



**PUBLIC COPY**

**AGENDA**  
**ORDINARY COUNCIL MEETING**

---

Wednesday, 28<sup>th</sup> June 2017  
10.00 a.m.

Municipal Offices, 85 Main Street, Kempton

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Dear Sir/Madam

## NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of Council will be held on

**Date:** Wednesday, 28<sup>th</sup> June 2017  
**Time:** 10.00 a.m.  
**Venue:** Municipal Offices, 85 Main Street, Kempton

I certify under s.65(2) of the *Local Government Act 1993* that the matters to be discussed under this agenda have been, where necessary, the subject of advice from a suitably qualified person and that such advice has been taken into account in providing any general advice to the Council.

### ***Councillors please note:***

- Katrena Stephenson (LGAT CEO) will brief Council at 10.15 a.m.
- Andrew Dean (Bridgewater PCYC) will address Council at 10.30 a.m.
- Rowena McDougall (MILE President) will address Council at 12.15 p.m.
- Public Question Time has been scheduled for 12.30 p.m.
- Tracey Turale will make a presentation in relation to the Better Health Project at 2.00 p.m. being a joint initiative between Southern Midlands and Central Highlands Councils.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tim Kirkwood', written in a cursive style.

Tim Kirkwood  
**GENERAL MANAGER**

# OPEN COUNCIL AGENDA

## 1. PRAYERS

Rev Dennis Cousens to recite prayers.

## 2. ATTENDANCE

## 3. APOLOGIES

Clr A Bantick (previously granted leave of absence).  
Clr R Campbell (previously granted leave of absence)

## 4. MINUTES

### 4.1 Ordinary Council Minutes

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 24<sup>th</sup> May 2017, as circulated, are submitted for confirmation.

### DECISION

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

#### **4.3 Special Committee of Council Minutes**

##### **4.3.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES**

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

- Chauncy Vale Management Committee – meeting held 22<sup>nd</sup> May 2017.

#### **RECOMMENDATION**

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

#### **DECISION**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		

##### **4.3.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS**

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

- Chauncy Vale Management Committee – meeting held 22<sup>nd</sup> May 2017.

#### **RECOMMENDATION**

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

#### **DECISION**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		

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

##### 4.4.1 JOINT AUTHORITIES - RECEIPT OF MINUTES

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

- **Southern Tasmanian Councils Authority – Nil.**
- **Southern Tasmanian Councils Authority Waste Strategy South – Minutes of meeting held 22<sup>nd</sup> May 2017.**

*Note: Issues which require further consideration and decision by Council will be included as a separate Agenda Item, noting that Council's representative on the Joint Authority may provide additional comment in relation to any issue, or respond to any question.*

#### RECOMMENDATION

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

#### DECISION

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

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

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

#### **36A. Annual reports of authorities**

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

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

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

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

#### **36B. Quarterly reports of authorities**

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

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

- (a) a statement of its general performance; and*
- (b) a statement of its financial performance.*

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

- Southern Tasmanian Councils Authority – Quarterly Report - March 2017.

**RECOMMENDATION**

**THAT the report of the above Joint Authority be received.**

**DECISION**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		



## 5. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2005*, the Agenda is to include details of any Council workshop held since the last meeting.

Four workshops have been held since the last Ordinary Meeting.

One workshop was held on the 22<sup>nd</sup> May 2017 at the Council Chambers, Oatlands commencing at 9.30 a.m.

Attendance: Mayor A E Bisdee OAM, Clrs E Batt, D Fish & D Marshall.

Apologies: Deputy Mayor A O Green, Clr A Bantick and Clr B Campbell.

Also in Attendance: T Kirkwood & A Benson.

The purpose of the workshop was to discuss issues associated with preparation of the 2017/18 Budget. Items discussed included:

1. Draft Schedule of Fees and Charges 2017 /2018;
2. Waste Management Program – Management and Operating Arrangements (options presented);
3. Budget Submission(s) – Oatlands Community Association Inc. (previously Midlands Initiatives for Local Enterprise Inc.); Lake Dulverton & Callington Park Management Committee; Parattah Railway Station Committee and Oatlands District Historical Society Inc.; and
4. Capital Works Program – Identification of potential Projects (particularly for discretionary fund component).

