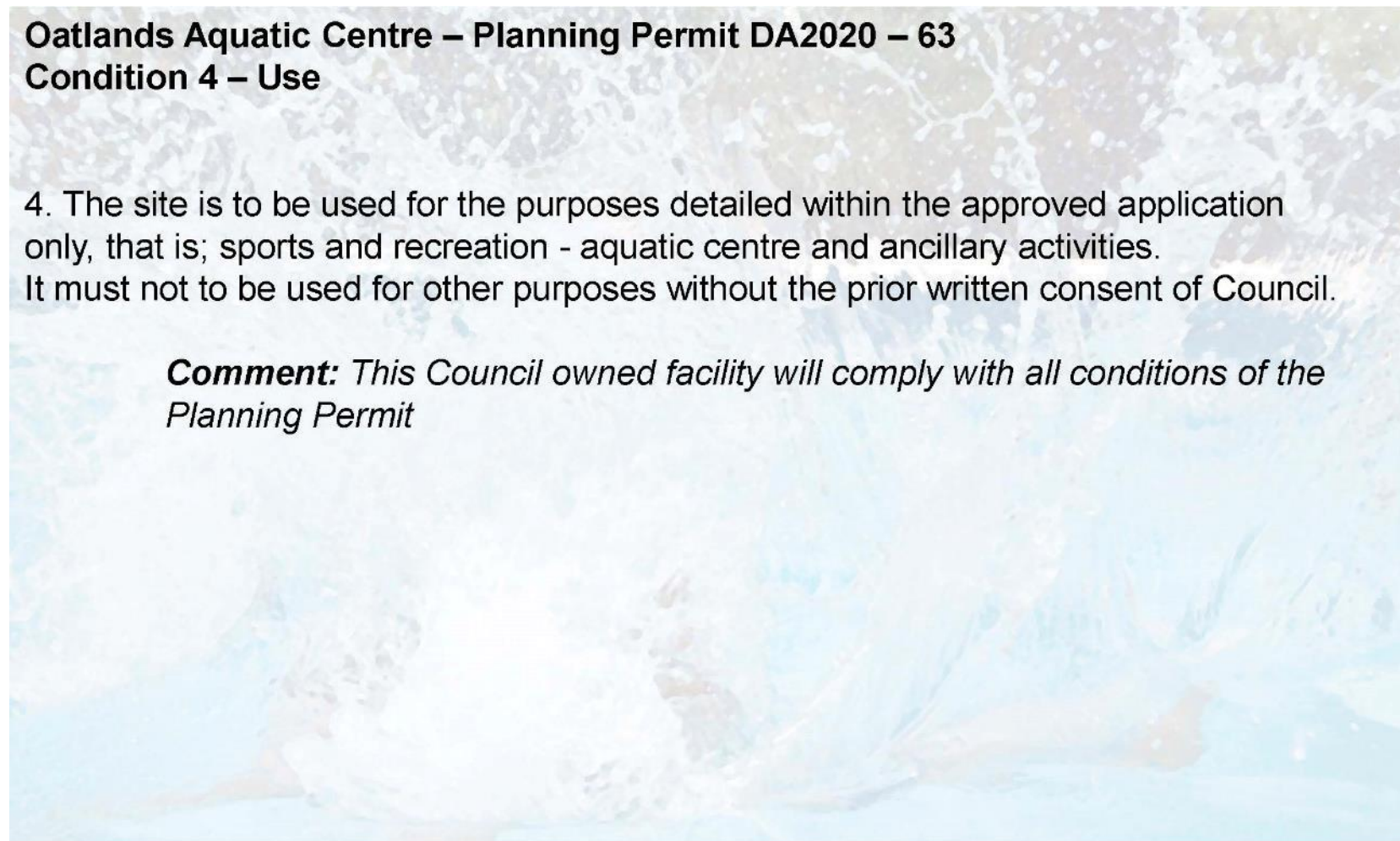
**Comment:** *The documentation prepared by the Consultant team complies with all requirements of the Planning Permit.  
The Planning Permit will be effective from close of business 10 August 2020  
The site titles are being consolidated under a separate planning permit SA2016/06. This is currently underway.*



## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Condition 4 – Use

4. The site is to be used for the purposes detailed within the approved application only, that is; sports and recreation - aquatic centre and ancillary activities. It must not be used for other purposes without the prior written consent of Council.

*Comment: This Council owned facility will comply with all conditions of the Planning Permit*



## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Condition 5 – Hours of operation

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

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

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

***Comment:*** This Council owned facility will comply with all conditions of the Planning Permit



## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Conditions 6-8 – amenity

6. The developer/operator shall seek written approval from Council prior to the installation of any external CCTV or other security cameras on the land. All external security devices shall be sympathetic to the amenity of neighbouring residents.
7. All external lighting must be designed and baffled to avoid light spill to adjoining properties to the satisfaction of the Council's Manager of Development and Environmental Services.
8. Use of external lighting outside the hours of 11pm and 6am must be limited to security lighting only to the satisfaction of the Council's Manager of Development and Environmental Services.

***Comment:*** This Council owned facility will comply with all conditions of the Planning Permit.

*The external lighting will be directional LED designed for no light spill to adjoining properties*

## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Conditions 9-10 Environment

9. Prior to first use of the development a noise assessment of the plant and equipment to be installed on the site must be submitted and any recommendations implemented to the satisfaction of the Council's Manager of Development and Environmental Services.

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

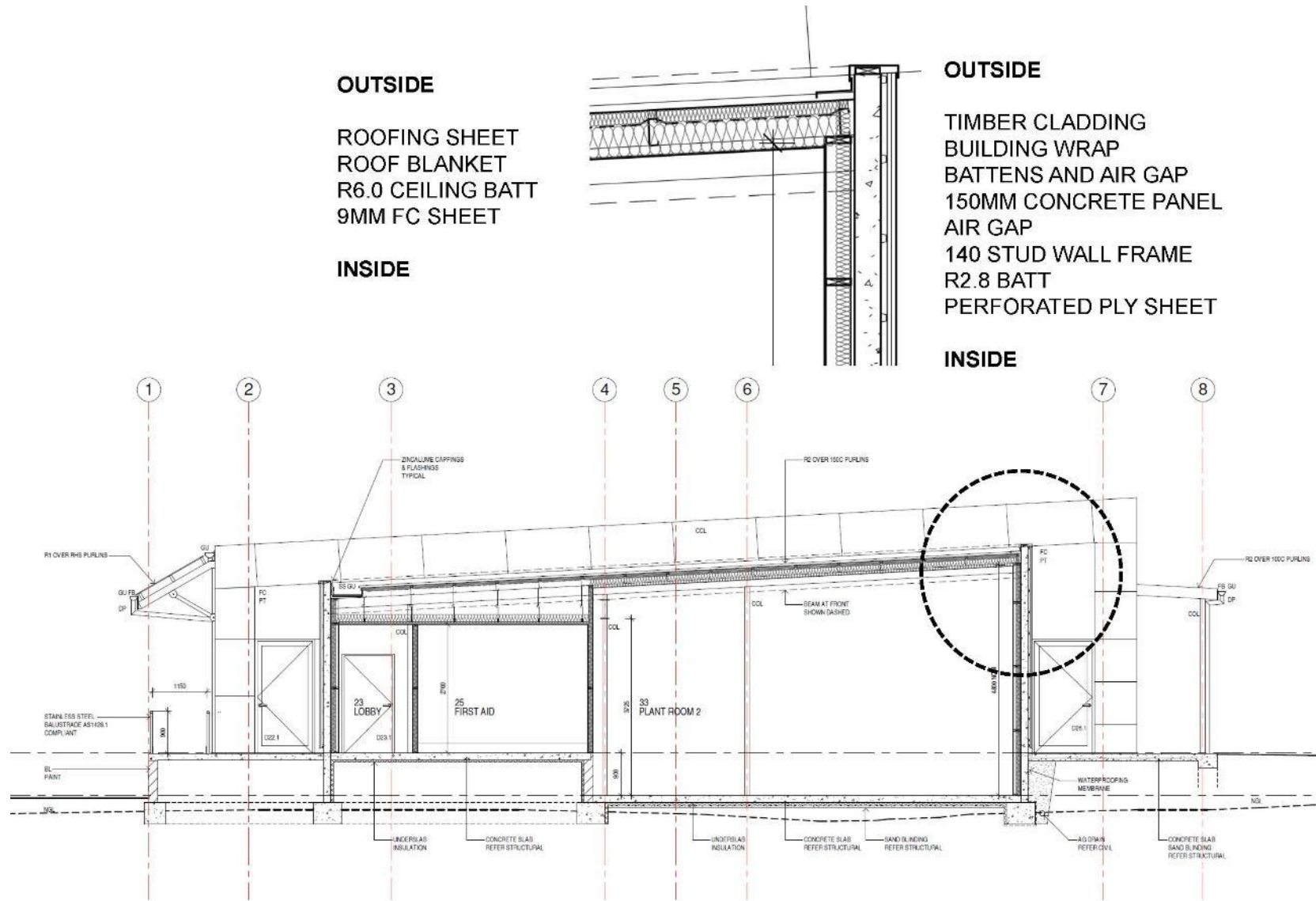
### **Alex McLeod Tarkarri Engineering**

*Comment: Testing, including existing background ambient background noise, will be undertaken by the project acoustic engineer in accordance with the Permit requirements*

*The pool and building mechanical plant are contained within the fully enclosed and acoustically attenuated plantroom to the Western or rear end of the building*

*The landscape plan indicates a 2100mm high timber paling fence and lilli-pilly hedging to 2-3m height along the fenceline.*





## Oatlands Aquatic Centre – Planning Permit DA2020 – 63

### Conditions 11- 12 Landscaping

11. Landscaping – to be completed within 3 months of occupation & use

Comment: Council is undertaking the landscaping works

12. Fences

a. 2.1m high paling fence to neighbouring properties (unless otherwise agreed by the adjoining owner)

b. No fencing to South Parade

**Comment:** a fully designed and specified landscape plan has been prepared by Land Solutions Landscape Design in association with the project architects.

The proposal includes all planting, turf areas, mulch and automatic irrigation systems.

The landscaping works will be constructed by Southern Midlands Council under the supervision of the project team





## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Conditions 13 – 21 Parking and Access

13. Parking and access – 37 spaces to be provided
14. Parking and access – 2 x dedicated and signed spaces for use by people with disabilities to be provided
15. Driveway design
  - a. 3m minimum width @ max 1:5 grade
  - b. on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction
  - c. All weather paving
  - d. Linemarking
  - e. Drainage discharge to stormwater
16. Compliant site lines and concrete pavement access onto carriageway
17. Parking plan to be certified and approved by civil engineer
18. Parking to be built in accordance with plans
19. Parking and turning areas to be built in accordance with plans
20. Parking and turning areas to be built prior to commencement of use
21. Car parking lighting - light pollution to be minimised



## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Conditions - Parking and Access

**Comment:** car parking, road access and egress, turning, pavement, kerbs, channels, linemarking have been designed and will be certified by the project Civil Engineers, Rare Innovations Engineering of Launceston.

The carpark lighting is directional LED lighting with no light spill to adjoining properties

All conditions of the permit have been met within the tender documentation.

The works will be constructed by Southern Midlands Council under the supervision of the project engineer.

## Oatlands Aquatic Centre – Planning Permit DA2020 – 63

### Conditions 22-25 Services

22. Services costs to be borne by developer
23. Stormwater management plan to be provided
24. Drainage from site to be to a legal discharge point
25. Drainage treatment to be provided

**Comment:** *To manage the stormwater from site a bio-retention tank will be installed to:*

*A. Filter Gross Pollutants and hydrocarbons, and;*

*B. Retain stormwater from peak storm events on site and limit discharge into the existing council infrastructure at a rate no greater than the pre-developed site discharge.*

*All conditions of the permit have been met within the project Contract documentation. The works will be constructed by Southern Midlands Council under the supervision of the project engineer*



## Oatlands Aquatic Centre – Planning Permit DA2020 – 63

### Condition 26 Archaeology

26. In the event of the uncovering potentially significant archaeology, during the works, the developer must cease the activity immediately contact Council's Manager of Heritage Projects for further advice and procedure before works, related to the particular site, can continue.

Any subsequent documentation and management of archaeology must be to the satisfaction of the Manager of Heritage Projects.

***Comment:** this is specified within the project Contract documentation and will be managed by the project team during excavation and / or subsequent site works*

## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Condition 27 Taswater

27. Taswater conditions (water & sewage)

*Comment: the sewage and water hydraulic systems have been documented and will be certified by the project civil and hydraulic engineers within the Contract tender documents to comply with all Taswater requirements*

## Condition 28 Protection of water quality

28. Soil and water management plan (SWMP) to be provided

*Comment: this is specified within the project Contract documentation and will be managed by the project team*



## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Conditions 29 - 32 Construction Amenity

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

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

Saturday 8:00 a.m. to 6:00 p.m.

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

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

- a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
- b. The transportation of materials, goods and commodities to and from the land.
- c. Obstruction of any public footway or highway.
- d. Appearance of any building, works or materials.
- e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.

## Oatlands Aquatic Centre – Planning Permit DA2020 – 63 Conditions 29-32 Construction Amenity – continued

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

*Comment: this is specified within the project Contract documentation and will be managed by the project team*





## OATLANDS AQUATIC CENTRE THE PROJECT

PhilpLighton Architects







PhilpLightton Architects

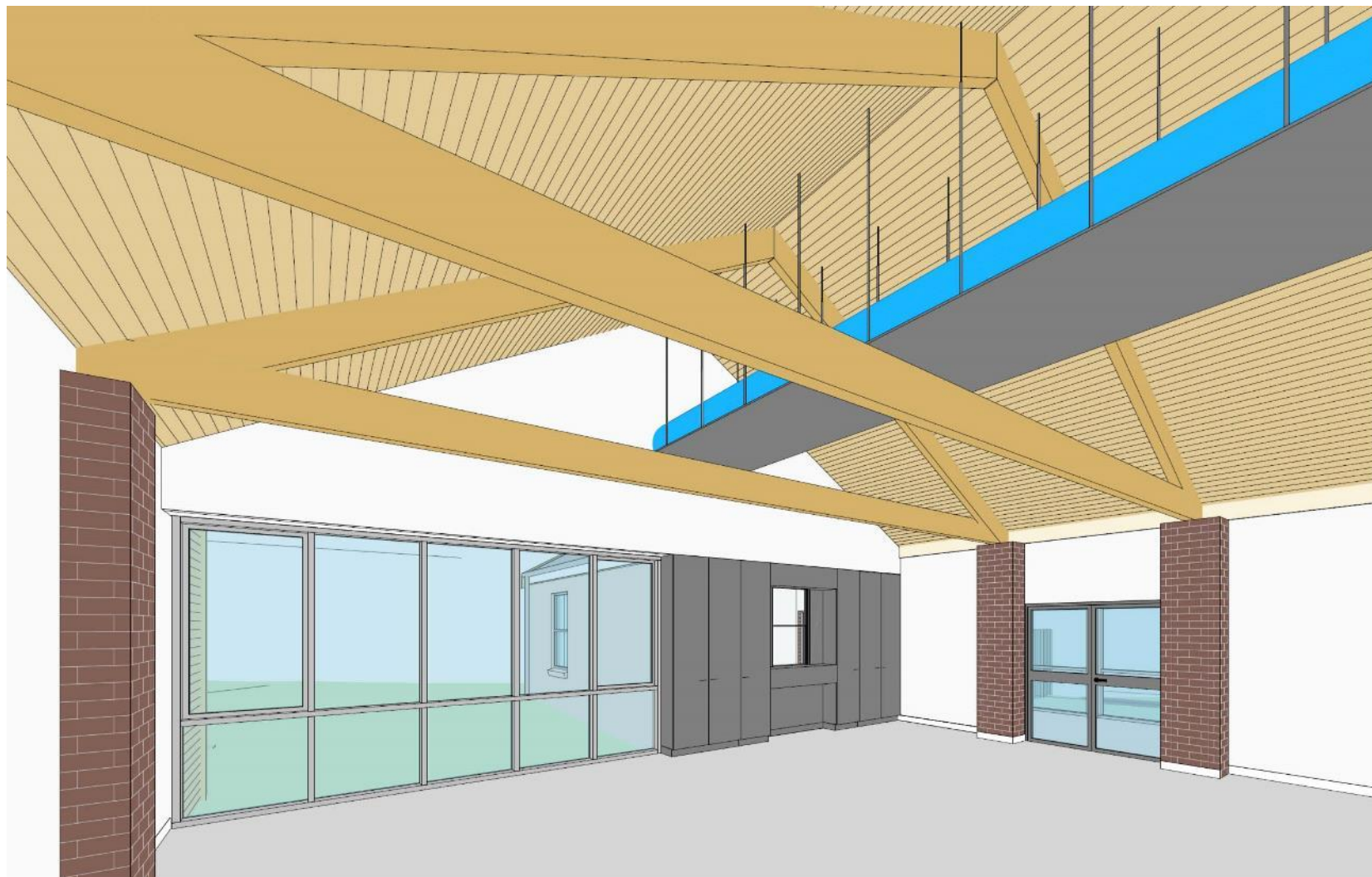
OATLANDS AQUATIC CENTRE











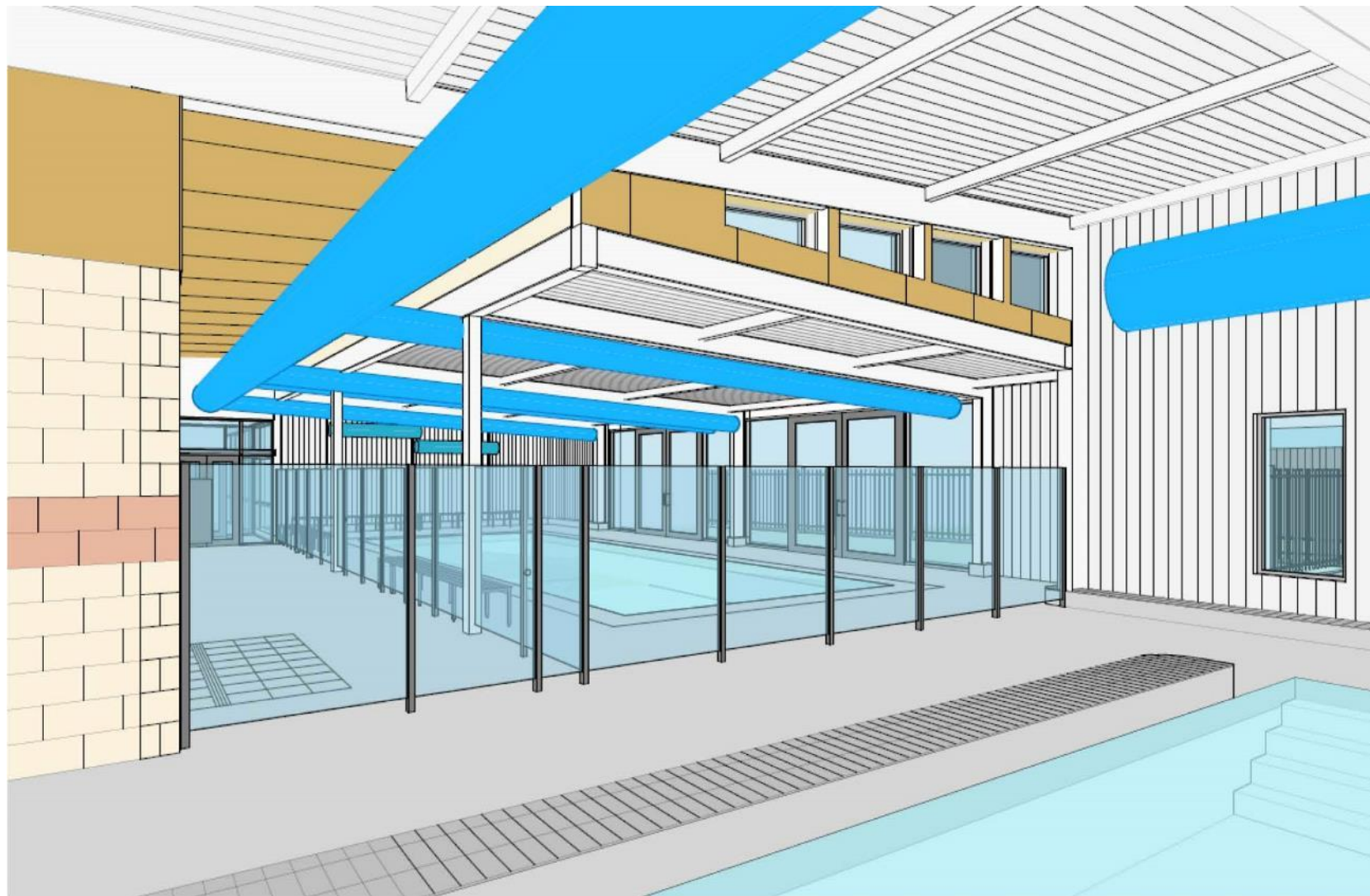


















## OATLANDS AQUATIC CENTRE THE PROJECT – 3D PRESENTATION

PhilpLighton Architects



### 15.3 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.

### 15.4 Volunteers

**Strategic Plan Reference 4.4**

*Encourage community members to volunteer.*

Nil.

### 15.5 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.

### 15.6 Education

**Strategic Plan Reference 4.6**

*Increase the educational and employment opportunities available within the Southern Midlands*

Nil.

## 15.7 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.*

### 15.7.1 TUNNACK STREETSCAPE PLAN

**Author:** ACTING GENERAL MANAGER (ANDREW BENSON)

**Date:** 20 AUGUST 2020

#### ISSUE

Provision of an update on the Tunnack Streetscape and Cemetery Project.