Second workshop was held on the 31<sup>st</sup> May 2017 at the Council Chambers, Oatlands commencing at 9.30 a.m.

Attendance: Mayor A E Bisdee OAM, Deputy Mayor A O Green, Clrs E Batt, D Fish & D Marshall.

Apologies: Clr A Bantick and Clr B Campbell.

Also in Attendance: T Kirkwood & A Benson.

The purpose of the workshop was to:

1. Review the updated Financial Management Strategy;
2. Consider the draft 2017/18 Operating Budget (focus on Waste Management Program);
3. Preliminary discussion 2017/18 Rates and Charges, including:

### **3.1 Review of Rates and Charges Policy (adopted in accordance with section 86B of the *Local Government Act 1993*)**

Policy reviewed and updated to reflect current practices and circumstances. It is submitted for adoption at the June 2017 meeting.

### **3.2 *Valuation of Land Act 2001* – Issue of Adjustment Factor(s)**

In reference to the *Valuation of Land Act 2001*, the Valuer-General is to provide a rating authority, annually or every 2 years, as the Valuer-General considers expedient, with an adjustment factor or adjustment factors in respect of its valuation district.

*Definition:*

1) *An adjustment factor is a factor by which, on a determination made by the Valuer-General, a valuation in force under this Act in respect of a valuation district is to be multiplied so that the value of the relevant land accords with the values generally prevailing on the last preceding 1 October.*

2) *An adjustment factor may be determined in respect of the land value, capital value or assessed annual value of land and may be applied to –*  
*(a) the whole of the land in a valuation district; or*  
*(b) any other class or description of land, as determined by the Valuer-General, in a valuation district –*  
*and is to be applied to all land in respect of which the Valuer-General is required to make a valuation under this Act.*

3) *An adjustment factor has effect until it is replaced by another adjustment factor or a fresh valuation.*

The Valuer-General has gazetted the attached adjustment factors to apply to the Southern Midlands Council area that will apply for the 2017/18 rating year.

The Assessed Annual Value adjustment factors are applicable.

### **3.3 Commercial Properties (response to Question)**

A question was raised at the recent Council Meeting regarding the possibility of ‘freezing’ rates on commercial properties for a period of five (5) years. It was my understanding from the discussion that commercial properties were considered to be those had a ‘shop-front’ presence. It was agreed that consideration would be given to this proposal. It is assumed that any consideration would be limited to the General Rate only.

Relevant to this discussion are the Rating provisions (i.e. limitations) contained within the *Local Government Act 1993*. A full extract of ‘Part 9 – Rates and Charges’ has been included for information purposes.

In summary, as an outcome of this discussion, it was noted that no case can be demonstrated that commercial properties (as an entire class) warrants special consideration for differential rating. It was acknowledge that property owners, on an individual basis, can seek a remission / rate relief based upon written submission and provision of evidence.

The Workshop concluded at approximately 12.45 p.m.

Third workshop was held on the 7<sup>th</sup> June 2017 at the Council Chambers, Oatlands commencing at 9.30 a.m.

Attendance: Mayor A E Bisdee OAM, Deputy Mayor A O Green, Cirs E Batt, D Fish & D Marshall.

Apologies: Clr A Bantick and Clr B Campbell.

Also in Attendance: T Kirkwood & C Pennicott.

The purpose of the workshop was to consider and review:

1. Options – 2017/18 Rates and Charges;
2. Draft 2017/18 Operating Budget; and
3. Draft 2017/18 Capital Works Program Budget.