#### BACKGROUND

#### [EXTRACT DECEMBER 2019 COUNCIL MEETING]

#### 16.1.2 TUNNACK STREETSCAPE PLAN – MEETING WITH TUNNACK COMMUNITY HALL REPRESENTATIVES - HELD 3RD DECEMBER 2019

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 6 DECEMBER 2019

**Enclosures:**

*Meeting Notes – Held 3<sup>rd</sup> December 2019*

#### ISSUE

*To report on the outcomes of the meeting held with representatives of the Tunnack Community Hall Management Committee held 3<sup>rd</sup> December 2019.*

#### BACKGROUND

*This meeting followed an allocation of \$5,000 in the 2019/20 Capital Works Program.*

*In the first instance, the Community Hall Management Committee was seen as an ideal representative group to commence the discussion in terms of identifying the issues and priorities. It should be noted that a number of the Hall Committee representatives are also members of the Tunnack Community Club Inc.*

#### DETAIL

*Refer attached meeting Notes.*

**Human Resources & Financial Implications** – *to be determined.*

**Community Consultation & Public Relations Implications** – *refer Meeting Notes.*

**Policy Implications** – *N/A*

**Priority - Implementation Time Frame** – *N/A*

**RECOMMENDATION**

*THAT the information be received and Council endorse the proposed actions recorded in the Meeting Notes.*

**DECISION**

*Moved by Cllr R McDougall, seconded by Cllr K Dudgeon*

*THAT the information be received and Council endorse the proposed actions recorded in the Meeting Notes.*

**CARRIED**

**[END EXTRACT DECEMBER 2019 COUNCIL MEETING]**

**[ENCLOSURE TO THE DECEMBER 2019 MEETING MINUTES]**

***Tunnack – Community Representatives Meeting  
Tunnack Community Hall***

***Notes of the Meeting held 4<sup>th</sup> December 2019 commencing at approximately 2.30 p.m.***

**1. Attendance:**

**Name:**

*Janine Scott  
Robyn Bourke  
Helen Clarke  
Gaylene Barry  
Dave Northey  
Carol Byers  
Jack Lyall  
Tim Kirkwood*

**2. Apologies:**

*Cllr Rowena McDougall, Sue Scott.*

**3. Discussion Items:**

**a) Tunnack General Cemetery**

*Noting that Mrs Susan Scott was an apology for the meeting, the Group did consider the attached document prepared by Sue. This followed a brief site visit prior to discussion at the Community Hall.*

*In reference to the document there were eight suggestions, including comments prepared by Sue.*

*In the first instance, the Group determined:*

- 1. Resurrect the headstones – decision deferred pending confirmation of what information exists and/or on-site assessment*
- 2. Erect a noticeboard, listing names, dates and family connections – agreed with suggestion following confirmation of available information*
- 3. Erect a boundary fence between the cemetery and the adjoining farmland – to be considered following confirmation of an overall plan for the Cemetery*

*property (it was noted that some means of managing vegetation was necessary)*

- 4. Build a shelter hut (noticeboard would then be sheltered from the weather) – to be further considered*
- 5. Create a picnic ground – to be further considered*
- 6. A track would need to be created from the road gate to the area where the graves are located - agreed with suggestion but this would follow identification and confirmation of the location of the graves.*
- 7. A bigger sign at the road gate – to be further considered. As an interim measure, additional gravel will be placed at the entry to expand the ‘pull-off’ area.*
- 8. Advertise widely about this idea – agreed with suggestion but promotion of the proposal would follow the initial research to determine what information and detail is currently available. This advertising process could also provide an opportunity to invite the broader community to submit any additional information / history that may be available.*

*In conclusion, Brad Williams and Alan Townsend will work with Sue Scott to commence an information gathering exercise.*

#### ***b) Tunnack Township Improvements***

*By way of introduction, Tim Kirkwood informed the meeting that Council had allocated an amount of \$5,000 in the 2019/20 Budget – referred to as ‘Tunnack Streetscape Concept Plan’.*

*This was a general allocation, with no specific projects or activities in mind.*

*Council is eager to consult the community to identify the relevant issues and identify projects that could be undertaken as part of an on-going improvement plan.*

*The following is a dot point list of issues raised, together with proposed actions (in no particular order):*

- Roadside Verge / Footpath improvements (primarily weed spraying) – to be actioned immediately.*
- Planting of street trees (including tree guards – similar to Colebrook) – the plantings would extend through the township in designated locations (i.e. from boundary sign to boundary sign. Frost resistant trees. Plan to be prepared for further discussion and consultation.*
- Roadside verge (opposite Hall) – can the drain be filled in which would allow for additional parking opposite the Hall and enhance overall appearance. Approval to be sought from Department of State Growth noting that this is a State maintained Road.*
- Tunnack Community Hall – Painting of front Fence – agreed that Council would supply the paint and the community would undertake the work voluntarily (10 litres of white paint to be supplied).*
- Tunnack Community Hall – supply of solar light to be erected on the front of the Hall to provide additional lighting to the electrical switchboard area – to be actioned immediately.*
- Streetlight relocation – update provided – awaiting confirmation of timeframe from Tas Networks.*
- Directional Sign(s) – traditional wooden type ‘Finger-post’ type of sign to be erected in the vicinity of the Tunnack Community Club.*



*To conclude, an invitation was extended to those present to consult with other members of the community and provide additional input and/or suggestions as these proposals are progressed.*

**[END ENCLOSURE TO THE DECEMBER 2019 MEETING MINUTES]**

**DETAIL**

Letter received from Susan Scott on behalf of the Tunnack Community.

*13 August 2020  
The General Manager  
Southern Midlands Council  
OATLANDS 7120*

*Dear Tim and Andrew*

*The public meeting at Tunnack on Saturday was a success, with 20 interested people attending. It was good to be able to allow the opportunity for everyone to have a say.*

**Streetscape:** *Graham Green provided us with a comprehensive report, showing proposed location of trees, and a rundown of the species we have talked about. We were pleased to have council employee Stuart Palmer there as well, as he has been involved in other tree plantings in the southern midlands.*

*The next step is a walk down the street with a spray marker, to determine exactly where they will be planted, talking with residents along the way. Graham will let me know when this is going to happen. I believe the tree guards are in the process of being built.*

**Cemetery:** *Brad Williams opened the discussion with an overview of what we have seen and talked about up till now. With some 'new' people in attendance, there were more suggestions put forward too. We like the idea of putting a portion of the ten-acre site up for sale, and using the proceeds to fund our project if possible. Of course, it is not that straight-forward, bearing in mind the significant cost of surveying and selling. However, if there is some way of funding this stage, perhaps with a grant from Council, that would be wonderful.*

*In a perfect world, this is what we would like:*

- 1. Brass plaque with list of names of those buried there (waiting on ballpark quote from a Hobart company)*
- 2. Small shed to house the plaque (this need only have one back wall. Design expertise has been offered by a local historian/retired builder/draftsman)*
- 3. Stock-proof fence around the small gravesite*
- 4. A nice gate at the entrance to the gravesite*
- 5. A bench seat.*

*Andrew, you also mentioned recently that council would be happy to gravel a small parking area at the gate. During the meeting, it was suggested by a resident that the area to be fenced could be an oblong running from the road, north to the boundary with the neighbouring property. That would take in the area where the graves are located, on the eastern (right hand) side of the ten acres. This would then leave a much neater block for council to offer for sale. The existing gate could stay where it is, to access the sold block. A new gate could be put in for the cemetery, further east along the road, and this is where it would need to be gravelled for parking. Maybe, there is not even a need for a road fence at all, at the right hand side.*

*After discussion with a staff member at Tasmanian Community Fund, it is obvious that anything we plan to do will not come within this year's guidelines for their funding, as they are targeting coronavirus community recovery projects.*

*We hope that council could undertake to fence the area, as we have discussed in the past. I am happy to meet there to confirm where the fence goes, once the survey happens.*

*A working bee to start tidying up the site will be held on Saturday 17 October from 10:00 am. More details later. Many thanks for your support, as we strive to tidy our tiny town.*

*Susan G Scott*

**Human Resources and Financial Implications** – There is a budget allocation in the 2019/20 carry over and the 2020/21 budget for these works.

**Community Consultation and Public Relations Implications** – This project is being driven in partnership with the Community.

**Policy Implications** – Nil.

**Priority - Implementation Time Frame** – This financial year.

## RECOMMENDATION

THAT Council note the information and the progress of the project.

## DECISION

*Moved by Clr R McDougall, seconded by Clr D Fish*

**THAT Council note the information and the progress of the project.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**RESOLVED** to write to Sue Scott congratulating her on her recent retirement.

## 15.8 Safety

**Strategic Plan Reference 4.8**

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

Nil.

## 15.9 Consultation & Communication

**Strategic Plan Reference 4.8**

*Improve the effectiveness of consultation & communication with the community.*

Nil.

## 16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

### 16.1 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*

Nil.

## 16.2 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*

### 16.2.1 APPOINTMENT - AUDIT PANEL

**Author:** ACTING GENERAL MANAGER (ANDREW BENSON)

**Date:** 20 AUGUST 2020

**Enclosure:**

*Local Government (Audit Panels) Order 2014*

### ISSUE

Council to appoint an elected member to the Audit Panel.

### BACKGROUND

Clr Rowena McDougall was appointed to the Audit Panel following the last Council election in November 2018.

Clr McDougall has tendered her resignation from the Audit Panel effective from 16<sup>th</sup> July 2020.

Council will now need to appoint an elected member to replace Clr McDougall's position on the Audit Panel.

### DETAIL

Current membership of the Audit Panel includes Mr David Sales (Independent Chairperson) plus two elected members. Deputy Mayor Edwin Batt is a member and there is now a vacant position (ex Clr McDougall).

Note: Item 5 – Membership of audit panel, section 2(a) of the Local Government (Audit Panel) Order 2014 precludes the Mayor from being appointed to the Audit Panel.

The General Manager and Deputy General Manager also attend the Audit Panel meetings in an ex-officio capacity.

The function of an Audit Panel is to determine:-

- (a) *whether the annual financial statements of the council accurately represent the state of affairs of the council;*
- (b) *whether and how the Part 7 plans are integrated and the processes by which, and assumptions under which, those plans were prepared;*
- (c) *the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the council has in relation to safeguarding its long-term financial position;*



- (d) *whether the council is complying with the provisions of the Act and any other relevant legislation;*
- (e) *whether the council has taken any action in relation to previous recommendations provided by the audit panel to the council and, if it has so taken action, what that action was and its effectiveness.*

Additional details on the role and function of the Audit Panel can be found in the enclosed *Local Government (Audit Panels) Order 2014*.

## RECOMMENDATION

THAT Council appoint an elected member to the Audit Panel.

## DECISION

*Moved by Clr D Fish, seconded by Clr R McDougall*

**THAT Clr A Bantick be appointed to the Audit Panel.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**ENCLOSURE(S)**  
*Agenda Item 16.2.1*

**Local Government (Audit Panels) Order 2014**

Version current from 1 January 2016 to date (accessed 17 July 2020 at 12:58)



TASMANIA

**Local Government (Audit Panels) Order 2014**

I make the following order under section 85B(1) of the Local Government Act 1993 .

10 February 2014

BRYAN GREEN

Minister for Local Government

**1. Short title**

This order may be cited as the Local Government (Audit Panels) Order 2014 .

**2. Commencement**

This order takes effect on the day on which its making is notified in the *Gazette*.

**3. Interpretation**

(1) In this order –

*Act* means the Local Government Act 1993 ;

*audit panel* means an audit panel that a council is required to establish under section 85(1) of the Act;

*independent person* means a person who is not a councillor or employee of the relevant council.

(2) The Acts Interpretation Act 1931 applies to the interpretation of this order as if it were by-laws.

#### 4. Functions of audit panel

(1) In this clause –

*Part 7 plan* means a strategic plan, an annual plan, a long-term financial management plan or a long-term strategic asset management plan of a council prepared under Division 2 of Part 7 of the Act.

(2) For the purposes of section 85A(1)(d) of the Act, the following matters are specified as the matters that an audit panel is to consider in a review of the relevant council's performance:

- (a) whether the annual financial statements of the council accurately represent the state of affairs of the council;
- (b) whether and how the Part 7 plans are integrated and the processes by which, and assumptions under which, those plans were prepared;
- (c) the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the council has in relation to safeguarding its long-term financial position;
- (d) whether the council is complying with the provisions of the Act and any other relevant legislation;
- (e) whether the council has taken any action in relation to previous recommendations provided by the audit panel to the council and, if it has so taken action, what that action was and its effectiveness.

#### 5. Membership of audit panel

(1) The audit panel of a council is to be constituted by a minimum of 3 and a maximum of 5 members of whom –

- (a) if the panel has 4 or 5 members, at least 2 must be independent persons; or
- (b) if the panel has 3 members, at least one must be an independent person.

(2) Without limiting who may be members of an audit panel, the following persons are eligible to be members of an audit panel:

- (a) a councillor, other than the mayor, of the relevant council;
- (b) . . . . .
- (c) a member of an audit panel of another council, if he or she is an independent person in respect of the other council.

(2A) A councillor, or employee, of a council is not eligible to be a member of an audit panel of another council.

(3) A person who is an employee, or the general manager or the mayor, of a council is not entitled to be a member of the audit panel of that council.

(4) The council is to appoint the members of its audit panel.

(5) In appointing an independent person as a member of an audit panel, the council –

- (a) is to ensure that the person possesses good business acumen and sound management and communication skills; and
- (b) may take into account any other relevant knowledge, abilities and skills of the person including, but not limited to –
  - (i) knowledge and expertise in the areas of audit practices and financial management; and
  - (ii) knowledge of and experience in relevant industries; and
  - (iii) experience with governance processes including, but not limited to, risk management.

#### 6. Chairperson of audit panel

- (1) The chairperson of an audit panel may only be an independent person who is a member of the audit panel.
- (2) If an audit panel includes more than one independent person as members, the relevant council is to appoint one of the independent persons as chairperson of the audit panel.

**7. Term and conditions of appointment of audit panel members**

- (1) A member of an audit panel holds office for such period of not less than one year and not more than 4 years as is specified in the member's instrument of appointment and, if eligible, may be reappointed.
- (2) A member of an audit panel who is an independent person is entitled to be paid the remuneration and allowances determined by the relevant council.

**8. Notification of appointment of members of audit panel**

The general manager of a council is to notify the Director of –

- (a) the appointment of all the members of the council's audit panel, and the term of each of those appointments, as soon as practicable after establishing the panel; and
- (b) the identity of the chairperson, and each independent member, of the audit panel; and
- (c) of the appointment of each new member of the audit panel, and the term of that appointment, as soon as practicable after making that appointment.

**9. Charter of audit panel**

- (1) A council may provide to its audit panel a charter relating to –
  - (a) the manner in which the audit panel is to perform its functions; and
  - (b) the procedure of the audit panel in respect of its meetings.
- (2) A charter under subclause (1) may relate only to administrative matters.

**10. Annual work plan**

To assist the audit panel in performing its functions efficiently and effectively, the audit panel is to develop an annual work plan that includes, but is not limited to, a schedule of meetings and the known objectives for each meeting so scheduled.

**11. Meetings of audit panel**

- (1) In this clause –

*financial manager* means the person, determined by the general manager of a council by notice provided to the person, to be responsible to the general manager in relation to the preparation of the council's financial statements (for the purposes of this clause only).
- (2) An audit panel is to hold not less than 4 meetings in each financial year.
- (3) At a meeting of an audit panel, a quorum is constituted by a majority of the total number of members appointed.
- (4) Despite subclause (3), if at least one member who is an independent person is not present at the meeting of the audit panel, there is no quorum present.
- (5) The general manager of a council is to attend, or to ensure that his or her delegate attends, each meeting of the council's audit panel.
- (6) The financial manager of a council is to attend, or to ensure that his or her delegate attends, each meeting of the council's audit panel.
- (7) An audit panel may invite or allow any councillor of the relevant council or an employee of the relevant council to attend one or more meetings of the audit panel.
- (8) Subclauses (5), (6) and (7) do not apply in relation to a meeting of the audit panel if the audit panel determines that the meeting is to be held in private.
- (9) Except as provided by this order or the charter provided to an audit panel under clause 9, the audit panel may regulate its own proceedings.

(10) An audit panel is to provide a copy of the minutes of its meeting to the relevant council as soon as reasonably practicable.

**12. Recommendation of audit panel**

On conducting a review under section 85A of the Act, the audit panel is to provide the relevant council with a written report of its conclusions and recommendations, if any.

**13. Resources of audit panel**

A council is to provide secretariat support to, and all necessary funding required by, its audit panel.

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 19 February 2014

This order is administered in the Department of Premier and Cabinet.



## 16.2.2 FINANCIAL HARDSHIP ASSISTANCE POLICY (PENALTY & INTEREST)

**Author:** ACTING GENERAL MANAGER (ANDREW BENSON)

**Date:** 20 AUGUST 2020

**Enclosure:**

*Financial Hardship Assistance Policy*

### ISSUE

Council adopted the Financial Hardship Assistance Policy on the 22<sup>nd</sup> April 2020.

At the 24<sup>th</sup> June 2020 Council meeting Council agreed to extend clause 2.5 within the policy until the 30<sup>th</sup> September 2020. This clause applied to Council not charging penalty and interest for late rate payments until the 30<sup>th</sup> September 2020.

A component of this decision was to review Council's position in August 2020.

### [EXTRACT – JUNE 2020 COUNCIL MINUTES]

#### 18.3 FINANCIAL HARDSHIP ASSISTANCE POLICY (PENALTY & INTEREST)

##### **DECISION**

*Moved by Cllr K Dudgeon, seconded by Cllr R McDougall*

**THAT Clause 2.5 within the Financial Hardship Assistance Policy relating to charging penalty and interest for late rate payments be extended until the 30<sup>th</sup> September 2020 (to be reviewed in August 2020).**

##### **CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

### [END EXTRACT – JUNE 2020 COUNCIL MINUTES]

### RECOMMENDATION

THAT Council confirm its position on charging penalty and interest on late rate payments (post 30<sup>th</sup> September 2020).

**DECISION**

*Moved by Cllr K Dudgeon, seconded by Deputy Mayor E Batt*

**THAT**

- a) **Clause 2.5 within the Financial Hardship Assistance Policy relating to charging penalty and interest for late rate payments be extended until the 31<sup>st</sup> March 2021; and**
- b) **An update be provided at the December 2020 Council meeting detailing the financial impacts of not charging penalty and interest on late rate payments.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

**ENCLOSURE(S)**

*Agenda Item 16.2.2*



Council Policy  
**FINANCIAL HARDSHIP ASSISTANCE POLICY**

Approved by: Council  
Approved date: 22<sup>nd</sup> April 2020  
Review date: July 2021

## **1. INTRODUCTION**

### **1.1 Purpose**

The purpose of this policy is to enable Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.

### **1.2 Scope**

This policy applies to ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to Council. It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.

This policy applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*. This policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the *Local Government Act 1993*, such as fire service contributions collected pursuant to section 79B of the *Fire Service Act 1973*.

### **1.3 Background**

This policy was developed and implemented during the 2020 COVID-19 coronavirus pandemic that is spreading across the world. To respond to the disease, governments around the world are shutting down social activities and interaction to prevent transmission, which is necessarily causing significant impacts on many economic activities and transactions. As a result, many people have lost jobs, their clients or their business, destroying incomes and spending. Council is determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair hardship policy.

Despite this, serious financial hardship can occur at any time, so this policy is designed to address a range of circumstances.

### **1.4 Principles**

This policy will be applied in accordance with the following principles:

- (1) Consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances.
- (2) Maintaining Council's ability to provide essential services to our community through appropriately applied rating.
- (3) Assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services.
- (4) Ensuring that those able to contribute to local services, continue to do so.



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- (5) Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.
- (6) Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.

### 1.5 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:

- *Local Government Act 1993*, Part 9 – Rates and Charges<sup>1</sup>, particularly:
  - Section 86A – General principles in relation to making or varying rates
  - Sections 125-127 – Postponement of payment
  - Section 128 – Late payments
  - Section 129 – Remission of rates
- *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*<sup>2</sup>
- Rates and Charges Policy (pursuant to section 86B of the *Local Government Act 1993*).

### 1.6 Policy Review and Update Cycle

This policy is to be reviewed initially in July or August 2021 and thereafter, every four years.

## 2. POLICY

### 2.1 Genuine Financial Hardship

According to the Australian Taxation Office (ATO)<sup>3</sup>, individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:

- (1) Food;
- (2) Accommodation;
- (3) Clothing;
- (4) Medical treatment;
- (5) Education;
- (6) Other basic necessities.

A number of factors can contribute to or trigger serious financial hardship, including:

- (1) Loss of employment of the property owner, family member or household primary income earner;

<sup>1</sup> See: <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095#HP9@HD9@EN>

<sup>2</sup> See: <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2020-011>

<sup>3</sup> See: <https://www.ato.gov.au/General/Financial-difficulties-and-serious-hardship/Individuals-with-serious-hardship/>



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- (2) Serious illness, including physical incapacity, hospitalization, or mental illness of the property owner or family member;
- (3) A natural disaster;
- (4) A public health emergency or declared state of emergency;
- (5) Family tragedy;
- (6) Family breakdown;
- (7) Financial misfortune;
- (8) Other serious or complicating circumstances.

Community wide issues and circumstances, such as the COVID-19 pandemic, may impact financial hardship, but hardship is always assessed at an individual level, and requires reviewing personal circumstances.

Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence can be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential investment properties will not be considered.

## 2.2 Evidence of Financial Hardship

Applicants will need to provide evidence of their circumstances of financial hardship to justify Council's special consideration of their case. The type of evidence required will depend on your circumstances and may include, for example, one or more of the following:

- Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
- A statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (e.g. a family doctor for health-related evidence, a bank official, insurance policy manager, etc.);
- Pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);
- Notice of impending legal action;
- Letter from charitable organisation regarding loss of employment or inability to provide for basic necessities;
- Bank notice for example, overdraft call or mortgaged property repossession;
- Employer notice of redundancy or termination of employment;
- Overdue medical bills;
- Letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
- Final notice from school regarding payment of mandatory fees;
- Funeral expenses;
- Repossession notice of essential items, like a car or motorcycle.
- Other – Please specify.





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### 2.3 How Council can Help

The *Local Government Act 1993* provides Council with three methods of rate relief:

- (1) Postponing rate payments (sections 125-127)
- (2) Remission of late payment penalties or interest (section 128)
- (3) Remission of rates (section 129)

### 2.4 Postponing Rate Payments – Deferral Arrangements

In confirmed cases of financial hardship, Council may choose deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to any conditions Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

Rate payment deferrals approved under this section are typically deferred by 3 months. However, rate deferral arrangements can only defer individual payments up to a maximum of two (2) years and only in the most serious circumstances.

In response to the COVID-19 pandemic, Council will approve deferral arrangements for 6 months for ratepayers meeting hardship requirements.

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are encouraged to begin repaying their deferred rates payments as early as they are able.

Note that Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days' notice in writing to the ratepayer.

### 2.5 Remitting Late Payment Penalties and Interest

For typical circumstances that are not of financial hardship, rates must be paid by the due date and Councils may charge a penalty or daily interest or both for each late payment. However, for confirmed cases of financial hardship, Council may waive either the applicable late payment penalties, or the interest accumulated, or both, for a specified period that relates to the period of financial hardship.

Council will not charge any late payment penalties or interest for late rate payments during the 2020 COVID-19 state of emergency until 30 June 2020.



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## 2.6 Remitting Rates

Remission of any rates, late payment penalties or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered.

After the applicant has entered into a deferral arrangement with Council, the applicant may apply for remission of rates. The application must demonstrate:

- (1) Financial hardship;
- (2) Exceptional and serious circumstances;
- (3) How the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section 2.4 unfeasible and unreasonable to fulfil; and
- (4) How enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their ability to provide for the basic living necessities (food, accommodation, clothing, medical treatment) of the applicant and dependents.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

- (1) Deferral arrangements are preferable to rates remission;
- (2) Amounts or proportions of rates to be remitted are to be minimised, for example, below \$1000 or 50%; the remainder subject to payment arrangements;
- (3) Instances of rates remission are to be minimised to no more than one rates remission per applicant.

Note: Evidence of financial hardship does not automatically mean an entitlement to a remission.

## 3. APPLICATIONS

### 3.1 Applying for Financial Hardship Assistance

To seek financial hardship assistance from Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:

- Submitted via online form at: [www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au)
- Emailed to [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au); or
- Mailed to PO Box 21, Oatlands Tas 7120

Applications must:

- Demonstrate and provide evidence for financial hardship and circumstances (see Section 2.2 Evidence of Financial Hardship);



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- Describe the type of assistance sought, being:
  - Postponing rate payments (a deferral arrangement);
  - Postponing or waiving late payment penalties or interest;
  - Remitting rates, late payment penalties or interest, in part or in full;
- Address the requirements of the relevant subsections (see section 2.3 How Council can Help).

### 3.2 Assessing Applications

Applications for deferral arrangements must be decided by:

- (1) For amounts less than \$2,500 – the Manager, Corporate Services; or
- (2) For amounts of \$2,500 or greater – the General Manager.

A decision regarding an application for deferral of rates will be made within three (3) working days and the applicant advised accordingly.

Any decision regarding an application for deferral can be subject to a review by Council at the request of the applicant.

Applications for remission of any rates or late payment penalties or interest charges must be decided by Council and require absolute majority to be approved.

## 4. DOCUMENT ADMINISTRATION

This Instruction is a managed document and is to be reviewed every four (4) years or as directed by the General Manager. Noting that this policy is to be reviewed initially in July 2021 and thereafter, every four years.

This document is Version 1.0 effective 22<sup>nd</sup> April 2020. The document is maintained by the General Manager's Unit, for the Southern Midlands Council.

### **16.2.3 A & M EAVES & SOUTHERN MIDLANDS COUNCIL – MEMORANDUM OF UNDERSTANDING REGARDING CARRIAGES**

**Author:** ACTING GENERAL MANAGER (ANDREW BENSON)

**Date:** 20 AUGUST 2020

**Attachment(s):**

*MOU between A & M Eaves and Southern Midlands Council*  
*Draft MOU with Green Ponds Progress Association Inc. and SMC*  
*Grand Plan Coaching Concept for Kempton 2009*  
*Valuation of the Carriages by Andrew Wright*

#### **ISSUE**

Council to consider its position in relation to the future of the Carriages owned by the Eaves family (represented by Adrian and Mark Eaves) which are housed in the Carriage Shed on the Council owned property at Main Street, Kempton (adjacent to the Recreation Ground).

#### **BACKGROUND**

The Southern Midlands Council entered into a Memorandum of Understanding (MOU) dated 12<sup>th</sup> November 2018 with the Eaves family (represented by Adrian and Mark Eaves).

This MOU effectively transferred responsibility for upkeep of the carriages to the Southern Midlands Council for a period of twenty (20) years. They are described as:

- a) Cobb & Co Coach
- b) Hay Ride Wagon
- c) Wedding Carriage (Landau)

In reference to the attached MOU, the main benefits were:

- a) Presenting these carriages for ongoing public display, which would include appropriate interpretation and acknowledgements; and
- b) Usage of the vehicles at public events.

At the time of entering into the MOU, it was intended that the actual management of the carriages, including responsibility for display and upkeep, would be through a community based sub-committee operating under the auspices of the Green Ponds Progress Association.

#### **DETAIL**

As mentioned, the Eaves family is represented by Adrian & Mark Eaves. Both live interstate, however they recently visited Tasmania and arranged a time to inspect the carriages.

Whilst it was acknowledged that there are still some eight years remaining on the term of the MOU, during this visit they did raise an issue regarding the future of the Carriages – both in the short-term or following expiration of the MOU.

The outcome of this discussion was a commitment to raise the matter with Council and seek some preliminary feedback and direction in terms of what is the likely long-term future of the Carriages.

Before considering the options that may be available to Council, the following comments are provided:

- a) A 'Carriage Shed' was built by Council to house the Carriages (partly grant funded);
- b) Whilst there are a small number of passionate and committed persons certainly interested in the Carriages, it is apparent that there is not broad community support or interest (refer to the attached presentation slides *The Grand Plan – April 2009*);
- c) There is extremely limited use (or display) of the Carriages, possibly limited to three or four days per annum;
- d) To increase the level of exposure to the general public, this would require investment on additional infrastructure as it would not be appropriate to have the Carriages exposed to the weather for extended periods of time.

For the purpose of an initial discussion, the following are options (with no doubt more):

- Termination of the MOU and return of the Carriages to the Eaves family;
- Allow the MOU to continue for the remaining eight years, and determine the future of the Carriages at that time;
- Council consider purchasing the Carriages (the Eaves family representatives have indicated that they would be willing to sell);

To progress the matter the Eaves brothers and Council have gone halves with the provision of a valuation on the carriages by accredited Valuer Andrew Wright.

Council have written to the Green Ponds Progress Association (GPPA), as well as the two people in Kempton who have been the main supporters of the carriages, namely John Jones OAM and John Hay, including a copy of the Valuation Report.

## Letter to GPPA

*Gabrielle Watkins  
Acting President  
Green Ponds Progress Assn Inc.*

*Dear Gabrielle*

### ***HORSE DRAWN CARRIAGES***

*Council have been approached by Adrian and Mark Eaves, the owners of the three horse drawn carriages at Kempton to seek Council's view on purchasing the carriages. The brothers acknowledge that Council does have a twenty year agreement with the Eaves family with approximately eight years to go with that agreement.*

*A report is being prepared for the next Council meeting (agenda closes on Thursday 20<sup>th</sup> August 2020) and it would be appreciated if you could provide a considered view from the Green Ponds Progress Association Inc. (GPPA) in relation to this matter, which I would like to table for consideration along with the Report at the meeting.*



*I would specifically be seeking the GPPA's view as to the future of the carriages in the Community and also the willingness of GPPA to consider the purchase of the carriages. We have agreed for a valuation of the three carriages to be undertaken which will be funded 50% by Council and 50% by the Eaves family. That valuation will form part of the Report to Council.*

*For those newer Members of GPPA it is appropriate that I provide GPPA with a brief chronology of the carriages in the Kempton Community.*

*As you would recall, Southern Midlands Council entered into a Memorandum of Understanding (MOU) dated 12<sup>th</sup> November 2008 with the Eaves family (represented by Adrian and Mark Eaves) in respect of the three horse drawn carriages currently housed in the 'Carriage House' at Kempton.*

*This MOU effectively transferred responsibility for upkeep of the carriages to the Southern Midlands Council for a period of twenty years. In the MOU the horse drawn vehicles are described as:*

- d) Cobb & Co Coach
- e) Hay Ride Wagon
- f) Wedding Carriage (Landau)
- g)

*In reference to the MOU, the main objectives of the lease agreement was to:*

1. *Present these carriages for ongoing public display, which would include appropriate interpretation & acknowledgements; and*
2. *Use the vehicles at public events.*

*At the time of entering into the MOU in 2008, it was intended that the actual management of the carriages, including responsibility for display and upkeep, would be through a Community based sub-committee operating under the auspices of the GPPA. A draft MOU was developed between SMC & GPPA, (copy attached) with one of a number of matters that were listed, being the custodianship of the carriages vested in GPPA. This was seen as the manner in which the MOU objectives could be realised. That SMC/GPPA MOU was never signed and I remember the matter of insurance was the stumbling block back at the time when the General Manager and I meet with the GPPA.*

*Despite the MOU not being signed off, a subcommittee was formed by the GPPA and a number of enthusiastic Community members focused on the carriages. There was great interest/activity, and I was the Council representative that was attached to the subcommittee (not a Member). My role was to promote the engagement between Council & the sub-committee and assist where possible with the development of the project objectives, recognising that this was not a Council project, but rather a Community base project, with Council support where possible.*

*I can recall many meetings and developing concept plans for the Gymkhana paddock, seeking a range of support for the 'Grand Plan'. Along with that, in September 2009 I provided a Report to Council on behalf of the sub-committee seeking a commitment for the development of the Gymkhana Paddock for carriage focused activities. At that Council meeting the Council made the following decisions;*

**THAT**

1. *Council enter into a binding agreement with the Horse Drawn Heritage Initiative, through the Green Ponds Progress Association for a three year period for a peppercorn rental and lease agreement of the "Gymkhana field" to facilitate the further development & growth of the Horse Drawn Heritage Initiative in the Village of Kempton.*

2. *If within a three year period there is no development / building application for the establishment of the site by the Horse Drawn Heritage Initiative, the Council will have the opportunity to terminate the lease agreement.*
3. *If within a three year period there is a development / building application for the establishment of the site by the Horse Drawn Heritage Initiative, the Council will have the opportunity to extend the lease agreement for an extended period.*
4. *Council provide support and encouragement for the initiative*

*As a level of commitment Council constructed a large shed to house the carriages, (colloquially known as the 'Carriage House'), this was part funded through the Rudd Commonwealth Government, Local Infrastructure grants and part funded by Council. It was sited at the rear of the land to ensure that it could be a multi-use facility if the carriage activities did not continue into the future.*

*Whilst the carriages are available for viewing during the Kempton Festival, and some usage has been undertaken, eg weddings as well as the Heritage & Bullock Festival in Oatlands, it could be fair to say that they have not really played a focal role in Kempton, as was originally envisaged.*

*With respect, there has not really been much activity around the carriages, despite some passionate people in the Community that have an affinity for the carriages.*

*The Eaves family have been very generous in entering into the twenty year agreement, however, in the absence of a compelling reason, I feel moved to recommend to Council that we should allow them to realise some financial benefit from the carriages, if it is their desire. Council will need to consider releasing the parties from the November 2008 agreement and either purchasing the carriages, facilitating the GPPA to purchase them, or asking the Eaves family to take them back.*

*I would value the view of the GPPA in providing a Community perspective in relation to this matter, prior to a decision being made by Council. I am aware of the passion and commitment of both John Jones OAM and John Hay in relation to the carriages, so it is appropriate that I formally write to them to seek their respective views in relation to this matter as well.*

*I look forward to receiving a submission from the GPPA prior to the close of the agenda for the August 2020 meeting.*

*Kind regards*

*Andrew Benson  
Acting General Manager*

*Encl. Draft SMC - GPPA MOU*

## **Response from GPPA**

*Hi Andrew*

*Sorry for the delay...  
Coaches were discussed in length Thursday night and the following arose*

*Is there any community grants available for purchasing the carriages, because at the valuation given, a very costly affair for all involved but we think there needs to be a negotiation on value as well*

*The coaches haven't been on display as stage 2 and 3 of the buildings never occurred – what was really needed from the start was a secure viewing enclosure*

*Initial discussions were held with James (previous manager at the distillery) to house them in the old stables once the new distillery was built but nothing to date with the current manager, Martin*

*Perhaps Brian Fish might have some suggestions*

*Also, way back when, The Horse drawn Committee became a separate incorporated body, and besides John Hay & John Jones, the rest of the members have dwindled away over the years*

*If nothing can be negotiated with the Eaves, then do we continue with the remainder of the current agreement or hand them back ???*

*Edwin Batt attended our meeting so he may share some light on things to Council*

*Cheers  
Gabrielle*

*Hi Andrew*

*I didn't mention the GPPA do have some funds that could assist with purchase but obviously nothing that would make much of a dent*

*Cheers  
Gabrielle*

## **Response from John Jones OAM**

*Mr Jones provided a verbal response to the request for information and he articulated quite passionately the history of the carriages and the fact that the carriages were in fact a branding of the Kempton village as part of the greater marketing of the Heritage Highway. The attached 'Grand Plan' slides provide a concise background and support of Mr Jones verbal response to the request for input.*

## **Response from John Hay**

*Andrew Benson  
Acting General manager  
Southern Midlands Council  
71 High Street Oatlands 7120*

*Dear Andrew*

*Reference our recent conversations and correspondence in relation to the horse-drawn vehicles on loan from the Eaves family. I understand the Eaves family have offered to sell the vehicles to Council and a valuation of \$50,000 for all three vehicles has been obtained from Andrew Wright.*

*The MOU between Council and the Eaves family, signed in November 2008, transferred responsibility for the upkeep of the vehicles to Council for a period of 20 years. It was agreed*

*that the vehicles would be primarily located, and displayed, in Kempton but be available for use throughout the Southern Midlands,*

*The MOU prepared in 2009 appointing the Green Ponds Progress Association as ‘trustees’ of the vehicles on behalf of Council was not signed but the Association accepted the arrangement. The MOU was to run for three years and then reviewed. I am sure this review did not occur.*

*With a great deal of enthusiasm a group of residents formulated an overall vision of an Interpretive Centre at Kempton. In keeping with the overall plan, Council funded, and constructed, the Coach House on the land known as the Gymkhana Paddock.*

*The building was occupied by contractors during the re-construction of the Midlands Highway between Kempton and Melton Mowbray.*

*There has been a lack of action and progress in the development of an Interpretation Centre and the display of the vehicles has been spasmodic, at best.*

*I have had discussions with Martin Turmine at Old Kempton Distillery regarding the possibility of displaying the vehicles at Dysart House. As an original Coaching House it would be an ideal choice and benefit Kempton tourism and the distillery. Martin agrees it has merit and will discuss the matter with his landlord.*

*If Council consider the purchase of the vehicles to be appropriate then Green Ponds Progress Association should be approached to assist with some funding.*

*If Council is not interested in purchasing the vehicles at his time, there is the option to continue with the current arrangement until 2028.*

*The current round of Grants available through the Tasmanian Community Fund are not conducive to the Horse Drawn project. They are designed to assist COVID-19 recovery programmes.*

*Yours sincerely*

*John Hay*

*NOTE: Cobb & Co did not operate in Tasmania*

**Human Resources & Financial Implications – To be considered.**

**Community Consultation & Public Relations Implications – Refer comment above.**

**Policy Implications – N/A**

**Priority - Implementation Time Frame – N/A.**

## **RECOMMENDATION**

For discussion and decision.

## DECISION

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

### THAT Council

1. Write to the Eaves Family and thank them for the arrangement to house the carriages in Kempton;
2. Express Council's appreciation for the offer to purchase the three carriages, however Council have no interest in purchasing them (noting that there may be members of the community interested in purchasing them);
3. Commit to keep the carriages housed at Kempton until a purchaser is found; and
4. Release the Eaves Family from the Memorandum of Understanding between the parties when a sale is finalised.

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt		√
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	



**DECISION**

*Moved by Clr R McDougall, seconded by Clr K Dudgeon*

**THAT the meeting be adjourned for lunch at 1.12 p.m.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

*Mr Damian Mackey (Special Projects Officer) entered the meeting at 1.40 p.m.*

**DECISION**

*Moved by Deputy Mayor E Batt, seconded by Clr D Fish*

**THAT the meeting reconvene at 1.47 p.m.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

### 13.2.1 PROPOSED OATLANDS ACCOMMODATION FACILITY – COMMUNITY INFORMATION PROCESS OUTCOMES

**Author:** SPECIAL PROJECTS OFFICER (DAMIAN MACKEY)

**Date:** 19 AUGUST 2020

**Enclosure(s):**

*Attachment A - Public notice of information drop-in session.*

*Attachment B - Information panels / hard copy hand-outs.*

*Attachment C - Submissions (two)*

#### ISSUE

Outcomes of the recent community consultation process held in Oatlands regarding the proposed large accommodation facility at Oatlands.

#### BACKGROUND

On 5 August 2020 a community information drop-in session was held in Oatlands regarding the proposed large accommodation facility for the town.

Council has long held a strategic intent to attract a large accommodation facility (+30 rooms) to Oatlands. This was first mooted, in general terms, in 2008 as an outcome of the Oatlands Integrated Development Strategy and subsequently much more clearly defined in 2014 as part of the Midlands Economic Development & Land Use Strategy. In 2016 the proposition was subject to a specific project which examined the business case for such a facility and involved a community workshop held at the RSL and a local community & visitor survey.

It is now clear that the lack of a substantive visitor accommodation facility is a major missing element within 'Oatlands' and the broader region's tourism infrastructure. As indicated above, this has been recognised in various strategic planning documents, specifically:

- The Oatlands Integrated Development Strategy 2008. (OIDS 2008).  
*Recommended that Council facilitate development of additional tourist accommodation types.*
- The Midlands Economic Development and Land-use Strategy, 2014. (MEDaLS-2014).  
*Encouraged new investment in tourist accommodation in Oatlands and specifically noted the town does not have a 4-star accommodation facility with 30+ rooms.*
- The Southern Midlands Council Strategic Plan 2020-2029 (and previous iterations going back at least to the 2014-2023 version). (The Strategic Plan).  
*Includes Strategy 2.2.1.5: Investigate and encourage the development of a four-star accommodation facility (min 30 beds) in Oatlands.*
- The Business Case – Large Accommodation Facility – Oatlands, (original document 2016, now with a 2018 update).  
*Recommends that Council commit to the development of an investment prospectus and highlight opportunities to link with the heritage experience theme.*

It has therefore been established that a 30+ room accommodation facility is needed in Oatlands, and further; that there is demand for such a facility.

It is envisaged that this would cater for a coach full of tourists, plus extras, and would meet market segments not currently catered for in the whole Midlands region, including overnight coach tours, conferences and large events requiring in-house accommodation.

It would complement, not compete with, the existing assorted small-scale B&Bs and the small number of rooms available in the town's two traditional hotels.

It is intended, therefore, that Council will embark on a 'Request for Proposals' process (which is similar to an Expressions of Interest process) for a 30+ room accommodation facility on a pre-identified preferred site in Oatlands.

This report is centred around the outcomes of the community consultation process.

A detailed report on the proposed Request for Proposals process will be provided to the next Council meeting, including a draft Project Plan and draft Request for Proposals documents. These documents are currently being amended to incorporate recommendations from Council's solicitors and an independent Probity Advisor.

Finally, it is noted that this initiative is one of the many catalysts behind Council's current project to develop an overall Oatlands Structure Plan.

## **PREFERRED SITE**

As an adjunct to the MEDAaLS-2014 project, work was undertaken in-house to identify and assess all possible sites in the town that might be suitable for the accommodation facility. Site selection/assessment criteria included the following:

- Large enough for such a facility and associated infrastructure.
- Has, or is able to have, capacity for civil requirements such as sewer, stormwater, traffic management requirements, etc.
- An iconic site, with easily accessible historic or natural heritage attractions (or both).
- In close proximity to complementary services such as shopping, recreational facilities, medical, etc.
- A location where historic heritage issues are not insurmountable for such a large facility.
- A location where conflict with existing land uses is less likely.

This exercise was not publicised as many of the assessed sites were privately owned.

A site consisting of two adjoining land titles along the north-eastern side of Barrack St was identified as having the most promising potential of all possible sites.

The two adjoining titles are:

- 10 Barrack Street, accommodating a police residence and vacant paddock, owned by the Department of Police & Emergency Management, (Tasmania Police).
- 16 Barrack Street, accommodating a house, owned by Council.

In essence, the combined site at 10-16 Barrack Street was identified as the preferred site because it is considered to be the most suitable, the most attractive to a developer and the most readily available. It is also noted that it does not have any adjoining residential neighbours, thereby reducing potential for land use conflict.

The site adjoins Callington Park and 8 Barrack Street (a public car park). Both are owned by Council.

It is envisaged that the two titles making up 10-16 Barrack Street would be offered as a single development site (approximately 5,590 m<sup>2</sup> in area) with the expectation that the successful proponent would ultimately purchase the land.

Council owns one of the titles and Tasmania Police has agreed to its title being included in the project. The Police title contains a police residence and vacant land capable of accommodating one or two more houses. Tasmania Police have agreed to making their land available provided Council assists them in finding two alternative police housing locations in Oatlands. They have recently met with Council officers and floated the idea of using a minor portion of 8 Barrack Street (the car park) where it abuts onto the rear of the property containing the Police Station and one of their other police houses. If this were to eventuate, this might mean 'shunting' the car park a little eastward into 10 Barrack Street, (so that there is no loss of public car parking), and thereby reducing the area potentially available for the accommodation facility. Investigations are currently underway to see if this loss of land would be detrimental to the viability of the project.

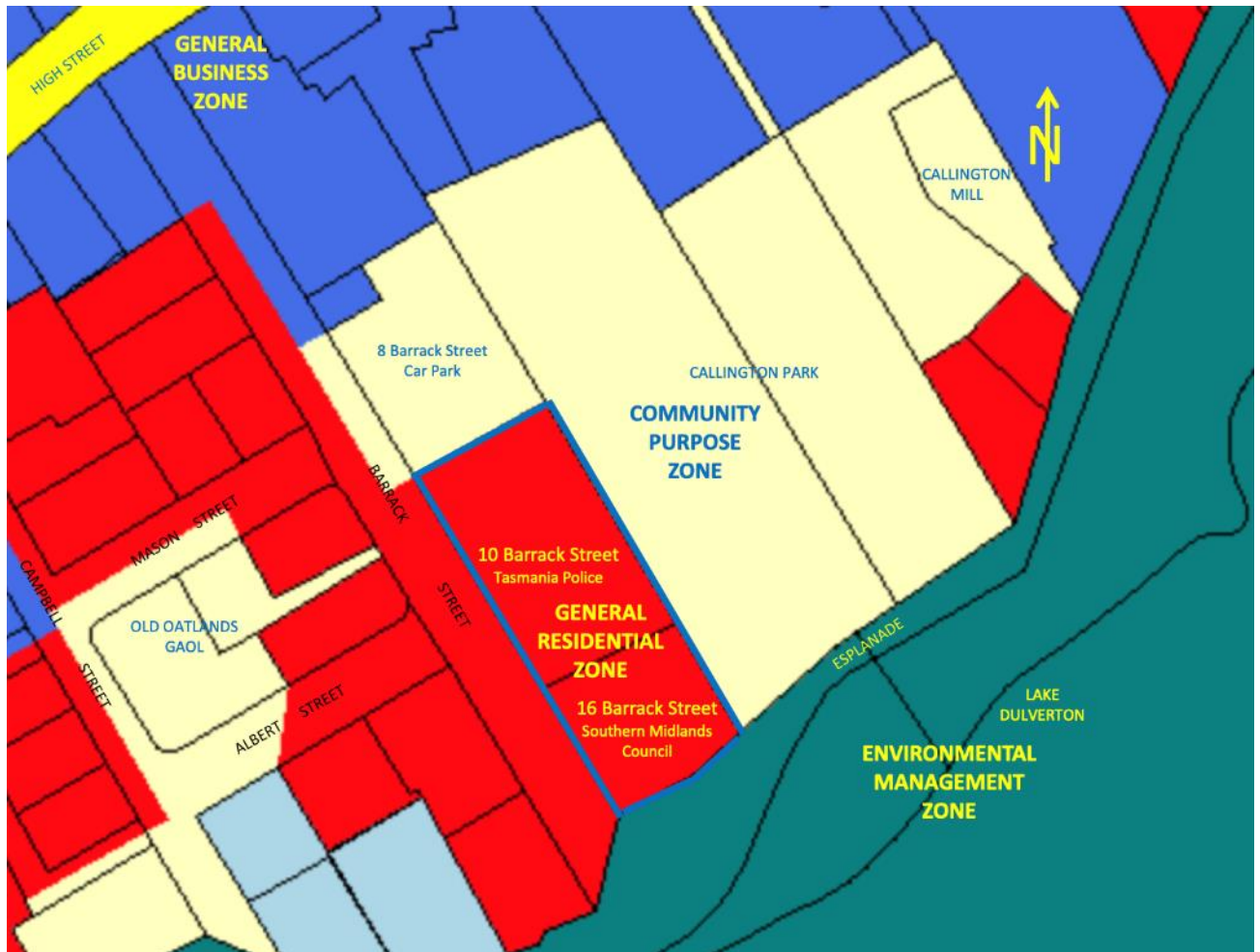
Council would facilitate the sale of both parcels of land to the successful proponent. It is noted that prior to selling or otherwise disposing of ordinary land, (i.e.: not 'public land'), Council must obtain a current market valuation and must bear this in mind when negotiating a sale price. Similar legislative requirements exist for land owned by State agencies.