Specific notes recorded:

- Create separate line item within budget for maintenance of Memorial Trees;
- TasWater – Local Government Association of Tasmania (LGAT) Campaign – Council to consider allocating the equivalent of 1% of the TasWater distributions (\$1,520) to the campaign to be coordinated by LGAT;
- Capital Works Program – budget estimate for renewal of kerb / gutter in Parattah township;
- Allocation of \$18K for Beacon Project (in conjunction with Destination Southern Tasmania & Sub-Regional Councils);
- War Memorials (entire Council area) – consider preparing an application for funding to the Department of Veterans Affairs (or other funding body) to upgrade / renew memorials as package – in conjunction with the RSL's. (Armistice Day 2018);
- Model nil percentage rate increase.

In addition to discussing the above Items, a representative from DPIWE (Weed Management – Karen Stewart), Maria Weeding (NRM Unit Manager) and Helen Geard (SMC Authorised Weeds Officer) attended the workshop at 11.30 a.m. to discuss the Southern Midlands Weeds Management Strategy (Draft 2017).

As an outcome of this discussion, It was agreed to prepare a project implementation plan for consideration at the next Council meeting. This will identify the level of Council resources required relating to each of the weed management options identified.

The Workshop concluded at approximately 2.40 p.m.

Fourth workshop was held on the 22<sup>th</sup> June 2017 at the Council Chambers, Oatlands commencing at 9.30 a.m.

Attendance: Mayor A E Bisdee OAM, Deputy Mayor A O Green, Cirs E Batt, D Fish & D Marshall.

Apologies: Clr A Bantick and Clr B Campbell.

Also in Attendance: T Kirkwood, A Benson & C Pennicott.

The purpose of the workshop was to consider and review:

**1. Draft 2017/18 Operating Budget; including:**

*a) General Rate – percentage Rate Increase*

The workshop identified a 1.90% increase in the General Rate as the basis for the Budget and draft Rates and Charges resolution.

*b) Oatlands Community Association Inc. (previously MILE Inc.) – Funding Request*

It was acknowledged that a representative(s) from the Association has sought permission to address Council at its meeting scheduled for 28<sup>th</sup> June 2017. Further details regarding the Association's planned activities are to be presented at that meeting. It was suggested by Deputy Mayor A O Green, and agreed, that a decision in relation to the Association's request for funding should be deferred pending the presentation.

*c) Weed Management Proposal*

Agreed to include the nominated amount of \$30K in the draft Operating Budget which would enable the allocation of resources for a one-year period, following which a review would be undertaken prior to the commencement of the next financial period.

*Note: This is to be achieved through a reduction in other Operating Program budget expenditure.*

It was agreed that the focus for this initial period would be the provision of information to landowners, including the production of a basis information sheet aimed at promoting awareness of weeds; management and eradication options etc.

*d) Kempton Memorial Avenue Development – Confirmation of Plan(s)*

Agreed outcomes are reflected in the final draft Capital Works Program.

- Memorial Avenue – RSL Island - \$18K
- Survey, Fencing & land acquisition - \$15,100
- Memorial Park Grant – subject to further negotiation \$29K

*e) Energy Efficiency Proposals:*

- Kempton Council Chambers – Installation of Solar Panels & LED Lighting
- Oatlands Council Chambers – Installation of LED Lighting

Consideration of reports prepared by G Green.

It was agreed to progress recognising the proposals would not require an alteration to draft Budget documents.

**2. Draft 2017/18 Capital Works Program Budget.**

Specific notes recorded:

- Capital Works Program – budget estimate for renewal of kerb / gutter in Parattah township;

- Kempton Memorial Avenue Development – previously considered

The Workshop concluded at approximately 12.10 p.m.

### **RECOMMENDATION**

THAT the information be received and the outcomes of the workshop(s) noted.

### **DECISION**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		

## 6. QUESTIONS WITHOUT NOTICE

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

1. Proposed change of date for the July Council meeting scheduled for 26<sup>th</sup> July 2017 at Oatlands (due to this date coinciding with the LGAT Annual Conference).