### Location Plan

The site is located within the Callington Mill Heritage precinct and any development on the site would need to comply with the planning scheme's heritage precinct provisions. Council's Manager Heritage Projects has prepared a detailed document to guide potential proponents towards design solutions that comply with the scheme provisions.





**Planning Scheme Zoning:** Southern Midlands Interim Planning Scheme 2015

The two titles making up the site are zoned *General Residential*. Relevant Use Table provisions are:

Food Services	Discretionary.
Visitor Accommodation:	Discretionary.

Visitor Accommodation may include ancillary/subservient uses such as a restaurant and/or bar. However, it must be the case that the primary purpose of the use is first and foremost 'Visitor Accommodation'.

The planning scheme draws a distinction between ‘Hotel Industry’ and ‘Visitor Accommodation’:

**Hotel Industry:** use of land to sell liquor for consumption on or off the premises. If the land is so used, the use may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines and gambling. Examples include a hotel, bar, bottle shop, nightclub and tavern.

**Visitor Accommodation:** use of land for providing short or medium term accommodation, for persons away from their normal place of residence, on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.

The key difference between the two is that ‘Hotel Industry’ is centred around the consumption of liquor whereas Visitor Accommodation is centred around accommodation, though each could have aspects of the other in minor, ancillary roles. This accords with the overall strategic intent of the project: to provide a significant-scale visitor accommodation facility – not a new pub.

The planning scheme prohibits Hotel Industry in the zone whilst Visitor Accommodation is discretionary.

State Planning Directive No.6 over-rides the standards relating to Visitor Accommodation in Residential zones in all planning schemes. It provides the following Use Standards for Visitor Accommodation in the General Residential Zone:

<b>Objective:</b>	
That Visitor Accommodation:	
(a) is compatible with the character and use of the area;	
(b) does not cause an unreasonable loss of residential amenity; and	
(c) does not impact the safety and efficiency of local roads or rights of way.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
A1	P1
Visitor Accommodation must:	Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:
(a) accommodate guests in existing habitable buildings; and	(a) the privacy of adjoining properties;
(b) have a gross floor area of not more than 200m <sup>2</sup> per lot.	

	<p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the primary residential function of an area;</p> <p>(e) the impact on the safety and efficiency of the local road network; and</p> <p>(f) any impact on the owners and users rights of way.</p>
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In addition to the above, Clause 10.3.1 of the SMIPS2015 provides the following Use Standard for all non-residential use in the General Residential Zone:

<b>Objective:</b>	
To ensure that non-residential use does not unreasonably impact residential amenity.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<p>A1</p> <p>Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.</p>	<p>P1</p> <p>Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>
<p>A2</p> <p>Noise emissions measured at the boundary of the site must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the</p>	<p>P2</p> <p>Noise emissions measured at the boundary of the site must not cause environmental harm.</p>

<p>Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15-minute time interval.</p>	
<p>A3</p> <p>External lighting must comply with all of the following:</p> <p>(a) be turned off between 6:00 pm and 8:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.</p>	<p>P3</p> <p>External lighting must not adversely affect existing or future residential amenity, having regard to all of the following:</p> <p>(a) level of illumination and duration of lighting;</p> <p>(b) distance to habitable rooms in an adjacent dwelling.</p>
<p>A4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of:</p> <p>(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 12 noon Saturdays;</p> <p>(c) nil on Sundays and Public Holidays.</p>	<p>P4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic.</p>

The 'Visitor Accommodation' definition includes 'motel' and 'residential hotel'.

The combination of 'Visitor Accommodation' with 'Food Services' (also a Discretionary Use in the General Residential Zone) can, together, cover the desired development.

## RELATIONSHIP TO THE OATLANDS STRUCTURE PLAN

As Councillors will be aware, the Oatlands Structure Plan process has commenced.

The catalyst for the Structure Plan included the strategy to attract a large accommodation facility to the town along with:

- The progression of plans and obtaining of funding for the new Aquatic Centre.
- The new whisky distillery currently being built at 99 High Street and the associated reinvigoration of Callington Mill.
- The closure of the visitor centre and associated services at Callington Mill.
- Council furthering the recommendations of the MEDaLS to:
  - Zone land to allow for a "Rural Services Precinct" in the vicinity of the current Light Industrial Zoned land in Stanley Street (toward the Midland Highway) and encourage such business in Oatlands.
  - Progress of the Heritage Hub/Centre for Heritage at the Commissariat land.
- The identified need for a visitor parking strategy for the town.
- The growing success of the Heritage and Bullock Festival.
- The progression of the Master Plans for the Oatlands Gaol and Commissariat.
- The recently adopted Destination Action Plan which includes recommended actions to grow and sustain tourism, including:
  - Improved way-finding and visitor precinct experiences.
  - Improved visitor amenities and rest stops.
  - Structured planning for villages in the Midlands.
  - Improved event spaces.
  - Collect data on visitor experiences and implement programs to meet visitor needs or address issues.
  - Build visitor walking and track experiences i.e. links between heritage High Street precinct and Lake Dulverton and Callington Park.

It is envisaged that by utilising the Oatlands Structure Planning Committee as the Request for Proposals Project Steering Committee, the two projects can progress 'in synch'.

## 'REQUEST FOR PROPOSALS' PROCESS

It is proposed that Council embark on a '*Request for Proposals*' process to seek the most appropriate proponent with the most suitable proposal for the accommodation facility. This would involve publicising the opportunity, seeking registrations of interest from potential proponents and progressing through a two-part detailed proposal process to identify a preferred proposal. A Development and Sale Agreement would then need to be negotiated between Council and the preferred proponent.

Assessment criteria would be confirmed at the start of the process and an assessment panel, which would include one or more external independent experts, would assess the proposals received. An independent Probity Advisor would ensure the process is fair, the community informed appropriately and matters subject to commercial-in-confidence are respected. Ultimately, a recommendation would be made to Council for a final decision.



In preparation for the project, Council has developed the following supporting documents:

- *Business Case: Large Accommodation Facility, Oatlands, 2018 Update*, prepared by the Institute of Project Management.
- *Oatlands Large Accommodation Facility – Historic Heritage Design Guidelines, 2020*, prepared by Council's Manager Heritage Projects.
- *Draft 'Request for Proposals' Document*, prepared by Council's Special Projects Officer.
- *Draft Project Plan* prepared by Council's Special Projects Officer.

A full report on the Request for Proposals process will be submitted to the next Council meeting, including the draft Project Plan and draft Request for Proposals document. It will be proposed that the existing Oatlands Structure Planning Committee form the Project Steering Committee - with the addition of advice from the external Probity Advisor. It will also be proposed that the Project Steering Committee form the Assessment Panel, with the addition of one or more external experts that the Committee considers necessary.

Ultimately the Project Steering Committee will make a recommendation to Council regarding the preferred proposal/proponent, along with any conditions for inclusion in the Development Agreement and Sale Agreement that the committee considers appropriate.

## PREVIOUS COMMUNITY CONSULTATION

In previous public consultation processes around the development of the Oatlands Integrated Development Strategy, the Midlands Economic Development & Land Use Strategy, the Oatlands Large Accommodation Facility Business Case and various iterations of the Southern Midlands Council Strategic Plan the idea of a large accommodation facility in Oatlands has been raised and supported. Locational parameters have been discussed to varying degrees, but the preferred site that has now been identified has not been broadly released until the community consultation process subject of this report.

The most focussed community consultation process occurred in 2016 in the development of the initial Business Case. This involved:

- One-on-one interviews with key industry representatives and stakeholders.
- A Community Forum held at the Oatlands RSL on 12 April 2016.
- Random intercept face-to-face surveys conducted at the Community Forum and again in the township on 22 and 23 April 2016.

A total of 124 completed surveys were obtained, with 39% being from residents, 9% from non-residents who worked in Oatlands and 52% from visitors.

Amongst the key findings of the survey were that 85% of residents supported the accommodation facility. Amongst visitors, 39% indicated they would be more likely to return to Oatlands if it were built and 43% indicated it would increase the amount of time they stayed in Oatlands.

## THE 5<sup>th</sup> AUGUST 2020 COMMUNITY CONSULTATION

As indicated above, in previous strategic planning exercises there has been strong community support expressed for the *idea* of a large accommodation facility, but the preferred location has not previously been broadly discussed. Therefore, a community information drop-in session was conducted at the C.T. Fish Building in High Street Oatlands, on Wednesday 5 August 2020 from 2:00pm to 8:00pm.

The session was advertised on Council's website / social media and on the Southern Midlands Regional News and various community noticeboards for approximately two weeks prior to the event. (See Attachment A).

Information panels were on display and were also distributed as hard copy hand-outs, (Attachment B). Council's Special Projects Officer was on hand to discuss the project and the preferred site with members of the community. Several Councillors and council officers also attended during the day. The information panels were left on display in the windows of the C.T. Fish Building for a further week. Members of the community were invited to provide submissions to Council, either by filling in a form at the session and placing it in a suggestions box or by emailing council in the seven days following the information session.

Covid-19 protocols were followed during the session.

A total of 30 people attended the session, with five of these being either council officers or Councillors. Therefore 25 attendees were members of the community unconnected to Council. Most stayed for at least twenty minutes to read the information and discuss the project with Council representatives.

The majority of attendees appeared to be in favour of the project and of the preferred site for the project.

A minority of attendees expressed reservations, although many appeared satisfied with information and explanation provided by Council representatives.

Only two people made submissions, (see Attachment C). The points raised in the submissions are summarised below with a response following each point:

1. *Lack of consultation so far with existing accommodation providers in Oatlands.*

Comment: The concept of a large accommodation facility has been discussed within numerous community consultation processes for many years, including those associated with the development of the Oatlands Integrated Development Strategy 2008, the Midlands Economic Development & Land Use Strategy 2014, the Oatlands Large Accommodation Facility Business Case 2016 and the annual consultation for Council's Strategic Plan. Owners of existing accommodation options have had the opportunity to be part of these consultation processes. The concept has consistently met with a high level of community support. The intent of the facility is to open the town (and the region) to a market segment not currently served by the existing accommodation options. It will therefore complement, not compete, with existing offerings.

2. *Possibility of monopoly holding of prime land proximate to Callington Mill.*

Comment: It is intended that the land will be sold to the successful proponent. The investment of the significant funds needed to build the facility will, without doubt, require security of tenure. It is unclear what the submitter means by this constituting a 'monopoly'.

3. *Possibility that a developer may reject the land identified and request the foreshore land currently available for free campers or part of the public park next door.*

Comment: The Request for Proposals process is for the identified land only. It would be a clear breach of probity for the subject land to be changed part way through the process.

Furthermore, it is noted that the two areas of land referred to in the submission have the status of "public land" and could not be disposed of without a separate formal process under the Local Government Act in which members of the community have a right to make submissions and lodge appeals. Given the clear popular use of the land by the public it is very unlikely such a process would result in a decision to dispose of the land.

4. *How transparent will the project be?*

Comment: The Request for Proposals process will be over-sighted by an independent Probity Advisor who will ensure that it is conducted in a fair and transparent manner. This includes making sure all potential proponents are treated equally and have access to the same information at the same time, as well as ensuring the community are kept appropriately informed whilst respecting any commercial-in-confidence information.

5. *Richmond manages to have coaches come and drop their tourist and pick them up again. If they stay, they stay in the small cottages of the town.*

Comment: Richmond is much closer to Hobart and is readily visited from the many accommodation options in the city, both large and small. Oatlands is in the centre of the Midlands region, halfway between Hobart and Launceston, and is not an easy half-day trip from either centre. The whole region, not just Oatlands, would benefit from an accommodation facility at a larger scale than currently exists.

6. *If there really was a need for such a development Richmond would already be an exemplar.*

Comment: See comment to point 5 above.

7. *The land proposed would not be enough for coaches to manoeuvre and park without disruption to local residents.*

Comment: The land is substantial in size and could easily accommodate coach manoeuvring and parking on site.

8. *Who would pay for the rebuild and maintenance of roads used by the coaches?*

Comment: Local public roads are maintained by the local council and state roads are maintained by the State government. For new developments, any necessary upgrade of a driveway, or creation of new driveways, from the road formation to the property frontage is normally the responsibility of the developer.

## SUMMARY

Council is progressing towards a commencement date for a Request for Proposals process to seek the most suitable proponent to build and run the most appropriately designed large-scale tourism accommodation facility (30+ rooms) in Oatlands.

The *concept* has received broad community support in previous community consultation processes associated with various strategic planning exercises, however a preferred site for such a facility has not been broadly discussed.

The site has now been discussed with the community, through the information drop-in session held on 5<sup>th</sup> of August 2020, with submissions open for the week following.

It can be concluded that the concept of a large accommodation facility in Oatlands continues to enjoy broad support, and that the preferred site at 10-16 Barrack Street is also generally supported. Questions and points of concern raised during the consultation process are able to be addressed and do not warrant a change in the preferred location.

**Human Resources & Financial Implications** - Nil, regarding the community consultation process subject of this report. A full report will be submitted to the next council meeting regarding the Request for Proposals process, including a draft Project Plan.

**Community Consultation & Public Relations Implications** - It is considered that the community information drop-in session process was successful and provided the opportunity for any interested members of the local community to seek information and provide comment.

**Policy Implications** - Council has included this initiative in its Annual Strategic Plan since the MEDaLS project was finalised six years ago.

## RECOMMENDATION

THAT

- A. Council acknowledge the generally positive feedback from the community regarding the proposed large accommodation facility, including the preferred site at 10-16 Barrack Street, Oatlands, and
- B Continue to progress towards the launch of a Request for Proposals process to identify a preferred proponent, noting a full report on this matter will be provided to the next council meeting.

**DECISION**

*Moved by Deputy Mayor E Batt, seconded by Cllr D Fish*

**THAT**

- A. Council acknowledge the generally positive feedback from the community regarding the proposed large accommodation facility, including the preferred site at 10-16 Barrack Street, Oatlands, and**
- B. Continue to progress towards the launch of a Request for Proposals process to identify a preferred proponent, noting a full report on this matter will be provided to the next council meeting.**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

*Mr Damian Mackey (Special Projects Officer) left the meeting at 2.07 p.m.*



**ATTACHEMENT A**  
Public Notice of Information Drop-In Session

# Proposed Tourist Accommodation Facility in Oatlands

## COMMUNITY INFORMATION DROP-IN SESSION

WEDNESDAY, 5<sup>TH</sup> AUGUST 2020

from 2.00 p.m. - 8.00 p.m.

C.T. Fish Building, 70 High Street, Oatlands

Southern Midlands Council will soon be actively seeking proposals from the private sector to build and operate a 30+ room accommodation facility in Oatlands. The lack of such a facility in Oatlands has long been identified as a crucial missing piece in the region's visitor infrastructure. Able to accommodate a coach full of tourists, it would open our tourism economy to a new market segment.

Council has identified a preferred site through an analysis of all possible sites in and around the town. The site is made up of two adjoining land parcels; 10 Barrack Street (State owned) and 16 Barrack Street (Council owned). This combined site, of approximately 5,590m<sup>2</sup>, is fully serviced and is considered to be the most conveniently located in regard to the town's attractions, the most desirable for a potential developer/operator and likely the most readily available to a developer/operator. Furthermore, it has no direct residential neighbours. A key issue is that it is located within the Callington Mill Heritage Precinct in the Planning Scheme and the proposal would have to be carefully designed to comply with the Scheme's design-related provisions.

To provide further information to the community and seek feedback, Council will be holding an Information Drop-In Session from 2:00pm to 8:00pm on Wednesday, 5<sup>th</sup> of August at the C.T. Fish Building, 70 High Street, Oatlands. The display material will subsequently be exhibited in the building's windows for a further week.



## ATTACHEMENT B

### Information Panels / Hard Copy Hand-outs



#### PROPOSED TOURIST ACCOMMODATION FACILITY - OATLANDS

Community Information Drop-In Session from 2:00pm to 8:00pm  
Wednesday, 5<sup>th</sup> August 2020 at the C.T. Fish Building, 70 High Street, Oatlands

The display material will subsequently be exhibited in the building's windows for a further week.



Site Location within the Oatlands Township

Comments on this proposal can be provided to Southern Midlands Council by:

- Completing a feedback form at the Community Information Drop-In Session on 5<sup>th</sup> August and placing it in the suggestions box;

or

- By emailing: [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au) and typing **Feedback - Accommodation Facility** in the subject line by 5:00pm on Wednesday, 12<sup>th</sup> August 2020.



#### PROPOSED TOURIST ACCOMMODATION FACILITY - OATLANDS

Southern Midlands Council will soon be actively seeking proposals from the private sector to build and operate a 30+ room accommodation facility in Oatlands.

The lack of such a facility in Oatlands has long been identified as a crucial missing piece in the region's visitor infrastructure. Able to accommodate a coach full of tourists, it would open our tourism economy to a new market segment.

Council has identified a preferred site through an analysis of all possible sites in and around the town. The site is made up of two adjoining land parcels; **10 Barrack Street** (State owned) and **16 Barrack Street** (Council owned).



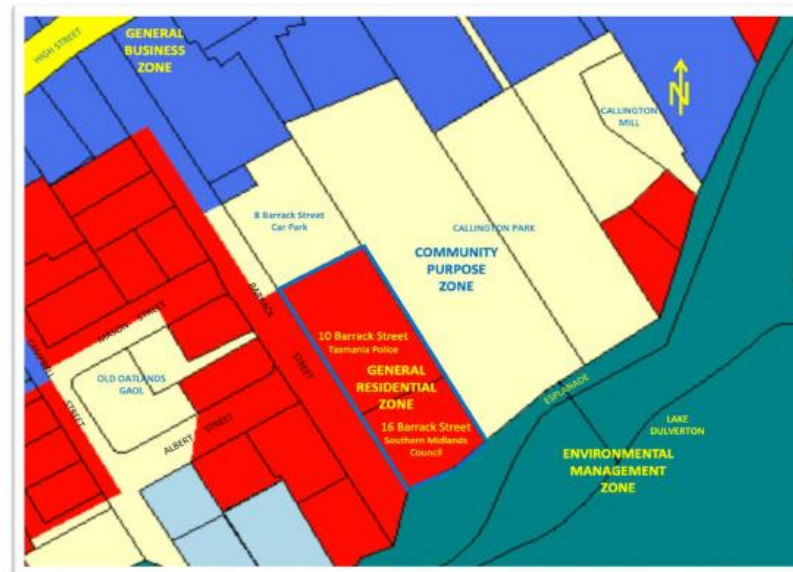
Site Location - 10-16 Barrack Street, Oatlands – Oblique Aerial View

This combined site, of approximately 5,590m<sup>2</sup>, is fully serviced and is considered to be the most conveniently located in regard to the town's attractions, the most desirable for a potential developer/operator and likely the most readily available to a developer/operator. Furthermore, it has no direct residential neighbours.





**The Site: 10-16 Barrack Street, Oatlands**



**Zoning: The site is zoned General Residential**

The site is made up of two parcels of land:

- 10 Barrack Street, Oatlands - approximately 3,610 m<sup>2</sup> in area accommodating a police residence and paddock, owned by the Department of Police & Emergency Management, (Tasmania Police).
- 16 Barrack Street, Oatlands - 1,983 m<sup>2</sup> in area accommodating a house, owned by Council.

Neither house is heritage-listed, and it is expected that the development of the accommodation facility would require their demolition. A dry-stone wall on the boundary with Callington Park is heritage-listed and should be retained.

The site extends from the Esplanade/Barrack Street corner north-eastwards along Barrack Street towards High Street, ending at the council-owned public car park, which is opposite Mason Street. It has a long common boundary with Callington Park (a public park) and has no residential neighbours. The rectangular-shaped site is approximately 122 metres long and 46 metres wide.

The location is in the centre of Oatlands' tourism hub, with the Callington Mill precinct to the north-east through Callington Park, the Esplanade and Lake Dulverton to the south-east, the historic Military Precinct including the Old Oatlands Gaol, the Old Court House and the Commissariat to the south-west and the High Street shopping and café strip to the north-west. All within a few hundred metres.

The two titles making up the site are zoned *General Residential* under the *Southern Midlands Interim Planning Scheme 2015*. Relevant Use Table provisions are:

<i>Food Services:</i>	<i>Discretionary</i>
<i>Visitor Accommodation:</i>	<i>Discretionary</i>

Visitor Accommodation may include ancillary/subservient uses such as a restaurant and/or bar. However, it must be the case that the primary purpose of the use is first and foremost Visitor Accommodation.

It should be noted that the planning scheme draws a distinction between 'Hotel Industry' and 'Visitor Accommodation':

The key difference between the two is that 'Hotel Industry' is centred around the consumption of liquor whereas Visitor Accommodation is centred around accommodation, though each could have aspects of the other in a minor, ancillary role.

This accords with the overall strategic intent of the project: to provide a significant-scale visitor accommodation facility – not a new pub.

The planning scheme prohibits Hotel Industry in the zone whilst Visitor Accommodation is discretionary.



**Southern Midlands Interim Planning Scheme 2015 - Heritage Place Provisions:**

The drystone boundary walls surrounding part of the subject site are listed as a Heritage Place on Table E.13.1 of the SMIPS2015, accordingly they would need to be retained.

**Southern Midlands Interim Planning Scheme 2015 - Heritage Precinct Provisions:**

The site is located in the Callington Mill Heritage Precinct. Table E.13.2 provides the following:

**Statement of Historic Cultural Heritage Significance**

*The Callington Mill Precinct is of historic cultural heritage significance because:*

- (a) *it is a rare and unique example of a flour mill complex dating from the early to mid-nineteenth century, demonstrating agricultural enterprises of the colony, and the success of the wheat industry in the Southern Midlands area;*
- (b) *its creative and technical achievement as an Old Colonial Georgian flourmill of circular domed tower of sandstone;*
- (c) *it is a distinctive landmark both within the township of Oatlands and from the Midland Highway.*

**Design Criteria / Conservation Policy**

1. *The design and siting of buildings and works must satisfy the following criteria:*
  - (a) *scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings should respect the principles of the Georgian architectural style dominant in the precinct, except if an addition to a heritage listed building of a non-dominant architectural style in which case consistency with that style is required;*
  - (b) *building setback from frontage must provide a strong edge to Main Street and be parallel to the street;*
  - (c) *buildings must address the street, unless at the rear of a site;*
  - (d) *buildings must not visually dominate the streetscape or buildings at places listed in Table 13.1*
  - (e) *architectural details and openings for windows and doors to visually prominent facades must respect the Georgian architectural style dominant in the precinct in terms of style, size, proportion and position;*
  - (f) *external wall building material must be any of the following:*
    - (i) *sandstone of a colour matching that commonly found in Oatlands' buildings*
    - (ii) *weatherboard (traditional profiles);*
    - (iii) *rendered, painted or lime wash brickwork;*
    - (iv) *unpainted brick of a traditional form and colour laid with a traditional bond;*
    - (v) *traditional Tasmanian vertical board (non-residential buildings only);*
    - (vi) *corrugated profile steel cladding, painted/colorbond or galvanised iron (not 'zincalume' or similar) (outbuildings only);*
  - (g) *roof form and material must be consistent with the following:*
    - (i) *pitch between 30 and 40 degrees and hipped or gable if a major part of the building;*
    - (ii) *pitch less than 30 degrees and skillion if a minor part of the building at the rear;*
    - (iii) *avoidance of large unbroken expanses of roof and very long roof lines*
    - (iv) *roof material either custom orb (corrugated profile) sheeting, timber shingles, and slate. Steel sheeting must be either traditional galvanised iron or painted;*
    - (v) *guttering is rounded profile, with downpipes of circular cross-section;*
  - (h) *wall height sufficient to provide for lintels above doors and windows, with wall space above;*
  - (i) *outbuildings generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also approximate that of the primary building on the land;*
  - (j) *fences along frontages must be:*
    - (i) *(between 900mm and 1000mm high, with a maximum of 1200mm for posts;*
    - (ii) *(vertically articulated, (such as with dowel-and-rail, picket or palisade fences);*
    - (iii) *"semi-transparent" in appearance, that is, the distance between dowels or pickets, etc., must be such that the fence does not appear 'solid'.*
  - (k) *new buildings and additions to existing buildings must not significantly obstruct or diminish views of Callington Mill from High Street, the Esplanade or the Midland Highway.*



**PROPOSED TOURIST ACCOMMODATION FACILITY - OATLANDS**

**HERITAGE MATTERS**

Southern Midlands Council will soon be actively seeking proposals from the private sector to build and operate a 30+ room accommodation facility in Oatlands.

The lack of such a facility in Oatlands has long been identified as a crucial missing piece in the region's visitor infrastructure. Able to accommodate a coach full of tourists, it would open our tourism economy to a new market segment.

Council has identified a preferred site through an analysis of all possible sites in and around the town. The site is made up of two adjoining land parcels; **10 Barrack Street** (State owned) and **16 Barrack Street** (Council owned).



**Site Location - 10-16 Barrack Street, Oatlands**

The site is located within the Callington Mill Heritage Precinct under the *Southern Midlands Interim Planning Scheme 2015* (SMIPS2015) and the proposal would have to be thoughtfully designed to comply with the Scheme's design-related provisions.



**PROPOSED OATLANDS ACCOMMODATION FACILITY  
HISTORIC HERITAGE CONTEXT & DESIGN GUIDELINES**

To provide architectural guidance to potential building designers, Council has produced a document that elaborates on the planning scheme provisions and provides examples of how appropriate design principles might be addressed.

*Example Design Images from the Design Guidelines*



'Borrowed' traditional form, but clearly modern



Articulated elevations of traditional scale and materials



Daring, but sympathetic use of traditional materials



Clustered smaller traditional forms





### PROPOSED OATLANDS ACCOMMODATION FACILITY (30+ ROOMS) SITE LOCATION



**ATTACHEMENT C**  
Submissions Received (2)

SOUTHERN  
MIDLANDS  
COUNCIL



**FEEDBACK FORM**

**Proposed Tourist Accommodation Facility in Oatlands**

Name:

E-mail:

Comments:

CONCERNS:

- Lack of consultation with <sup>so far</sup> accommodation outlets in Oatlands.
- Possibility of monopoly holding of prime land proximate to the Callington Mill.
- Possibility that a developer may reject the land identified & request the foreshore land currently available for tree camps.
- How transparent will the process be?
- If Richmond manages to have coaches come these - drop their tourist pick them up again, if they stay they stay in the <sup>small</sup> ~~small~~ <sup>edges</sup> ~~edges~~ of the town.
- If there <sup>really</sup> was a need for such a development Thank you for your comments and input - Richmond would already be an exemplar.



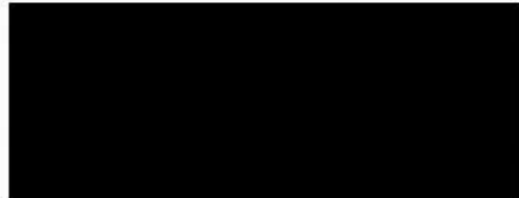
SOUTHERN  
MIDLANDS  
COUNCIL



## FEEDBACK FORM

### Proposed Tourist Accommodation Facility in Oatlands

Name:



E-mail:

#### Comments:

I DO NOT BELIEVE A DEVELOPER  
WOULD ONLY REQUIRE THE PROPOSED  
LAKE FRONTAGE THEY WOULD REQUIRE SOME  
OF THE PARK NEXT DOOR.  
THE LAND PROPOSED WOULD NOT BE  
ENOUGH FOR COACHES TO MANUEVR  
AND PARK WITHOUT SIGNIFICANT DISRUPTION  
TO LOCAL RESIDENTS AND A QUESTION  
MY QUESTION IS  
WHO WOULD PAY FOR THE REBUILD  
AND MAINTANANCE OF THE ROADS USED  
BY THE COACHES.

Thank you for your comments and input

## 16.2.4 TABLING OF DOCUMENTS

### LETTER FROM BRIAN MITCHELL MP – CONGRATULATIONS TO SOUTHERN MIDLANDS COMMUNITY

**Brian Mitchell MP**  
Federal Member for Lyons

Mayor Alex Green  
71 High Street  
OATLANDS TAS 7120

Dear Mayor

**RE: SOUTHERN MIDLANDS COMMUNITY**

I wanted to offer my sincerest congratulations and commendation for the actions of the Southern Midlands community which came together to help and support those who had been stranded on the Midland Highway by the recent snowfall.

I write to you in the hope that you can pass on my good wishes and thanks to the people of Oatlands, and ask that you have their good deeds noted in the council's official records.

The willingness of the people of Oatlands in particular to open their doors to provide accommodation to strangers was a demonstration of everything it means to be Tasmanian.

In times of crisis, Tasmanians shine and I am sure we both share a sense of pride at this display of togetherness and generosity.

We are both very lucky to have the people of Oatlands as part of our constituencies.


Yours sincerely



**Brian Mitchell MP**  
6 August 2020 | bm

Reply to: PO Box 61 Bridgewater TAS 7030

Green Point Plaza (next to Red Cross) 28 Green Point Road Bridgewater TAS 7030 | p (03) 6263 3721  
53B Main Road Perth TAS 7300 | p (03) 6399 1115 | brian.mitchell.mp@aph.gov.au | www.brianmitchell.com.au

 brian mitchell federal mp for lyons  @BrianMitchellMP  Labor  www.alp.org.au

Printed on Australian paper



### **16.2.5 ELECTED MEMBER STATEMENTS**

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

#### **Clr A Bisdee OAM**

- Comment regarding Council's financial position and noting a loss of approximately \$300k in revenue over the next twelve months (nil increase in rates, reduction of TasWater dividends, significant increase in insurances etc). Fortunately, Council are in a good financial position to cope with reductions without a major interference with ongoing performance and projects.

#### **Clr R McDougall**

- Noted that the replacement of the railway gates at Parattah are a welcome addition to the landscape in Parattah.
- Request for a letter of congratulations to be sent to Oatlands District High School Year 9 Students who recently won the ANSTO National Science Week Hackathon. It was also agreed to invite them to the next Council meeting.

#### **Clr K Dudgeon**

- Noted that the Oatlands District Homes Association have just commenced building new units in Church Street, Oatlands.
- Noted that it was great to see such a positive article on Oatlands in the weekend magazine.

#### **Mayor A Green**

- Noted appreciated to Nova Miller in particular for pursuing the recent newspaper feature and lifting the profile on Oatlands. A letter of appreciation to be sent to Nova Miller and Amanda Ducker from the Mercury.

*Clr K Dudgeon left the meeting at 2.16 p.m.*



## 16.3 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.*

### 16.3.1 MONTHLY FINANCIAL STATEMENT (PERIOD ENDING 31 JULY 2020)

**Author:** FINANCE OFFICER (MANDY BURBURY)

**Date:** 13 AUGUST 2020

#### ISSUE

Provide the Financial Report for the period ending 31<sup>st</sup> July 2020.

#### BACKGROUND

The format of the Operating Expenditure Report has been amended to include a Year To Date (YTD) Budget Column, with variations (and percentage) based on YTD Budgets – as opposed to total annual Budget.

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

#### DETAIL

The enclosed Report incorporates the following: -

- Statement of Comprehensive Income – 1 July 2019 to 31 July 2020.
- Operating Expenditure Budget Report – 1 July 2019 to 31 July 2020.
- Capital Expenditure Estimates – as at 31 July 2020.
- Cash Flow Statement – 1 July 2019 to 31 July 2020.
- Rates & Charges – as at 13<sup>th</sup> August 2020.

#### OPERATING EXPENDITURE ESTIMATES (OPERATING BUDGET)

Overall, operating expenditure to end of July was \$604,966 which represents 80.0% 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 – Drainage** – expenditure to date (\$5,292 – 232.89%). Expenditure relates to repairing flood damage in Campania.

**Strategic Theme – Growth**

**Sub-Program – Business** – expenditure to date (\$27,453 - \$152.56%). Expenditure relates to higher than normal Private Works expenditure, including wages and gravel. There will be an increase in income to offset the additional expense.

**Strategic Theme – Landscapes**

**Sub-Program – Natural** – expenditure to date (\$23,493 – 143.46%). Expenditure of \$4884 relates to a Woodbury Weed Fund Grant. The Grant income was received in 2019/20.

**Strategic Theme – Community**

Nil.

**Strategic Theme – Organisation**

Nil.

**RECOMMENDATION**

THAT the Financial Report be received and the information noted.

**DECISION**

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

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

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr D Fish	√	
Clr R McDougall	√	

*Clr K Dudgeon returned to the meeting at 2.18 p.m.*

**STATEMENT OF COMPREHENSIVE INCOME**  
for the period 1st July 2020 to 31 July 2020

	Annual Budget \$	Year to Date as at 31 July \$	%	Comments
<b>Income</b>				
General rates	5,797,406.00	0.00	0.0%	Budget includes Interest & Penalties to be imposed to end of June 2021
User Fees (refer Note 1)	681,158.00	80,921.45	11.9%	
Interest	175,000.00	6,114.29	3.5%	
Government Subsidies	19,200.00	0.00	0.0%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	0.00	0.00	0.0%	
Other (refer Note 2)	86,000.00	130.00	0.2%	
<b>Sub-Total</b>	<b>\$6,758,764.00</b>	<b>\$87,165.74</b>	<b>1.3%</b>	
Grants - Operating	3,564,167.00	0.00	0.0%	
<b>Total Income</b>	<b>\$10,322,931.00</b>	<b>\$87,165.74</b>	<b>0.8%</b>	
<b>Expenses</b>				
Employee benefits	-4,113,303.00	-277,040.55	6.7%	Less Roads - Resheeting Capitalised
Materials and contracts	-3,195,181.00	-322,211.19	10.1%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	-3,003,866.00	-254,425.81	8.5%	Percentage Calculation (based on year-to-date)
Finance costs	-18,850.00	-3,858.96	20.5%	
Contributions	-233,907.00	0.00	0.0%	Fire Service Levies
Other	-145,526.00	-9,541.11	6.6%	Includes Rate Discounts
<b>Total expenses</b>	<b>-\$10,710,633.00</b>	<b>-\$867,077.62</b>	<b>8.1%</b>	
<b>Surplus (deficit) from operations</b>	<b>-\$387,702.00</b>	<b>-\$779,911.88</b>	<b>201.2%</b>	
Grants - Capital (refer Note 3)	3,558,627.00	0.00	0.0%	
Sale Proceeds (Plant & Machinery)	0.00	16,390.91	0.0%	
Net gain / (loss on disposal of non-current assets)	5,818.00	0.00	0.0%	
<b>Surplus / (Deficit)</b>	<b>\$3,176,743.00</b>	<b>-\$763,520.97</b>	<b>-24.0%</b>	

**STATEMENT OF COMPREHENSIVE INCOME**  
for the period 1st July 2020 to 31 July 2020

	Annual Budget \$	Year to Date as at 31 July \$	%	Comments
<b>NOTES</b>				
1. Income - User Fees (Budget \$730,602) includes:				
- All other Programs	458,701.00	57,230.42	12.5%	Actual Income Received (i.e. excluding Debtors)
- Private Works	222,457.00	23,691.03	10.6%	
- Callington Mill	0.00	0.00	0.0%	
	\$681,158.00	\$80,921.45		
2. Income - Other (Budget \$162,000) includes:				
- Tas Water Distributions	76,000.00	0.00	0.00%	
- HBS Dividend	10,000.00	0.00	0.00%	
- Other	0.00	130.00		
	\$86,000.00	\$130.00	0.2%	
3. Grant - Capital (Budget \$1,669,375) includes:				
- (CDGP) Oatlands Aquatic Centre	500,000.00	0.00	0.00%	
- (CDGP) Callington Park Playground	500,000.00	0.00	0.00%	
- (CDGP) Chauncy Vale Pedestrian Bridge	55,000.00	0.00	0.00%	
- (CDGP) Lake Dulverton Walkways	220,000.00	0.00	0.00%	
- (CDGP) Campania Bush Reserve	100,000.00	0.00	0.00%	
- (CDGP) Kempton Streetscape Project	75,000.00	0.00	0.00%	
- (CDGP) Broadmarsh Streetscape Project	230,000.00	0.00	0.00%	
- (CDGP) Oatlands Underground Lighting	250,000.00	0.00	0.00%	
- Midland Hway/ Mood Food Pathway	147,565.00	0.00	0.00%	
- Elderslie/Bluff Road Junction	150,000.00	0.00	0.00%	
- Roads To Recovery	665,531.00	0.00	0.00%	
- Local Roads and Community Infrastructure Prog	665,531.00	0.00	0.00%	
	\$3,558,627.00	\$0.00		
4. Grant - Operating (Budget \$1,669,375) includes:				
Operating Grants				
- FAGS	3,564,167.00	0.00	0.0%	
- Other	0.00	0.00	0.0%	
	\$3,564,167.00	\$0.00		

**CAPITAL EXPENDITURE PROGRAM 2020-21  
AS AT 31 JULY 2020**

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
			\$	\$	\$	
<b>INFRASTRUCTURE</b>						
<b>ROAD ASSETS</b>						
Resheeting Program	Various	Roads Resheeting	500,000.00	10,744.79	489,255.21	
Reseal Program		Roads Resealing (as per agreed program)	400,000.00	0.00	400,000.00	
Reconstruct & Seal		Woodsdale Road (1km Reconstruction)	330,000.00	0.00	330,000.00	RTR
	C1010094	Woodsdale Road Reconstruct & Seal (800m + 430m)	122,141.00	43,255.81	78,885.19	RTR \$122,141 Budget c/fwd WIP 30/06/20 \$4478.95
Construct & Seal (Unsealed Roads)		Bagdad - Huntingdon Tier (350m new seal)	73,500.00	0.00	73,500.00	LRCI
		Campania - Native Corners Road (900m new seal)	173,250.00	0.00	173,250.00	RTR
		Mangalore - Ballyhooly Road (300m new seal)	57,750.00	0.00	57,750.00	
		Rhyndaston - Rhyndaston Road (800m through township)	154,000.00	0.00	154,000.00	LRCI
		Tunnack - Eldon Road (1500m new seal)	288,750.00	0.00	288,750.00	LRCI
Minor Seals (New)		Dust Suppressant Seal	100,000.00	0.00	100,000.00	
Junction / Road Realignment / Other		Bagdad - School Carpark	0.00	77.56	-77.56	
		Campania - Estate Road (vicinity Mallow property)	10,000.00	0.00	10,000.00	
		Campania - Main Intersection/Carpark Design Concept	50,000.00	0.00	50,000.00	\$50K c/fwd
	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	70,000.00	11,418.84	58,581.16	\$70K Budget c/fwd WIP 30/6/20 \$11,418.84
		Colebrook - Lovely Banks/Mudwalls Road Junction	0.00	3,062.50	-3,062.50	
		Dysart - Cliftonvale & Sugarloaf Rd Junction Improvements	50,000.00	16,884.46	33,115.54	WIP 30/06/20 \$16,884.46
	C1020070	Elderslie - Bluff Road Intersection Upgrade	150,000.00	2,138.38	147,861.62	WIP 30/06/20 \$138.38
		Elderslie - Elderslie Road Widening Investigation & Trial (Sth Blackbrush Rd)	40,000.00	0.00	40,000.00	
		Elderslie - Elderslie Road Safety Railing (250m)	21,250.00	0.00	21,250.00	
		Oatlands - Interlaken Road Preliminary Work (vicinity of Wallace)	25,000.00	0.00	25,000.00	
		Oatlands - Hasting Street Junction	15,000.00	958.52	14,041.48	\$15K Budget c/fwd WIP 30/6/19 \$959
		Oatlands - Henrietta Street 300m Seal	0.00	736.44	-736.44	
		Mangalore - Roberts Road (additional culverts)	12,000.00	0.00	12,000.00	
		Tea Tree - Grices Road (Tree removal, set-back of embankment, drainage)	15,000.00	0.00	15,000.00	
		Woodsdale - Woodsdale Road (400m safety rail in two sections, The Cutting)	17,000.00	0.00	17,000.00	
			<b>\$2,674,641.00</b>	<b>\$89,277.30</b>	<b>\$2,585,363.70</b>	
<b>BRIDGE ASSETS</b>		Woodsdale Road (Nutting Garden Rivulet - Bridge No 4084)	148,200.00	0.00	148,200.00	RTR
			<b>\$148,200.00</b>	<b>\$0.00</b>	<b>\$148,200.00</b>	



		BUDGET \$	EXPENDITURE \$	VARIANCE \$	COMMENTS
<b>WALKWAYS</b>	Footpaths - General Streetscapes	170,906.00	0.00	170,906.00	
	C1040014 Bagdad - East Bagdad Road	230,000.00	10,961.94	219,038.06	\$105K Budget c/fwd WIP 30/6/20 \$4400.94
	G1040007 Broadmarsh - Streetscape Works	230,000.00	4,991.88	225,008.12	WIP 30/06/20 \$4119.85
	Campania - Review Manag. Plan (Site Plan) / Walking Tracks (Bush Reserve)	5,000.00	0.00	5,000.00	\$5K Budget c/fwd
	C1040005 Campania - Reeve Street - Footpath through to Hall	30,000.00	0.00	30,000.00	
	Kempton - Louisa Street (from Huntingground Road)	38,000.00	0.00	38,000.00	LRCI
	Kempton - Midlands Highway/Mood Food	147,565.00	0.00	147,565.00	
	C1040004 Kempton - Streetscape Plan (Review & Implementation)	35,000.00	0.00	35,000.00	
	Kempton - Streetscape Plan - Footpath Renewal (Dysart House)	23,000.00	0.00	23,000.00	
	G1040006 Kempton - Streetscape Plan - Victoria Memorial Hall	110,000.00	3,393.18	106,606.82	WIP 30/06/20 \$3393.18
	G2020002 Melton Mowbray - Streetscape Works (Trough / Shelter etc)	30,000.00	5,318.18	24,681.82	WIP 30/06/20 \$5318.18
	C1040016 Oatlands - High Street (Footpath Renewal)	60,000.00	0.00	60,000.00	\$20K Budget c/fwd
	C1040022 Tunbridge - Main Street (Ongoing Kerb & Gutter Renewal)	20,000.00	0.00	20,000.00	
	Tunnack - Streetscape concept Plan	45,000.00	0.00	45,000.00	
		<b>\$1,174,471.00</b>	<b>\$24,665.18</b>	<b>\$1,149,805.82</b>	
<b>LIGHTING</b>	C1050001 Oatlands - Esplanade Project (Total Project Cost \$128k year 2-2)	384,000.00	90,957.17	293,042.83	\$64k Budget c/fwd WIP 30/6/20 \$61053.34
		<b>\$384,000.00</b>	<b>\$90,957.17</b>	<b>\$293,042.83</b>	
<b>PUBLIC TOILETS</b>	C1110002 Campania - Flour Mill Park - Concrete Pathways/drainage/remove pavers	15,000.00	0.00	15,000.00	\$15 Budget c/fwd
	General Public Toilets - Upgrade Program	20,000.00	0.00	20,000.00	
		<b>\$35,000.00</b>	<b>\$0.00</b>	<b>\$35,000.00</b>	
<b>DRAINAGE</b>	Bagdad - Lyndon Road	15,000.00	0.00	15,000.00	\$15K Budget c/fwd
	C1090013 Bagdad - Midland Highway/Swan Street Drainage	50,000.00	8,178.31	41,821.69	\$50K Budget c/fwd WIP 30/06/20 \$8178.31
	Campania - Estate Road (School Farm)	10,000.00	0.00	10,000.00	\$10K Budget c/fwd
	Oatlands - High St/Wellington Street Junction	5,000.00	0.00	5,000.00	\$5K Budget c/fwd
		<b>\$80,000.00</b>	<b>\$8,178.31</b>	<b>\$71,821.69</b>	
<b>WASTE</b>	C110001 Wheelie Bins and Crates	5,000.00	0.00	5,000.00	
	C110002 Dysart WTS - General Improvements	15,000.00	0.00	15,000.00	\$15K Budget c/fwd
	Oatlands WTS - Concrete Pad(s)	25,000.00	0.00	25,000.00	\$25K Budget c/fwd
		<b>\$45,000.00</b>	<b>\$0.00</b>	<b>\$45,000.00</b>	
<b>LANDSCAPES</b>					
<b>HERITAGE</b>	Heritage Collections Store	10,000.00	0.00	10,000.00	
	Kempton - Watch House (Internal Fit out)	4,000.00	0.00	4,000.00	\$4K Budget c/fwd
	C3010003 Oatlands - Callington Mill (Asset Renewals)	20,000.00	0.00	20,000.00	
	Oatlands - Gaol Aluminum Temporary Steps (Entrance)	3,500.00	0.00	3,500.00	\$3.5K Budget c/fwd
	Oatlands - Commissariat (79 High Street) Boundary Fence	6,000.00	0.00	6,000.00	
	Oatlands - Roche Hall Forecourt (Interps - Planning Condition of Approval)	40,000.00	0.00	40,000.00	\$40K Budget c/fwd
		<b>\$83,500.00</b>	<b>\$0.00</b>	<b>\$83,500.00</b>	