*Proposed date for July 2017 Council meeting:- Monday, 31<sup>st</sup> July 2017 at Oatlands*

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## **7. DECLARATIONS OF PECUNIARY INTEREST**

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2005*, 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 2005*.

## 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 2005*, 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.

### 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 2005*.**

### DECISION

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



## 9. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2005*, the agenda is to make provision for public question time.

In particular, Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2005* states:

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

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

Mayor A E Bisdee OAM to invite questions from members of the public.

### 9.1 Permission to Address Council

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

- 10.15 a.m. – Katrena Stephenson (LGAT CEO) will brief Council.
- 10.30 a.m. – Andrew Dean (Bridgewater PCYC) will address Council.
- 12.15 p.m. - Rowena McDougall (MILE President) will address Council.
- 2.00 p.m. - Tracey Turale (Better Health Project) will address Council.

**10. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER  
REGULATION 16 (5) OF THE LOCAL GOVERNMENT  
(MEETING PROCEDURES) REGULATIONS 2005**

Nil.

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

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

### **11.1 DEVELOPMENT APPLICATIONS**

#### **11.1.1 DEVELOPMENT APPLICATION (DA 2017/45) FOR MIDLAND HIGHWAY SAFETY UPGRADES AT SPRING HILL, DEPARTMENT OF STATE GROWTH**

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

**Date:** 21 JUNE 2017

**Enclosure:**

*Development Application documents*

### **PROPOSAL**

The Applicant, Department of State Growth, has applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") for Safety Upgrades to the Midland Highway section over the top of Spring Hill.

This project forms part of the Midland Highway Action Plan which is a 10 year project funded by the State and Federal Government to improve the safety and efficiency of the Midland Highway. The key objectives of the Plan are:

- Upgrade the road safety to a minimum 3 Star Australian Road Safety Assessment Program (AusRAP) rating;
- Reduce head-on collisions by providing a flexible safety barrier in the central median;
- Consolidate breaks in the central median barrier;
- Provide additional safe overtaking opportunities in a '2+1' lane arrangement;
- Maintain a 110km/h speed environment;
- Upgrade existing junctions; and
- Improve horizontal and vertical alignment of the road where necessary and cost effective.

This development application is for upgrades to a 3.5km length of the Midland Highway over Spring Hill, connecting two sections to the north and south that have recently been completed. This section of the Midland Highway carries in the order of 4200 vehicles per day.

The proposed road design includes widening to accommodate the flexible safety barrier in the central median and 2m wide sealed shoulders. Due to the topography of the area significant excavation work will be required to achieve this, with high cut batters existing on either side of the road.

The upgrade will result in a road with the following general cross section:

- 3.5m traffic lanes, maintaining the existing overtaking opportunities, one northbound and one southbound;
- 2.0m sealed shoulders;
- 2.1m central median including the flexible safety barrier; and
- 0.5m unsealed verges or 1.5m verges where a safety barrier is provided at the edge of the road.

The project will include junction and access upgrades including turn facilities for Tedworth Drive, Bisdee Tier and a private access near the northern end of the section. The design includes retaining two existing truck stops, each with capacity for 3B-doubles.

A list of the road intersections and accesses that will be affected by this proposal and the proposed treatments are summarised in the table below.

Intersection	Treatment
Tedworth Drive/Bisdee Tier	<ul style="list-style-type: none"> <li>• A break in the barrier to allow access.</li> <li>• General arrangement of Tedworth Drive intersection on the western side of the highway has been retained to avoid impacting the heritage listed Guard House.</li> <li>• A new G-turn facility for Tedworth Drive on the eastern side of the highway.</li> <li>• Existing turn facility for Bisdee Tier Road retained.</li> <li>• The turn facilities are designed for access to these intersections, not as U-turn facilities.</li> </ul>
Private Access Ch. 3900 (East)	<ul style="list-style-type: none"> <li>• Retained as left in/left out.</li> </ul>
Private Access Ch. 4840 (West)	<ul style="list-style-type: none"> <li>• Retained as left in/left out.</li> </ul>
Private Access Ch. 7220 (East/West)	<ul style="list-style-type: none"> <li>• G-turn access for Hutton Park on the western side of the highway, regularly used by B-doubles and farm equipment.</li> <li>• Wider shoulder for left turns into Hutton Park.</li> <li>• Access on the eastern side to be via the back of the G-turn as it is mainly used by light vehicles. Design to accommodate a 12.5m rigid truck.</li> </ul>