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
			\$	\$	\$	
NATURAL	G3020015	Campania - Bush Reserve (Walking/Riding Path)	100,000.00	358.00	99,642.00	\$100K Budget c/fwd WIP 30/06/20 \$358
	G3020013	Chauncy Vale - Sanctuary Bridge	55,000.00	53,746.64	1,253.36	\$55K Budget c/fwd WIP \$42698.10
		Chauncy Vale - Caves Loop	21,000.00	0.00	21,000.00	
	G3020014	Chauncy Vale - Erosion, Stabilisation & Revegetation	15,000.00	9,485.78	5,514.22	\$15K Budget c/fwd WIP \$6056.76
	C3020008	Oatlands - Mahers Point Lanscape Plan	22,404.00	0.00	22,404.00	\$22404 Budget c/fwd
	G3020006	Oatlands - Lake Dulverton Walkway (Grants \$135K + \$85K)	220,000.00	6,686.88	213,313.12	\$220K Budget c/fwd WIP \$6198.70
			<b>\$433,404.00</b>	<b>\$70,277.30</b>	<b>\$363,126.70</b>	
CULTURAL		Oatlands - Heritage HUB Internal fitout	10,000.00	0.00	10,000.00	\$10K Budget c/fwd
			<b>\$10,000.00</b>	<b>\$0.00</b>	<b>\$10,000.00</b>	
REGULATORY - DEVELOPMENT	C3040001	Kempton Council Chambers - Chambers Restoration Works	5,000.00	0.00	5,000.00	
		Kempton Council Chambers - Clock Restoration Works	20,000.00	501.50	19,498.50	
	C9990001	Kempton Council Chambers - Office Furniture & Equipment	5,000.00	0.00	5,000.00	
			<b>\$30,000.00</b>	<b>\$501.50</b>	<b>\$29,498.50</b>	
REGULATORY - PUBLIC HEALTH		Water Bottle Refill Stations	7,980.00	0.00	7,980.00	\$20k Budget c/fwd
		Kempton - Community Health Facility	400,000.00	50,660.67	349,339.33	\$225k Budget c/fwd WIP 30/06/20 \$27548.57
			<b>\$407,980.00</b>	<b>\$50,660.67</b>	<b>\$357,319.33</b>	
REGULATORY - ANIMAL CONTROL		Kempton - Dog Pound(s)	35,000.00	0.00	35,000.00	\$20k Budget c/fwd
			<b>\$35,000.00</b>	<b>\$0.00</b>	<b>\$35,000.00</b>	
COMMUNITY RECREATION	C4070005	Recreation Committee	20,000.00	0.00	20,000.00	
	C4070025	Campania - Public Open Space dev (Play Equip Alexander Circle)	16,000.00	0.00	16,000.00	\$16K Budget c/fwd
		Campania - Public Open Space dev (Scaife Subdivision)	23,000.00	0.00	23,000.00	\$23K Budget c/fwd
		Campania - Recreation Ground (Internal Toilet Improvements)	40,000.00	0.00	40,000.00	
		Campania - Recreation Ground (Nets)	45,000.00	0.00	45,000.00	\$45K Budget c/fwd
		Colebrook - Hall - Heating Upgrade	24,000.00	0.00	24,000.00	
		Colebrook - Recreation Ground - New Pitch Cover	4,500.00	0.00	4,500.00	
		Kempton - Recreation Ground (Lighting)	16,000.00	0.00	16,000.00	\$16K Budget c/fwd
		Kempton - Recreation Ground (Roof Structure - Entry to Clubrooms)	15,000.00	0.00	15,000.00	\$15K Budget c/fwd
		Mangalore Hall (replace Gutters and Roofing)	18,000.00	0.00	18,000.00	\$18K Budget c/fwd
	G4070038	Mount Pleasant - Recreation Ground (Upgrade Toilets & Stabilisation)	86,000.00	17,438.45	68,561.55	\$38K Budget c/fwd WIP 30/06/20 \$7261.18
	C4070034	Oatlands - Aquatic Centre (New Pool)	2,900,000.00	194,003.54	2,705,996.46	WIP 30/06/20 \$166,197.29
		Oatlands - Aquatic Centre (New Pool)	0.00	395,986.00	-395,986.00	WIP 30/6/19 \$395,986.00
		Oatlands - Aquatic Centre (New Pool)	0.00	379,803.40	-379,803.40	WIP 30/6/18 \$379,803.40
		Oatlands - Community Hall - Repointing & Crack Repairs	15,000.00	0.00	15,000.00	
	G4070040	Oatlands - Destination Playground Callington Park (inc. reveg & water system)	500,000.00	282,972.58	217,027.42	\$500 Budget c/fwd WIP 30/06/20 \$282200.25
		Parratah - Rec Ground - External Toilet (linked to walkway)	12,000.00	6,192.00	5,808.00	\$12K Budget c/fwd
	G4070039	Runnymede - Recreation Ground (resurfacing & watering system)	45,000.00	40,527.00	4,473.00	\$20K Budget c/fwd WIP 30/06/20 \$40,527
		Tunbridge Park - Perimeter Fence (Safety)	30,000.00	0.00	30,000.00	\$30K Budget c/fwd
			<b>\$3,789,500.00</b>	<b>\$1,316,922.97</b>	<b>\$2,472,577.03</b>	

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
			\$	\$	\$	
<b>ACCESS</b>	C4070035	All Buildings (Priority Approach - Year 5 of 5 @ \$10K/year)	50,000.00	0.00	50,000.00	
			<b>\$50,000.00</b>	<b>\$0.00</b>	<b>\$50,000.00</b>	
<b>CAPACITY &amp; SUSTAINABILITY</b>	C5020001	Levendale Community Centre	38,390.00	0.00	38,390.00	\$8K Budget c/fwd
		Oatlands - Midlands Memorial Community Centre - Double glazed windows	40,000.00	0.00	40,000.00	
	C5020002	Oatlands Structure Plan	25,000.00	0.00	25,000.00	\$25K Budget c/fwd
			<b>\$103,390.00</b>	<b>\$0.00</b>	<b>\$103,390.00</b>	
<b>SAFETY</b>		Road Accident Rescue Unit	3,000.00	0.00	3,000.00	
			<b>\$3,000.00</b>	<b>\$0.00</b>	<b>\$3,000.00</b>	
<b>ORGANISATION</b>						
<b>SUSTAINABILITY</b>		Oatlands - Council Chambers - Internal Toilets Upgrade	100,000.00	0.00	100,000.00	\$60K Budget c/fwd
	C6020007	Oatlands - Council Chambers - Damp Issues & Stonemasonry	15,000.00	0.00	15,000.00	\$15K Budget c/fwd
		Oatlands - Council Chambers - Works Office (floor coverings)	5,000.00	0.00	5,000.00	\$5K Budget c/fwd
		Oatlands - Council chambers - Memorials - Forecourt	4,000.00	4,000.00	0.00	
	C9990001	Oatlands - Town Hall (General - Incl. Office Equip/Furniture)	5,500.00	0.00	5,500.00	
	C6020003	Computer System (Hardware / Software)	37,500.00	0.00	37,500.00	
			<b>\$167,000.00</b>	<b>\$4,000.00</b>	<b>\$163,000.00</b>	
<b>WORKS</b>	C6020011	Kempton Depot - Property Purchase (Year 1 Budget of \$180K)	45,000.00	0.00	45,000.00	Total Project Cost - to be funded over 4 yrs (Yr 2 - \$45K)
	C6020011	Kempton Depot - Internal Building Improvements	15,000.00	0.00	15,000.00	\$10K Budget c/fwd
		Kempton Depot - Storage Lockers	2,000.00	0.00	2,000.00	
	C6020001	Oatlands Depot - Solar Panels	16,000.00	0.00	16,000.00	
	C9990002	Minor Plant Purchases	9,500.00	0.00	9,500.00	
	C6020008	Radio System	3,000.00	0.00	3,000.00	
		Excavator (add Rockbreaker)	12,800.00	0.00	12,800.00	
		Steam Weeder c/w Trailer	32,000.00	0.00	32,000.00	
		<b>Plant Replacement Program</b>				
		Refer separate Schedule (Gross)	514,000.00	49,519.65	464,480.35	
		Light Vehicles (Gross)	210,000.00	0.00	210,000.00	
		(Trade Allowance - \$280K)				
			<b>\$859,300.00</b>	<b>\$49,519.65</b>	<b>\$809,780.35</b>	
		<b>GRAND TOTALS</b>	<b>\$10,513,386.00</b>	<b>\$1,704,960.05</b>	<b>\$8,808,425.95</b>	



<b>CASH FLOW</b>	<b>INFLOWS</b>
<b>2020/2021</b>	<b>(OUTFLOWS)</b>
	<b>(July 2020)</b>
	<b>\$</b>
<b><i>Cash flows from operating activities</i></b>	
<b>Payments</b>	
Employee costs	- 280,287.76
Materials and contracts	- 337,303.78
Interest	- 3,858.96
Other	- 32,591.93
	<u>- 654,042.43</u>
<b>Receipts</b>	
Rates	112,384.27
User charges	78,429.45
Interest received	6,114.29
Subsidies	-
Other revenue grants	-
GST Refunds from ATO	-
Other	- 79,208.73
	<u>117,719.28</u>
	<u>536,323.15</u>
<b>Net cash from operating activities</b>	<b>- 536,323.15</b>
<b><i>Cash flows from investing activities</i></b>	
Payments for property, plant & equipment	- 216,309.91
Proceeds from sale of property, plant & equipment	16,390.91
Proceeds from Capital grants	-
Proceeds from Investments	-
Payment for Investments	-
	<u>199,919.00</u>
<b>Net cash used in investing activities</b>	<b>- 199,919.00</b>
<b><i>Cash flows from financing activities</i></b>	
Repayment of borrowings	- 7,349.62
Proceeds from borrowings	-
<b>Net cash from (used in) financing activities</b>	<b>- 7,349.62</b>
<b>Net increase/(decrease) in cash held</b>	<b>- 743,591.77</b>
<b>Cash at beginning of reporting month</b>	<b>13,687,843.06</b>
<b>Cash at end of year to date</b>	<b>12,944,251.29</b>

**SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2020/21  
SUMMARY SHEET**

PROGRAM	YTD ACTUAL (as at 30 July 20)	YTD BUDGET (as at 31 July 20)	YTD VARIANCE	YTD VARIANCE %	FULL YEAR BUDGET - REVISED INC. GRANTS & OTHER
<b>INFRASTRUCTURE</b>					
Roads	116,832	114,746	2,086	101.82%	3,228,957
Bridges	483	1,662	1,178	29.08%	399,239
Walkways	10,958	16,513	5,554	66.36%	223,152
Lighting	-	7,600	7,600	0.00%	91,200
Public Toilets	4,272	7,245	2,973	58.96%	76,936
Sewer/Water	-	-	-	-	-
Drainage	5,292	2,272	3,020	232.89%	79,289
Waste	29,255	89,349	60,094	32.74%	1,055,682
Information, Communication	-	-	-	-	-
<b>INFRASTRUCTURE TOTAL:</b>	<b>167,092</b>	<b>239,386</b>	<b>72,294</b>	<b>69.80%</b>	<b>5,154,435</b>
<b>GROWTH</b>					
Residential	-	-	-	-	-
Tourism	6,561	10,042	3,481	65.34%	55,502
Business	27,453	17,994	9,458	152.56%	980,933
Industry	-	-	-	-	-
<b>GROWTH TOTAL:</b>	<b>34,013</b>	<b>28,036</b>	<b>5,977</b>	<b>121.32%</b>	<b>1,036,435</b>
<b>LANDSCAPES</b>					
Heritage	23,640	33,078	9,438	71.47%	373,938
Natural	23,493	16,376	7,117	143.46%	186,633
Cultural	-	1,375	1,375	0.00%	16,500
Regulatory - Development	49,100	73,099	23,998	67.17%	877,183
Regulatory - Public Health	255	1,355	1,101	18.80%	16,265
Regulatory - Animals	12,131	11,156	976	108.75%	100,887
Environmental Sustainability	-	-	-	-	-
<b>LANDSCAPES TOTAL:</b>	<b>108,620</b>	<b>136,439</b>	<b>27,819</b>	<b>79.61%</b>	<b>1,571,386</b>
<b>COMMUNITY</b>					
Community Health & Wellbeing	24,775	21,947	2,828	112.89%	283,368
Recreation	28,678	49,610	20,931	57.81%	511,239
Access	-	-	-	-	-
Volunteers	-	833	833	0.00%	50,000
Families	4,000	4,417	417	90.57%	9,000
Education	-	-	-	-	-
Capacity & Sustainability	474	4,659	4,185	10.18%	37,405
Safety	2,009	3,508	1,499	57.27%	45,091
Consultation & Communication	1,496	2,150	654	69.59%	19,800
<b>LIFESTYLE TOTAL:</b>	<b>61,433</b>	<b>87,123</b>	<b>25,690</b>	<b>70.51%</b>	<b>955,901</b>
<b>ORGANISATION</b>					
Improvement	8,342	9,705	1,363	85.96%	116,455
Sustainability	224,238	252,670	28,432	88.75%	2,331,117
Finances	1,227	3,000	1,773	40.91%	309,907
<b>ORGANISATION TOTAL:</b>	<b>233,808</b>	<b>265,375</b>	<b>31,567</b>	<b>88.10%</b>	<b>2,757,479</b>
<b>TOTALS</b>	<b>604,966</b>	<b>756,359</b>	<b>151,393</b>	<b>80%</b>	<b>11,475,636</b>



<b>SOUTHERN MIDLANDS COUNCIL</b>				
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year 13th August 2020		Last Financial Year 13th August 2019	
Arrears brought forward as at July 1		\$ 527,651.89		\$ 429,240.71
ADD current rates and charges levied		\$ 5,720,377.55		\$ 5,617,179.00
ADD current interest and penalty		\$ -		\$ 4,977.39
<b>TOTAL rates and charges demanded</b>	100.00%	<b>\$ 6,248,029.44</b>	100.00%	<b>\$ 6,051,397.10</b>
LESS rates and charges collected	2.98%	\$ 186,341.25	2.15%	\$ 130,210.24
LESS pensioner remissions	3.62%	\$ 226,138.95	3.58%	\$ 216,642.76
LESS other remissions and refunds	-0.01%	-\$ 582.52	0.00%	-\$ 280.62
LESS discounts	0.03%	\$ 1,945.23	0.02%	\$ 1,114.09
<b>TOTAL rates and charges collected and remitted</b>	<b>6.62%</b>	<b>\$ 413,842.91</b>	<b>5.75%</b>	<b>\$ 347,686.47</b>
<b>UNPAID RATES AND CHARGES</b>	<b>93.38%</b>	<b>\$ 5,834,186.53</b>	<b>94.25%</b>	<b>\$ 5,703,710.63</b>

## 16.3.2 2019/2020 SOUTHERN MIDLANDS COUNCIL – COMPLETE SET OF FINANCIAL STATEMENTS

**Author:** ACTING GENERAL MANAGER (ANDREW BENSON)

**Date:** 14 AUGUST 2020

**Attachment(s):**

*Southern Midlands Council – Financial Statements - 2019/2020 Financial Year*  
*Heritage Building Solutions Pty Ltd – Year Ended 30 June 2020 (Information Only)*  
*Heritage Education & Skills Centre Ltd – Year Ended 30 June 2020 (Information Only)*

### ISSUE

Tabling of Financial Statement(s) in accordance with section 84 of the *Local Government Act 1993*.

### BACKGROUND

Section 84 of the *Local Government Act 1993* (the Act) requires the General Manager to prepare and forward to the Auditor-General a copy of the council's financial statements for each financial year in accordance with the *Audit Act 2008*.

The following is an extract from the *Local Government Act 1993*:

**“84. Financial statements**

(1) *The general manager is to prepare and forward to the Auditor-General a copy of the council's financial statements for each financial year in accordance with the [Audit Act 2008](#).*

(2) *Any financial statement for a financial year is to–*

(a) . . . . .

(b) *specify any interests as notified to the general manager of any councillor in respect of any body or organisation with which the council has major financial dealings; and*

(c) *contain a comparison between the council's actual and estimated revenue and expenditure for that financial year; and*

(d) *contain a statement of any revenue and expenditure of a council committee, a special committee or a controlling authority; and*

(da) *contain a statement of the operating, capital and competitive neutrality costs in respect of each significant business activity undertaken by the council during that financial year together with a statement of the revenue associated with that activity; and*

(db) *contain financial management indicators, and asset management indicators, specified in an order under [subsection \(2A\)](#); and*

(e) *contain any other information the Minister determines.*

(2A) *The Minister, by order, may specify –*

(a) *financial management indicators; and*

(b) *asset management indicators –*

*to be included in the financial statements of councils.*

(2B) *The Minister is to consult with councils as to the matters to be included in an order under [subsection \(2A\)](#).*

(3) *The general manager is to certify that, in accordance with this Act and any other relevant Act, the financial statements fairly represent –*

(a) *the financial position of the council; and*

(b) *the results of the council's operations; and*

(c) *the cash flow of the council.*

(4) *The general manager is to ensure that the certified financial statements are tabled at a meeting of the council as soon as practicable.*

(5) *In this section –*

**competitive neutrality costs** *means the costs required to be taken into account under the competitive neutrality principles.”*

The *Audit Act 2008* requires the statements to be lodged with 45 days after the end of each financial year.

## DETAIL

Refer attached copy of the 2019/20 Financial Report.

In relation to Heritage Building Solutions Pty Ltd and Heritage Education and Skills Centre Ltd), the Board has signed the Financial Statements for the two entities on 11<sup>th</sup> August 2020 (i.e. They are provided for information purposes, noting that the figures are consolidated into the Southern Midlands Council Statements).

It is confirmed that the Southern Midlands Council’s Statement(s) were lodged with the Auditor-General (Tasmanian Audit Office) on Thursday, 13<sup>th</sup> August 2020 which is within the legislative timeframe of 45 days as required by the *Audit Act 2008*.

The draft Statements, which are still subject to audit, were presented to Council’s Audit Panel’s meeting held 13<sup>th</sup> August 2020 – refer Minutes of the Audit Panel meeting (*Closed Session Item 19.3*).

The following information was provided to the Panel Meeting detailing some of the more significant variances in the ‘Consolidated Statement of Profit or Loss and Other Comprehensive Income’:

Line Item	Budget \$	Actual \$	Variance \$	Comments
<b>Consolidated Statement of Comprehensive Income</b>				
<b>Recurrent Income</b>				
User Fees	694,036	878,238	184,202	Volunteer Contributions (Not budgeted, up \$92,802 - recognised due to change in Accounting Standard - offset in Expenses)
Grants - Recurrent	3,470,832	3,678,526	207,694	FAGS - \$3,582,262 (up \$111,430 - 50% of 2020/21 grant received in May. The actual 2019/20 Grant exceeded budget by \$23,449)
Contract Income	765,000	943,000	178,000	HBS Income higher than budgeted, resulting in a profit of \$47,201
Other Income	29,000	121,000	92,000	Includes Grant Contributions from the Mt Pleasant and Tunbridge Hall Committees
Investment Revenue from water corporation	152,000	76,000	76,000	TasWater reduced its distribution to member Councils by 50% - received only \$76,000.
<b>Net Capital Income</b>				
Grants - Capital	4,526,481	764,784	3,761,697	\$1,100,000 for Oatlands Pool budgeted, not received in 2019-20 \$1,930,000 Federal Government Grants budgeted, not received in 2019-20 \$10,000 - Chauncy Vale Revegetation Grant not budgeted \$35,142 - Runnymede Cricket Ground Refurbishment Grant not budgeted \$776,839 - Adjustments to account for unexpended grant liability (recognised as a result of change to Accounting Standard)
<b>Expenses from Continued Operations</b>				
Materials and Contracts	3,236,000	3,285,000	49,000	Includes Volunteer Contributions \$92,802 - recognised due to change in Accounting Standard - offset in Revenue.
Other Expenses	376,000	421,814	45,814	Private works expenditure \$93,656 over budget, offset by \$149,213 additional Income
<b>Consolidated Statement of Financial Position</b>				
<b>Non-current assets</b>				
Investment in water corporation		10,390,112		Taswater's revaluation of assets resulted in a reduction of equity on investment of \$3,182,457
<b>Liabilities</b>				
Contract Liabilities		1,901,000		\$241,000 Rates paid in advance, \$1,660,000 Grants Received in Advance
Interest bearing loans and borrowings		73,000		Total loans and borrowings have reduced by \$148,000
		384,000		
		Total		
<b>Notes to the Financial Report</b>				
Page 19, 2.6a Underlying Surplus		157,000		The underlying surplus assesses overall financial operating effectiveness, removing any one-off anomalies to make years more comparable. Council achieved a surplus of \$157,000.

Note - new Accounting Standards were introduced in 2019-20, changing the way we account for rates received in advance, volunteer services, and unspent capital grant funds (grants received in advance).

The Acting General Manager will provide any further explanation required and respond to any questions.

**Human Resources & Financial Implications** – Nil.

**Community Consultation & Public Relations Implications** – Not applicable.

**Council Web Site Implications** - A copy of the audited Statement will be included on the website as part of the 2019/20 Annual Report when completed.

**Policy Implications** – N/A.

**Priority - Implementation Time Frame** – Report completed and submitted to the Auditor General within the statutory timeframe.

## RECOMMENDATION

THAT Council receive the following:

1. Southern Midlands Council - Complete set of Financial Statements 2019/20;
2. Heritage Building Solutions Pty Ltd – Financial Statements for Year Ended 30 June 2020;
3. Heritage Education and Skills Centre Ltd - Financial Statements for Year Ended 30 June 2020.

## DECISION

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

THAT Council receive the following:

1. **Southern Midlands Council - Complete set of Financial Statements 2019/20;**
2. **Heritage Building Solutions Pty Ltd – Financial Statements for Year Ended 30 June 2020;**
3. **Heritage Education and Skills Centre Ltd - Financial Statements for Year Ended 30 June 2020.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	



**17. MUNICIPAL SEAL**

Nil.

## 18. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Council to address urgent business items previously accepted onto the agenda.

### 18.1 GRANT DEED – BLACK SPOT FUNDING – ELDERSLIE ROAD / BLUFF ROAD

#### DECISION

*Moved by Cllr K Dudgeon, seconded by Cllr A Bantick*

**THAT Council sign and seal the Grant Deed between the Department of State Growth and Southern Midlands Council for:-**

**Black Spot Programme 2020 – 2021  
Elderslie Road / Bluff Road, Elderslie  
\$150,000 to remodel junction**

#### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D Fish	√	
Cllr R McDougall	√	

## 18.2 INQUIRY INTO TASWATER OPERATIONS

**Author:** ACTING GENERAL MANAGER (ANDREW BENSON)

**Date:** 25 AUGUST 2020

**Enclosure:**  
*Inquiry into TasWater Operations*

### ISSUE

The Legislative Council have established a Select Committee to make an inquiry into TasWater Operations.

The Legislative Council Select Committee Members are Hon Ivan Dean MLC, Hon Sarah Lovell MLC and Hon Tania Rattray MLC.

Submissions to the inquiry are due by the 4<sup>th</sup> September 2020.

### DETAIL

LGAT CEO Katrena Stephenson is currently seeking feedback from all Councils by the 27<sup>th</sup> August 2020 in regard to the following issues:-

#### **[Email from LGAT CEO Katrena Stephenson]**

*One of the terms of reference is:*

*(5) the effect of TasWater's dividend policy on Local Government revenue.*

*Given the matter of the compounding impact of the freeze of TasWater Dividends to respond to COVID 19 plus the freeze on rates was raised by LGAT in our submission to PESRAC ([https://www.lgat.tas.gov.au/\\_data/assets/pdf\\_file/0032/687236/PSEERAC-Submission-1.0.pdf](https://www.lgat.tas.gov.au/_data/assets/pdf_file/0032/687236/PSEERAC-Submission-1.0.pdf)), I feel that we should make a submission that considers this matter (see some extracts after signature block). To that end I am seeking your feedback.*

1. *What impact has the non payment of dividends in response to COVID 19 had on your council?*
2. *Was their sufficient engagement with Council owners in the lead up to the policy decision?*
3. *Do you support the approach taken by TasWater.*
4. *Outside of COVID 19 is the Dividend policy/payment process sufficiently robust to support long-term financial planning?*
5. *What changes if any would you like to see?*

*There are a range of other matters the Committee will consider (see add attached) including compliance, trade waste, re-use, sewerage treatment, service quality, impact of COVID etc. These may be matters that the Owner Representatives wish to make a submission on. It would be useful to know if you think an owner rep submission will be required so LGAT can provide support to the Chief Owner Rep as required.*

6. *Should there be an owner rep submission that canvasses a broader range of matters?*

**Extract from PESRAC Submission**

*Financial impacts flowed shortly after including through lost revenues, implementation of relief measures, increased cleaning costs and loss of TasWater dividends. Some councils, like businesses, have experienced cash flow difficulties.*

It has not taken long for councils to start experiencing significant financial impacts from:

- lost fees and charges revenue e.g. parking, sports centres and child care;
- relief measures as outlined above, including deferral of payments, remissions, waivers and grants;
- lost revenue from TasWater dividends - with no dividends to be paid for the second ½ of this financial year (having an immediate cash flow impact) and the likelihood of no dividends none next year; and
- increased cleaning costs.

<b>Value of unpaid TasWater dividends 19-20</b>	\$10M
<b>Value of TasWater dividends 20-21</b>	Anticipated at least \$10M likely \$20M

Key points:

- *Lack of certainty about TasWater dividends and accuracy of long-term financial plans.*
- *There are increased service delivery expectations in the face of declining revenues and skills shortages.*
- *Councils have significant capacity to stimulate local economies through their capital programs.*
- *LG engagement must continue as we move from response to recovery, through the various recovery committees and with local leaders.*

Financial

For councils, the long-term financial impacts are front of mind, particularly going into a budget period. The lack of certainty about TasWater revenue, as illustrated by the immediate non-payment of dividends, has councils deeply concerned about the accuracy of their long-term financial plans. There was a strong feeling that councils had already provided significant relief through a range of measures and should not have to provide relief through dividend hits as well.

Possible Priority for State Government : Legislation to provide certainty around future TasWater dividends.

**[End email from LGAT CEO Katrena Stephenson]**

In relation to questions posed by LGAT, the following information is provided for Council's consideration:-

1. What impact has the non payment of dividends in response to COVID 19 had on your council?

**General Managers Response:** *the loss of Dividends (\$76K) represents approximately 1.6% of General Rates demanded. The loss of income means that an offset, or reduction in operational expenditure must be found. In terms of the Southern Midlands Council, this can be achieved without reduction in employee numbers due to the increase in funding received through the Australian Government at this time.*

2. Was their sufficient engagement with Council owners in the lead up to the policy decision?

**General Managers Response:** *Council decision (or primarily Clr Bisdee as Council's Owners Representative).*

3. Do you support the approach taken by TasWater.

**General Managers Response:** *Council decision (or primarily Clr Bisdee as Council's Owners Representative).*

4. Outside of COVID 19 is the Dividend policy/payment process sufficiently robust to support long-term financial planning?

**General Managers Response:** *No. It is apparent that TasWater (i.e. The Board) can make such decisions without consent from owner Councils. Whilst they consult and seek input, the Board has the ability to make such decisions.*

5. What changes if any would you like to see?

**General Managers Response:** *Council decision (Dividends).*

6. What changes if any would you like to see?

**General Managers Response:** *Council decision.*

## RECOMMENDATION

THAT Council consider the above responses to be provided to LGAT by the 27<sup>th</sup> August 2020, for inclusion in their submission regarding the inquiry into TasWater Operations.

## DECISION

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

**THAT the information be received.**

## CARRIED



Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**ENCLOSURE(S)**  
*Agenda Item 18.2*

## **INQUIRY INTO TASWATER OPERATIONS**

The Legislative Council has established a Select Committee to inquire into and report upon the operations of TasWater with the following Terms of Reference:

- (1) The impact of compliance with regulated bodies;
- (2) operations in regard to the impact on business required to comply with Trade Waste regulations;
- (3) the opportunity for re-use water expansion for irrigation;
- (4) the management of sewage treatment including the disposal of the treated waste biosolids;
- (5) the effect of TasWater's dividend policy on Local Government revenue;
- (6) the delivery and timeliness of water services to Tasmanian communities;
- (7) the effectiveness of business operations since the State Government became a shareholder in early 2019;
- (8) the impact of COVID-19 on business operations; and
- (9) any other matters incidental thereto

The Committee invites written submissions from interested individuals or organisations. Electronic submissions are encouraged and all submissions can be provided to:

The Secretary

Legislative Council Select Committee - TWT

Legislative Council, Parliament House, Hobart 7000

Email: [twt@parliament.tas.gov.au](mailto:twt@parliament.tas.gov.au)

Phone: (03) 6212 2245 or 0448 345 150

The Committee's Terms of Reference and other information are also available on the Parliament of Tasmania website ([www.parliament.tas.gov.au](http://www.parliament.tas.gov.au)) or by contacting the Inquiry Secretary.

Submissions become the property of the Committee and are generally made publicly available via the Inquiry webpage prior to the Committee releasing its Final Report. However, authors of submissions should not publish their submission elsewhere until after the Committee has reported.

Submissions should be received by no later than close of business on **Friday, 4 September 2020**.

### **Members of the Committee:**

Mr Robert Armstrong, MLC

Mr Ivan Dean, MLC

Ms Sarah Lovell MLC (Deputy Chair)

Ms Tania Rattray MLC (Chair)



LEGISLATIVE COUNCIL SELECT COMMITTEE  
TASWATER OPERATIONS

**18.3 VICTORIA MEMORIAL HALL, KEMPTON – LEASE AGREEMENT – BRIGHTON GREEN PONDS RSL SUB-BRANCH INC.**

**Author:** CORPORATE COMPLIANCE OFFICER (WENDY YOUNG)

**Date:** 21 AUGUST 2020

**Attachment:**

*Draft Lease Agreement – SMC & Brighton Green Ponds RSL Sub-Branch Inc.*

**ISSUE**

Council to:

- a) Consider and endorse (subject to any amendments) the draft lease agreement between the Southern Midlands Council and the Brighton Green Ponds RSL Sub-Branch Inc. for lease of the Victoria Memorial Hall, Kempton; and
- b) Approve the Lease for signing.

**BACKGROUND**

Council, at its meeting held 27<sup>th</sup> June, 2016, resolved as follows:

*“THAT Council:*

- a) *Acknowledge that a lease arrangement with Brighton Green Ponds RSL for the management and operation of the Victoria Memorial Hall, Kempton would be beneficial to both Council and the community;*
- b) *Approve entering into a four-year lease of the facility to the Brighton Green Ponds RSL; and*
- c) *A lease document be prepared to reflect the proposed terms and conditions contained within the report; and*
- d) *The draft Lease, once approved by the Brighton Green Ponds RSL, be presented to Council for final endorsement prior to execution.”*

Further;

Council, at its meeting on 28<sup>th</sup> September, 2016, resolved as follows

*“THAT Council:*

- a) *endorse the final lease agreement between the Southern Midlands Council and the Brighton Green Ponds RSL Sub-Branch Inc. for lease of the Victoria Memorial Hall, Kempton;*
- b) *approve the Lease for signing; and*
- c) *request the RSL to prepare and submit a basic briefing report on the operations of the Hall on a quarterly basis.”*

## DETAIL

The lease for the Victoria Memorial Hall, Kempton is due to expire on the 30<sup>th</sup> September 2020. The Brighton Green Ponds RSL Sub-Branch Inc has requested that the lease be renewed for a further 4 year period. The enclosed Lease has been drafted based on the previous lease, which reflects the same terms and conditions.

## RECOMMENDATION

THAT Council:

- a) endorse (subject to any amendments) the final lease agreement between the Southern Midlands Council and the Brighton Green Ponds RSL Sub-Branch Inc. for lease of the Victoria Memorial Hall, Kempton; and
- b) approve the Lease for signing.

## DECISION

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

THAT Council:

- a) **Endorse the final lease agreement between the Southern Midlands Council and the Brighton Green Ponds RSL Sub-Branch Inc. for lease of the Victoria Memorial Hall, Kempton; and**
- b) **Approve the Lease for signing and sealing.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

**ENCLOSURE(S)**  
*Agenda Item 18.3*

SOUTHERN MIDLANDS COUNCIL  
(ABN 68 653 459 589)  
(Council)

AND

BRIGHTON GREEN PONDS RSL SUB-BRANCH INC. - Incorporated  
Association No. IA10165 (ABN 93 657 198522)  
(Lessee)



**LEASE**

---

Date: 1 October 2020

**Parties:**

Name: **SOUTHERN MIDLANDS COUNCIL (ABN 68 653 459 589)**  
a municipal council established pursuant to the *Local Government Act 1993*  
(Tas)

Short Form Name: **Council**

Notice Details: POBox 21  
Oatlands TAS 7120

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Name: **BRIGHTON GREEN PONDS RSL SUB-BRANCH - Incorporated**  
Association No. 10165 (ABN 93 657 198 522)

Short Form Name: **Lessee**

Notice Details: PO Box 118  
Kempton TAS 7030

## BACKGROUND

- A. The Council owns the Premises.
- B. The parties have agreed to enter into this Lease to set out the terms and conditions by which the Council will let and the Lessee will take a lease of the Premises.

## IT IS AGREED AS FOLLOWS:

### 1. DEFINITIONS AND INTERPRETATION

#### 1.1 Definitions

Where the context admits, the following words have the following meanings:

**Commencement Date** means the date on which this Lease commences set out in Item 2 of the Schedule.

**Council** means the Council, its successors, legal personal representatives, and assigns and where applicable in the particular context, the servants and agents of the Council.

**Lease** means this lease agreement.

**Lessee** means the Lessee, its successors, legal personal representatives, and assigns and where applicable in the particular context, the employees, agents, contractors, customers, invitees or visitors of the Lessee.

**Permitted Use** means the use specified in Clause 4 of this Lease.

**Plant and Equipment** means the fixed furniture, furnishings, plant and equipment in the Premises.

**Premises** means the premises leased to the Lessee pursuant to the terms and conditions of this Lease and more particularly described in Item I of the Schedule and shown in the plan at Annexure A.

**Rent** means the amount set out in Item 4 of the Schedule.

**Schedule** means the schedule attached to and forming part of this Lease.

**Term** means the term set out in Item 3 of the Schedule.

## 1.2. Interpretation

In this Lease, unless the contrary intention appears:

- (a) the singular includes the plural, and the converse also applies;
- (b) a gender includes all genders;
- (c) if a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (d) a reference to:
  - (i) a person includes a corporation, trust, partnership, unincorporated body or other entity, whether or not it comprises a separate legal entity;
  - (ii) an agreement or document (including a reference to this Lease) is to the agreement or document as amended, supplemented, novated or replaced, except to the extent prohibited by this Lease or that other agreement or document;
  - (iii) writing includes any method of representing or reproducing words, figures, drawings, or symbols in a visible or tangible form;
  - (iv) a party to this Lease or another agreement or document includes the party's successors, permitted substitutes and permitted assigns (and, where applicable, the party's legal personal representatives);
  - (v) legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it;
  - (vi) "dollars" and "\$" is to Australian currency; and
  - (vii) a right or obligation of any two or more people comprising a single party confers that right, or imposes that obligation, as the case may be, on each of them severally and each two or more of them jointly. A reference to that party is a reference to each of those people separately (so that, for example, a representation or warranty by that party is given by each of them separately);
- (e) mentioning anything after "includes", "including", "for example", or similar expressions, does not limit what else might be included;
- (f) nothing in this Lease is to be interpreted against a party solely on the ground that the party put forward this Lease or any part of it; and
- (g) headings are for convenience only and do not affect interpretation.

**2. AGREEMENT TO LEASE**

**2.1 Agreement to Lease**

The Council agrees to lease to the Lessee the Premises for the Term.

**3. RENT**

**3.1 Payment of Rent**

Subject to the Council agreeing to lease the Premises to the Lessee on the terms and conditions of this Lease, the Lessee agrees to pay to the Council the Rent annually on the 30 June, if demanded to do so by the Council.

**4. PERMITTED USE**

**4.1 Permitted Use**

The Lessee agrees to manage the use of the Premises on behalf of the Council and may, at its discretion, use the Premises for the purpose of meetings, events and activities of and for the Lessee's members.

**4.2 Additional Use**

The Lessee agrees to permit staff and students of the Kempton Primary School to use the Premises, free of any charge, during normal school hours for any educational purpose, upon the written request of the principal for the time being of the Kempton Primary School.

**4.3 Excluded Use**

The Lessee agrees that it will not undertake the preparation or supply of meals at or from the Premises on a commercial or trade basis. For the avoidance of doubt, this exclusion is intended by the Parties to protect the trade of existing commercial operators who provide meals in hotels, restaurants and other hospitality businesses within the municipal area but is not intended to exclude the provision of catering by the Lessee of RSL functions and events.

**5. GENERAL TERMS RELATING TO CONDITION AND MAINTENANCE OF THE PREMISES**

**5.1 Condition of Premises at the Commencement Date**

The Council will ensure that the Premises are in good condition at the Commencement Date and that the Premises meet all building, health and safety standards.

**5.2 Condition Report**

- (a) The Council will prepare a Premises Condition Report at the Commencement Date.
- (b) The Report will detail the contents of the Premises and their condition.
- (c) The Report will be signed by the Council and the Lessee and will serve as a record of the contents and condition of the Premises at the Commencement Date.

**5.3 Schedule of Specific Maintenance Responsibilities**

Subject to and in so far as it is compatible with the terms of this Lease, the obligations contained in the schedule of Maintenance Responsibilities attached to this Lease and marked Annexure B, are incorporated into this Lease.

**5.4 Council's Right of Entry**

The Council at all reasonable times may:

- (a) enter upon the Premises to view the state of repair and may serve upon the Lessee a notice in writing of any defect for the repair of which the Lessee is responsible. On any default, the Council may enter and execute the repairs and any expenses and costs of carrying out such work must be payable by the Lessee to the Council on demand;
- (b) enter the Premises for the purpose of complying with the terms of any legislation affecting the Premises, or any notice serves upon the Council by any competent authority requiring the carrying out of any repairs, alterations, extensions or works, and for which the Lessee is not liable provided that in the exercise of such power as little inconvenience as is practicable is caused to the Lessee; and
- (c) enter the Premises for the purpose of carrying out structural repairs.

**5.5 Keys**

- (a) The Lessee must not permit any key associated with the Premises to be handed to any Unauthorised Person.
- (b) The Lessee must not alter any locks on the Premises without the written consent of the Council.
- (c) At the termination of this Lease, the Lessee will deliver to the Council all keys for the Premises.



- (d) For the purpose of this clause 5.5, "Unauthorised Person" means anyone not a committee member of the Lessee. Despite the definition contained in this clause, any tradesperson required to attend the Premises for the maintenance, repair or any other works will be deemed to be an authorised person.

## **6. LESSEE'S COVENANTS**

The Lessee covenants with the Council as follows:

### **6.1 Payment of Rent**

To pay the Rent at the time and in the manner requested by the Council, if so requested by the Council.

### **6.2 Outgoings**

To promptly pay all assessments, charges, levies, outgoings and rates and taxes charged upon the Premises except those which the Council has agreed in this Lease to pay. For the avoidance of doubt the Lessee is expressly liable for the payment of charges for the supply of electricity to the Premises from the Commencement Date.

### **6.3 Use of Premises**

- (a) Not to use or permit to be used the Premises or any part of it for any purpose other than for the Permitted Use unless otherwise agreed in writing by the Council.
- (b) Not to store or permit to be stored in the Premises any inflammable or dangerous liquids, gas or solids in excess of that permitted to be held in the Premises by the insurers of the Premises.
- (c) Not to do or permit to be done upon the Premises anything which in the opinion of the Council may be or become a nuisance or annoyance to adjacent premises or the occupiers of adjacent premises.
- (d) Not to do or permit to be done anything whereby the policy or policies of insurance in respect of the Premises and the fixtures and fittings in the Premises against damage by fire or otherwise for the time being may become void or voidable or whereby the rate of premium of the insurance may be increased.
- (e) Not to hold or allow any sale by auction on or within the Premises without the prior written consent of the Council.

**6.4 Assignment, Sub-Letting and Possession**

Not to assign, transfer, sub-let or part with the possession of the Premises or any part of the Premises to any person without the consent in writing of the Council.

**6.5 Signs**

Not to affix or exhibit or permit to be affixed or exhibited to or upon any part of the exterior of the Premises or the external walls of the Premises any placard, poster, signboard, signwriting or other advertisement except such as shall be approved by the Council (in its capacity as the lessor) PROVIDED that the Council's approval shall not be unreasonably withheld in the case of signs and advertisements in accordance with the requirements of the Council (in its capacity as the relevant authority) and any other authority having jurisdiction in the matter and being signs and advertisements similar to or in the style of other signs and advertisements in the area of the Premises AND PROVIDED that at the expiration or sooner determination of this Lease the Lessee will at its own expense remove all such placards, posters, signboard, signwriting or other advertisement and will make good any damage or disfigurement caused by the placing or removal of such placard, poster, signboard, sign writing or other advertisement.

**6.6 Electrical and Plumbing Systems**

Not to alter remove or add to the electrical or plumbing systems of the Premises without the prior consent in writing of the Council and not to use the lavatories, sewer, wastes, grease traps or other service apparatus of the Premises for any purpose other than that for which they were constructed and not to do or suffer to be done any act or thing which may block or damage them.

**6.7 Alterations to Premises**

Not to make or permit to be made any structural or other alterations or additions to the Premises or to any fixtures or fittings without first obtaining the written consent of the Council PROVIDED THAT all works pursuant to any such consent shall be carried out in a proper and workmanlike manner to the satisfaction of the Council by builders, tradesmen or others nominated or approved by the Council and in conformity with Building Regulations or any other requirements of any local governmental or governmental instrumentality and the Lessee agrees that all expenses for or in connection with any alterations so required shall be borne by the Lessee exclusively.

#### 6.8 Repairs and Maintenance

To, from time to time and at all times during the continuance of this Lease, at the Lessee's cost, and using only persons approved by the Council to repair and maintain the Premises:

- (a) well and sufficiently and substantially repair, cleanse, maintain, mend and keep the interior of the Premises and all additions made to the Premises in good order;
- (b) immediately replace glass which becomes cracked, damaged or broken with glass of the same thickness and quality (irrespective of the cause of the damage);
- (c) keep all drains, pipes, sanitary and water apparatus in or leading from the Premises in a good state of repair and condition in all respects (fair wear and tear and damage by fire storm and tempest alone excepted);
- (d) keep all gas, electric, solar and fire protection apparatus including but not limited to heating, lighting and electrical equipment in a good state of repair and condition in all respects (fair wear and tear and damage by fire storm and tempest alone excepted);
- (e) immediately repair defective windows, lights, doors, locks and fastenings and replace missing light globes and fluorescent tubes;
- (f) immediately make good any damage to adjacent property caused by the Lessee;  
and
- (g) take all precautions required by law against fire and to comply with all reasonable directions of the Council or the insurer of the Premises as to the prevention, detection and limitation of fire, excepting that the Lessee is not liable to repair defects of a structural nature (except where such structural defects are caused by the act, neglect or default of the Lessee: or by its use or occupancy of the Premises or arise as a consequence of (or are discovered within) alterations made to the Premises by the Lessee) and damage by fair wear and tear, fire, flood, lightning, storm, tempest, Force Majeure or other inevitable accident only excepted.

#### 6.9 Removal of Dirt and Rubbish

To keep the Premises and the entrance ways and access to them clean and free from dirt and rubbish and to ensure that all trade waste and rubbish is stored and kept in proper containers and that such containers are regularly emptied and to comply in all respects with the requirements and regulations of any competent authority in relation to storage and removal of waste material and rubbish.

**6.10 Security**

To take reasonable precautions to secure the Premises and their contents from theft including but not limited to keeping all doors and windows locked when the Premises are not in use and to comply with the Council's directions, if any, for the use and return of keys.