A small amount of land acquisition will be required for the Hutton Park G-turn on the eastern side of the highway. Existing fences impacting by the work are typical agricultural post and wire fences and will be replaced like for like.

There are two places listed on the Tasmanian Heritage Register and as Heritage Places under the planning scheme located beside this section of the Midland Highway. These are the Guard House at 5 Tedworth Drive and the London Inn, also known as Tedworth Hall, on Tedworth Drive. The proposal has been designed to avoid any works on these heritage properties.

A construction date has not been set for this section at this stage and it will proceed when funding is available. All contractors are required to complete a Construction Environmental Management Plan to demonstrate compliance with best practice

guidelines and relevant legislation and regulations. Management of cartage and dump sites will be covered within the Department's Standard Contract Specification.

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

The existing Midland Highway corridor is within the Utilities Zone. The surrounding land is zoned Rural Resource and is typically used for farming. The land that will be acquired to facilitate the turn facility at Hutton Park is in the Rural Resource Zone. Surrounding land is mainly used for agricultural purposes.

Under the Planning Scheme major road works are classified Utilities use class, which has a Permitted status in the Utilities Zone. The use class is Discretionary in the Rural Resource Zone.

The application is also subject to a number of planning scheme codes, creating further discretions. The applicable Codes are:

- E3.0 Landslide Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E11.0 Waterway and Coastal Protection Code
- E14.0 Scenic Landscapes Code

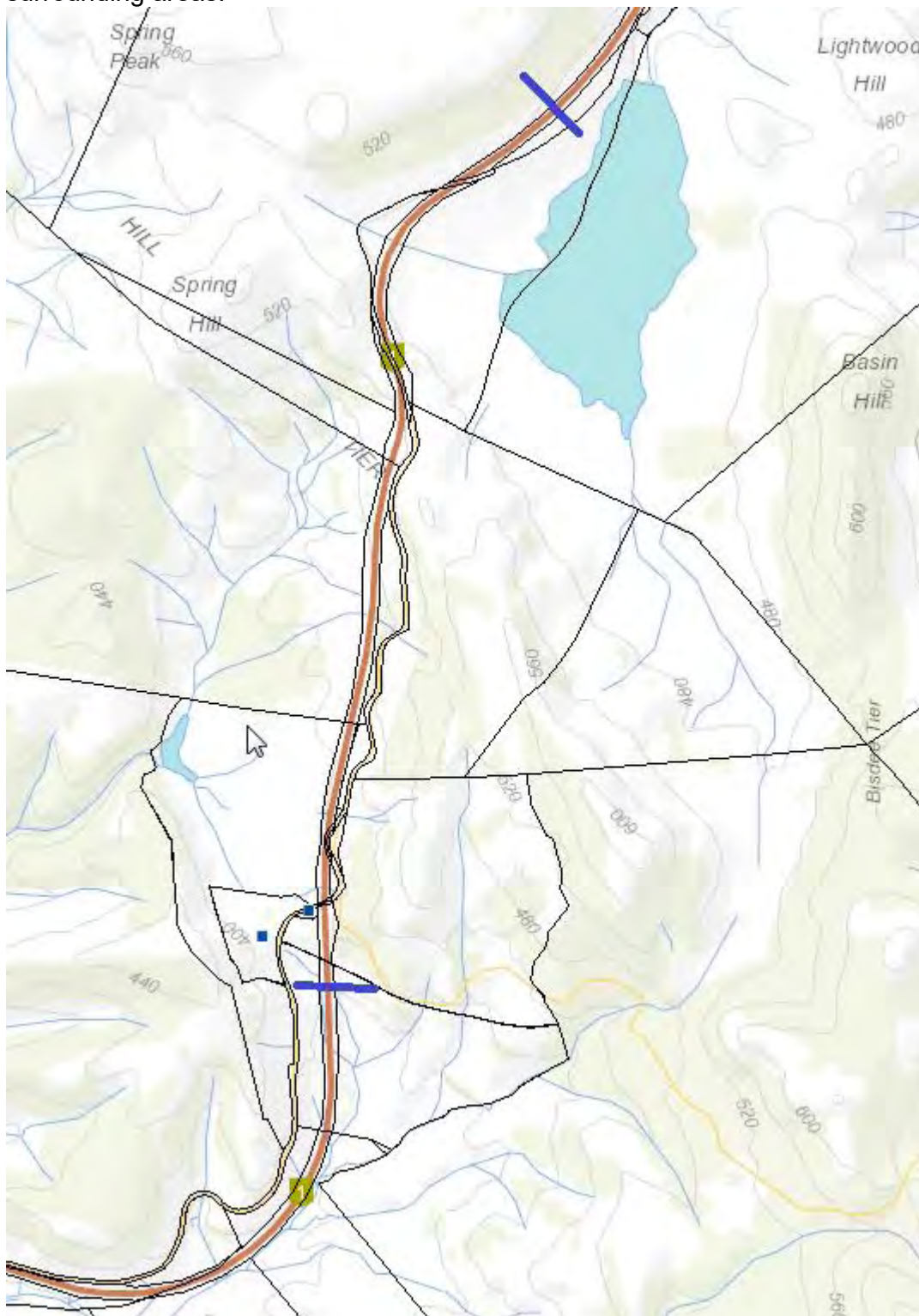
The proposal is considered at the discretion of Council. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. These matters are described and assessed in this report.