**6.11 Notification of Issues to Council**

To promptly, on becoming aware of:

- (a) damage to the Premises or of any defect in the structure of or any of the services to the Premises;
- (b) service by any authority of a notice or order affecting the Premises;
- (c) any hazards threatening or affecting the Premises; or
- (d) any hazards arising from the Premises for which the Council might be liable, give written notice to the Council or the Council's agent of the same.

**6.12 Inspection**

To permit the Council and its agents at all reasonable times upon giving prior notice to the Lessee (except in the case of emergency where no notice shall be required):

- (a) to enter upon the Premises to:
  - (i) examine their state of repair and condition;
  - (ii) carry out repairs or agreed alterations;
  - (iii) do anything necessary to be done by the Council to comply with notices or orders of any authority; or
  - (iv) exercise the power and authorities of the Council under the Lease; or
- (b) To serve upon the Lessee a notice in writing of any defect for the repair of which the Lessee may be responsible requiring the Lessee within a reasonable time to repair the same and in default of the Lessee so doing it shall be lawful for the Council from time to time to enter and execute the required repairs and any reasonable expenses and costs of carrying out such works shall be payable by the Lessee to the Council.

### 6.13 Insurance

To effect and maintain the following insurance policies at the Lessee's cost:

(a) Public Liability Insurance

An insurance policy for public risk insurance at all times during the continuance of this Lease or any extension of this Lease such policy to be sufficient to cover the Lessee in respect of any liability arising as a direct or indirect result of the occupation by the Lessee of the Premises.

(b) Plate Glass / Council's Plant and Equipment

The full replacement value, through breakage or damage from any cause of all plate and other glass in windows, doors, display cases and other fixed glass within the Premises, and of any doors, windows or other frames containing the glass within the Premises.

(c) Premises / Plant and Equipment

An insurance policy to a value deemed by the Council in its absolute discretion to be adequate against damage done to the Premises or the Council's Plant and Equipment, fixtures and fittings by any trespasser, licensee or invitee of the Lessee and to indemnify the Council for such damage, howsoever caused, including negligence.

(d) Lessee's Fixtures and Fittings

An insurance policy to a reasonable value against damage done, however caused, to the Lessee's fixtures and fittings and to indemnify the Council for such damage.

(e) Workers Compensation Policy

A workers compensation policy of insurance in accordance with the *Workers Rehabilitation and Compensation Act 1988* for any employees, sub-contractors, agents and any other persons or entities under the control or direction of the Lessee.

(f) Voiding of Insurance Policies

The Lessee will not at any time during the continuance of this Lease do, or permit or suffer to be done, any act, matter or thing upon the Premises which may cause any insurance required under this Lease to be vitiated or rendered void or voidable.

(g) Council's Interest Noted

All insurance policies shall be note the interest of the Council as lessor and to be taken out with such insurance office or offices as may from time to time be approved of by the Council, such approval not to be unreasonably withheld.



(h) Evidence of Insurance

The Lessee will in respect of any policy of insurance to be effected by the Lessee pursuant to this Lease if required by the Council produce to the Council on demand the policy or policies of insurance and the receipts for the last premium or a Certificate of Currency in respect of that policy (or policies).

**6.14 Yielding Up**

Upon the expiration of the Term or termination of this Lease in accordance with clause 10, to quietly surrender and yield up to the Council the Premises with the Council's Plant and Equipment, fixtures and fittings in good order and repair (damage by fair wear and tear excepted) and to make good at the sole cost of the Lessee any damage caused in removing the Lessee's fittings and at the request of the Council to remove any Lessee's fittings on the Premises and to make good any resulting damage.

**6.15 GST**

In respect of any payment which is required to be made by the Lessee by the terms of this Lease whether to the Council or otherwise, to also pay any tax in the nature of a consumption tax, goods and services tax, value added tax or similar tax required by law to be paid in addition to or in respect of or as a consequence of that payment PROVIDED THAT the Lessee shall not be required to pay any tax in relation to the payment of rent unless the statute or legislation imposing payment of that tax requires the Lessee to do so.

**7. COUNCILS COVENANTS**

The Council covenants with the Lessee as follows:

**7.1 Quiet Enjoyment of the Premises**

That, on the Lessee observing and performing its covenants obligations and provisions in this Lease, the Lessee may peaceably hold and enjoy the Premises without any interruption or disturbance from the Council or any person claiming under the Council, save and except as permitted by the terms of this Lease.

**7.2 Insurance of Premises**

(a) Premises

The Council will at all times during the continuance of the Lease insure and keep insured the Premises, fixtures and fittings against risks of fire, storm and tempest, lightning, riots, civil commotion, explosion and flood, and maintain a sufficient policy of public liability insurance.

(b) Plant and Equipment

The Council will at all times during the continuance of the Lease insure and keep insured the Council's Plant and Equipment, fixtures and fittings.

**7.3 Outgoings**

The Council will pay all charges associated with land tax, general rates and fire levy, and water charges both fixed and consumption. For the avoidance of doubt, the Council is not liable for any other charges, including but not limited to charges for electricity supply to the Premises.

**7.4 Maintenance of Exterior**

That the Council will keep and maintain in good order and repair the structure of the Premises (except where such structural defects are caused by the actions of the Lessee or arise as a consequence of alterations made to the Premises by the Lessee) including the outer walls, roof, main timbers and main drains but limited to the extent that the Council shall not be responsible for clearing drains or sinks which may have become blocked through any act, omission, neglect or default of the Lessee or other occupants of the Lessee.

**7.5 Fire Detection System**

That the Council will be liable for the cost of any repairs and maintenance to the fire detection system, except where such costs are occasioned by any act, omission, neglect or default of the Lessee.

**7.6 Notice of Alterations**

- (a) That the Council will notify the Lessee in writing, of any proposed major alteration or major refurbishment to the Premises if the Lessee is likely to be affected by such alterations. The notice must be given within a reasonable time, being not less than three (3) months, before the alterations or refurbishment are commenced.
- (b) That, in the case of minor repairs or an emergency, the Council will give reasonable notice to the Lessee of any proposed alteration or refurbishment.

**8. MUTUAL COVENANTS**

The Council and the Lessee covenant and agree as follows:

**8.1 Damaged Premises**

- (a) That the Lessee is not required to pay Rent and outgoings if the Premises are unusable for the Permitted Use or inaccessible due to damage unless the Lessee:
  - (i) is responsible for the damage; or
  - (ii) contributes substantially to the damage; or
  - (iii) takes some action which results in the termination of the Council's insurance policy.
- (b) That the Lessee's obligation to pay the Rent and outgoings under this Lease shall resume as soon as the Premises are once again usable for the Permitted Use and are accessible.
- (c) That, if the Premises are damaged but are useable for the Permitted Use, the Rent and outgoings are to be reduced having regard to the nature and extent of the damage until such time as the damage has been repaired.
- (d) That if, after a written request from the Lessee, the Council fails to repair, within a reasonable time, the Premises after they have been damaged so as to be unuseable for the Permitted Use or are inaccessible due to damage, the Lessee, in addition to any other rights, may terminate this Lease.

**8.2 Removal of Lessee's Fixtures and Fittings**

- (a) That the Lessee may at or prior to the determination of this Lease take remove or carry away from the Premises all plant, equipment or other articles upon the Premises in the nature of Lessee's fixtures and fittings brought upon the Premises by the Lessee but the Lessee shall in such removal do no damage to the Premises and shall immediately make good any damage which the Lessee may occasion to the Premises and shall immediately remove all rubbish and shall leave the Premises in a clean state and condition.
- (b) In the event that the Lessee does not remove and carry away such fixtures, fittings, plant equipment or other articles at the determination of this Lease the Council may at the expense of the Lessee remove and dispose of the same and any such fixtures, fittings, plant equipment or other articles not so removed by the Lessee at the determination of this Lease shall become the property of the Council at no cost to the Council.

### 8.3 Essential Terms

- (a) That each of the covenants contained in clause 6 of this Lease are essential terms of the Lease.
- (b) That the Lessee covenants to compensate the Council in respect of any breach of an essential term of this Lease and the Council is entitled to recover damages from the Lessee in respect of such breaches.
- (c) The Council's entitlement under this clause 8.3 is in addition to any other remedy or entitlement to which the Council is entitled (including the right to terminate this Lease).

### 8.4 Repudiation / Breach

- (a) That, in the event that the Lessee's conduct (whether acts or omissions) constitutes a repudiation of the Lease (or of the Lessee's obligations under the Lease) or constitutes a breach of any Lease covenants, the Lessee covenants to compensate the Council for the loss or damage suffered by reason of the repudiation or breach.
- (b) That the Council's entitlement to recover damages shall not be affected or limited by any of the following:
  - (i) if the Lessee shall abandon or vacate the Premises;
  - (ii) if the Council shall elect to re-enter or to terminate the Lease;
  - (iii) if the Council shall accept the Lessee's repudiation; or
  - (iv) if the parties' conduct shall constitute a surrender by operation of law.
- (c) That the Council shall be entitled to institute legal proceedings claiming damages against the Lessee in respect of the entire Term including the periods before and after the abandonment, termination, repudiation, acceptance of repudiation or surrender by operation of law referred to in clause 8.4(b)(iv).

### 8.5 Time to Remedy Breach

That any notice required to be given by the Council to the Lessee in the case of a breach of the covenants or conditions of this Lease shall provide that the period of fourteen (14) days (or such longer period as the Council may decide having regard to the nature of the breach) as the time within which the Lessee is to remedy any such breach or default if it is capable of remedy or to make reasonable compensation to the satisfaction of the Council.

**8.6 Waiver Negatived**

- (a) That the Council's failure to take advantage of any default or breach of covenant on the part of the Lessee shall not be or be construed as a waiver of that default or breach, nor shall any custom or practice which may grow up between the parties in the course of administering this instrument be construed to waive or to lessen the right of the Council to insist upon the performance by the Lessee of any term, covenant or condition of this Lease, or to exercise any rights given to the Council on account of any such default.
- (b) That a waiver by the Council of a particular breach or default shall not be deemed to be a waiver of the same or any other subsequent breach or default.
- (c) That the subsequent acceptance of any payment under the Lease by the Council shall not be deemed to be a waiver of any preceding breach by the Lessee of any term, covenant or condition of the Lease, other than the failure of the Lessee to make the particular payment or payments of rental so accepted, regardless of the Council's knowledge of such preceding breach at the time of acceptance of such payment.

**8.7 Indemnities**

- (a) That the Lessee indemnifies the Council against any action, liability, penalty, claim, demand or loss (other than for which the Council would otherwise be liable) arising from:
  - (i) any damage to the Premises or part of the Premises;
  - (ii) any loss of or damage to anything in or near the Premises; and
  - (iii) any injury to any person in or near the Premises, caused by the act, negligence or default of the Lessee or as a direct or indirect result of the occupation by the Lessee of the Premises.
- (b) That the Council shall in the absence of any negligence on its part have no responsibility or liability for any loss of or damage to stock and trade fittings and fixtures, signs or personal property of the Lessee or loss of profits by the Lessee howsoever caused.

**8.8 Management of the Premises**

The Lessee agrees:

- (a) To manage the use of the Premises for the benefit of the whole community.
- (b) To actively encourage diversity in the use by the community of the Premises and its facilities.
- (c) To make and publish such rules as may be necessary for the effective and efficient administration and control of the use of the Premises.



- (d) To retain and properly account for all funds received from booking fees and other charges levied by the Lessee in relation to the use of the Premises.
- (e) To independently raise funds for the purpose of meeting expenditures related to the Lessee's obligations under this Lease for the operation and maintenance of the Premises.
- (f) To prepare and submit to the Council any funding request in relation to desired works (other than minor repairs or maintenance). Such works include but are not limited to repainting of the Premises and roof repair or replacement.

Council agrees:

- (g) To consider and determine, in its absolute discretion, properly made requests from the Lessee for funding assistance to upgrade the Premises or replace fixtures.

## **9. COMPLIANCE WITH THE LAW**

### **9.1 Compliance with the Law**

The Lessee must not do any act, matter or thing which may become or is a breach of any Act or Regulation.

### **9.2 Permits and Licences**

The Lessee must:

- (a) obtain and comply with any permit or licence required in respect of its use or occupation of the Premises;
- (b) not supply any liquor except in accordance with any permit and the provisions of the *Liquor Licensing Act 1990* or any regulations or conditions imposed under that Act.

## **10. DEFAULT AND TERMINATION**

### **10.1 Termination by Council**

- (a) If the Lessee is in breach of any of its obligations under this Lease, then the Council may give the Lessee a notice which specifies the breach and which requires the Lessee to remedy the breach within fourteen (14) days.
- (b) If the Lessee fails to comply with the notice received by it under clause 10.1(a), the Council may terminate this Lease and re-enter the Premises.
- (c) The Council may terminate this Lease by giving the Lessee one (1) months' written notice that, in the opinion of the Council, the use and management of the Premises is not being conducted in accordance with the Council's expectations for the management of the Premises as specified in clause 8.8.

**10.2 Termination by Lessee**

The Lessee may terminate this Lease by giving the Council one (1) months' written notice that, in the opinion of the Lessee, it is unable to continue to manage the Premises in accordance with the Council's expectations as specified in clause 8.8 and by doing so relinquishes the Premises to the Council for use, or disposal, as the Council chooses.

**11. CONSENT AND WARRANTIES BY THE PARTIES**

**11.1 Consent and Warranties**

Unless otherwise provided in this Lease, the Council must not unreasonably withhold its consent to any act by the Lessee which needs consent, but:

- (a) the Council may impose reasonable conditions before consenting; and
- (b) the Lessee must, on demand, reimburse the Council's reasonable expenses resulting from an application for its consent, including fees paid to consultants.

**12. END OF THIS LEASE**

**12.1 End of this Lease**

At the end of this Lease, the Lessee must:

- (a) at the request of the Council and at the Lessee's expense remove any works constructed by the Lessee, any Lessee's fixtures on the Premises and reinstate the Premises to the condition that they were prior to the Commencement Date; and
- (b) surrender and yield up the Premises in a clean and tidy condition to the Council and as nearly as possible in the same condition, apart from reasonable wear and tear as set out in the Premises Condition Report referred to in clause 5.2.

**12.2 No Holding Over or Option to Extend**

For the avoidance of doubt, there is no right or capacity in the Lessee to continue to occupy the Premises after the expiration of this Lease and no right of the Lessee to seek, nor right of the Council to grant, a further term or continuation of this Lease.

**13. WHOLE OF AGREEMENT**

**13.1 Whole of Agreement**

This Lease contains all the agreements made between the parties and the Lessee hereby acknowledges that it has entered into this Lease solely on the basis of the terms, conditions, covenants and agreements contained in this Lease and that no other warranties, representations or promises whether in writing or otherwise and whether express or implied have been relied upon by it and all such warranties, representations and promises (if any) are hereby negated.

**13.2 Provisions Void, Voidable, Unenforceable or Illegal**

- (a) If any provision of this Lease is void, voidable, unenforceable or illegal in its terms, but would not be void, voidable, unenforceable or illegal if it were read down and it is capable of being read down, that provision is to be read down accordingly.
- (b) If, notwithstanding clause 13.2(a), a provision is still void, voidable, unenforceable or illegal and if the provision would not be void, voidable, unenforceable or illegal:
  - (i) if a word or word were omitted, that word or those words are severed; and
  - (ii) in any other case, the whole provision is severed, the remainder of this Lease is of full force and effect.
- (c) Any provision of this Lease which is prohibited or unenforceable in any jurisdiction is, as to such jurisdiction, ineffective to the extent of that prohibition or unenforceability without invalidating the remaining provisions or effecting the validity or enforceability of that provision in another jurisdiction.

**14. NOTICES**

**14.1 Method of notice**

All notices to be given under this Lease must be in writing and may be delivered or sent:

- (a) in person;
- (b) by prepaid post;
- (c) by facsimile; or
- (d) by email,

to the address shown in this Lease for the party to whom the notice is given.

#### **14.2 Deemed Receipt**

Every notice is deemed to have been received and given:

- (a) if delivered, on the actual date of delivery;
- (b) if sent by post, on the second (2<sup>nd</sup>) day following the date of posting;
- (c) if sent by facsimile, when receipt is acknowledged; and
- (d) if sent by email, on the day marked on the sender's service as the date of sending, provided that the sender has not received an error or non-delivery message.

#### **14.3 Notices by Council**

Any notice given by the Council will be sufficiently given if signed by the Councillor any person authorised by the Council.

### **15. DISPUTE RESOLUTION**

#### **15.1 Disputes**

If a dispute arises between any of the parties ("Disputing Parties") in connection with this Lease ("Dispute"), it must be resolved in accordance with the dispute resolution procedure in this clause 15.

#### **15.2 Dispute Notice**

- (a) A party wishing to resolve a Dispute must give notice in writing to the other Disputing Party specifying reasonable details of the Dispute and requiring resolution of the Dispute by the parties under this clause 15 ("Dispute Notice").
- (b) The Dispute Notice must state that a Dispute has arisen and identify the matters in dispute.

#### **15.3 Good Faith Discussions**

- (a) Within five (5) Business Days after the date on which a Dispute Notice is received by a party, each Disputing Party must appoint a representative of that party to promptly meet and engage in good faith discussions with the objective of resolving the Dispute by agreement.
- (b) If, and only if, after a period of five (5) Business Days after the date on which a Dispute Notice is received, the Disputing Parties have not been able to resolve the Dispute, any Disputing Party may refer the Dispute for determination to the Expert in accordance with the provisions of clauses 15.4 to 15.6 (inclusive).

#### 15.4 Appointment of Expert

An independent expert will be appointed:

- (a) by agreement between the Disputing Parties; or
- (b) if the Disputing Parties fail to agree within five (5) Business Days of the provision of the Dispute Notice, as appointed by the President for the time being of the Law Society of Tasmania.

("Expert").

#### 15.5 Qualifications and Independence of Expert

The Expert must;

- (a) have reasonable qualifications and practical experience in the area of the Dispute;
- (b) have no interest or duty which conflicts or may conflict with his or her function as an Expert, he or she being required to fully disclose any such interest or duty before his or her appointment;
- (c) not a director, employee or shareholder of any party; and
- (d) not be an advisor or consultant of any party in connection with the interpretation or enforcement of this Lease (without the prior consent of all parties).

#### 15.6 Expert Determination

- (a) Any person appointed as an Expert under this clause 15 will be deemed to be and will act as an expert and not an arbitrator and the law relating to arbitration will not apply to the Expert's determination or the procedures by which the Expert may reach his or her determination.
- (b) The determination will be held in Hobart, Tasmania unless the Disputing Parties otherwise agree.
- (c) The parties will:
  - (i) give the Expert all information and assistance that the Expert may reasonably require; and
  - (ii) be entitled to be legally represented in respect of any representations that they may wish to make to the Expert, in a manner determined by the Expert.
- (d) The costs of the Expert and any advisors to the Expert will be borne by the Disputing Parties equally unless otherwise determined by the Expert.
- (e) The Disputing Parties acknowledge that the decision of the Expert will be final and binding on the Disputing Parties.



**16. MISCELLANEOUS**

**16.1 Exercise of Rights**

A party may exercise a right, power or remedy at its discretion, and separately or concurrently with another right, power or remedy. A single or partial exercise of a right, power or remedy by a party does not prevent a further exercise of that or of any other right, power or remedy, Failure by a party to exercise or delay in exercising a right, power or remedy does not prevent its exercise.

**16.2 Waiver and Variation**

A provision of, or a right created under, this Lease may not be:

- (a) waived except in writing signed by the party granting the waiver; or
- (b) varied except in writing signed by the parties.

**16.3 Remedies cumulative**

The rights, powers and remedies provided in this Lease are cumulative with and not exclusive of the rights, powers or remedies provided by law independently of this Lease.

**16.4 Further Assurances**

Each party shall take all steps, execute all documents and do everything reasonably required by the other party to give effect to any of the transactions contemplated by this Lease.

**16.5 Counterparts**

- (a) This Lease may be executed in any number of counterparts.
- (b) Each counterpart constitutes an original of this Lease, all of which together constitute one (1) Lease.
- (c) Each party acknowledges that a facsimile or email counterpart of this Lease is sufficient evidence of a party executing this Lease.

**16.6 Governing Law**

This Lease is governed by the laws of Tasmania. The parties submit to the non-exclusive jurisdiction of the courts exercising jurisdiction therein.

SCHEDULE

<b>Item 1</b>	<b>Premises</b>	That part of the property known as the Kempton Memorial Hall situated at 89 Main Street, Kempton in Tasmania more particularly described in Certificate of Title Volume 153043 Folio 1 and shown on the plan attached hereto at Annexure A being the hall building only and excluding the public toilets on the land.
<b>Item 2</b>	<b>Commencement Date</b>	1 October, 2020
<b>Item 3</b>	<b>Term</b>	FOUR (4) years
<b>Item 4</b>	<b>Rent</b>	ONE DOLLAR (\$1.00) per annum

SIGNING CLAUSES

**Signed by the Council**

SIGNED SEALED AND DELIVERED by )

the authorised officer of the SOUTHERN  
MIDLANDS COUNCIL for and on behalf  
of the Council

in the presence of:

)

) Signature of duly authorised person

Witness sign

Witness name

Witness address

Witness occupation:

**Signed by the Lessee**

SIGNED SEALED AND DELIVERED by )

in the presence of:

)

) Signature of duly authorised person

Witness sign

Witness name

Witness address

Witness occupation:

ANNEXURE A  
Map/plan of premises



**ANNEXURE B**

Schedule of maintenance

The responsibilities of each party will be in accordance with the table below

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

21. Roofs	No responsibility.	All maintenance and repair as required.
22. Skylights	No responsibility.	All maintenance and repair as required.
23. Walls	Regular cleaning and repair if damaged through foreseeable misuse of internal walls.	Structural maintenance.
24. Building External	No responsibility.	General maintenance.
25. Food Handling areas and equipment	To comply with the relevant Health Acts and maintain such equipment required under the Health Act.	No responsibility.



## DECISION

*Moved by Clr K Dudgeon, seconded by Clr A Bisdee OAM*

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

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

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## DECISION

*Moved by Clr R McDougall, seconded by Clr K Dudgeon*

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

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## **CLOSED COUNCIL MINUTES**

### **19. BUSINESS IN “CLOSED SESSION”**

*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.*

#### **19.1 CLOSED COUNCIL MINUTES - CONFIRMATION**

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

#### **19.2 APPLICATIONS FOR LEAVE OF ABSENCE**

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

#### **19.3 AUDIT PANEL MINUTES - CONFIRMATION**

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

#### **19.4 STAFFING MATTER**

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

**DECISION**

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

**THAT Council move out of “Closed Session”**

**CARRIED**

Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

## OPEN COUNCIL MINUTES

### 20. CLOSURE

The meeting closed at 2.58 p.m.