The Council gave notice of the application for public comment on 2<sup>nd</sup> June 2017 until 19<sup>th</sup> June 2017, for a period of 14 days. No representations were received in regard to this application.

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

## THE SITE

The maps below show the section of Midland Highway subject to this application and the surrounding areas.



Map 1: Topographic image of the subject area – the blue lines indicate the approximate extent of the upgrade section.



Map 2 Aerial image of the subject area. Heritage listed properties identified in blue.

## THE APPLICATION

The Applicant has submitted a comprehensive set of plans and supporting documents to describe the proposed works and address the applicable planning matters. A brief outline of these reports is provided below.

### Development Application Supporting Report (State Growth)

This document provides an overview of the project and relevant matters including:

- Design explanation and justification;
- Background information on site and project objectives;
- Stakeholder consultation;
- Access work information;

- Identification of affected properties and land acquisitions;
- Stormwater design;
- Historic and Aboriginal Heritage;
- Landscaping;
- Services;
- Geology
- Biodiversity; and
- Assessment against the planning scheme and State policies.

#### Traffic Impact Assessment (Jacobs)

This report assesses traffic impacts including design, capacity, efficiency and safety of road. The report concludes that safety will be improved in regard to reducing head on crashes and reducing likelihood and severity of other crashes. The upgrading of junctions and accesses will also improve the safety of the road. The report provides assessment against the Road and Railway Assets Code and the Parking and Access Code.

#### Hydraulic Assessment (Jacobs)

The intent of the drainage design was to maintain existing catchment characteristics and drainage flow paths as much as possible. The modelling found that all existing culverts are of sufficient capacity for major flood events. The report includes assessment against the Stormwater Management Code.

#### Landslide Risk Assessment and Management Report (Jacobs)

Some sections of the road subject to this application and surrounding slopes are identified as having low or medium risk of landslide. The report presents a landslide risk assessment and management plan to mitigate the risks of landslide. Overall, the risks can be appropriately managed through engineering design and project management processes.

#### **Stakeholder and community engagement**

Prior to submitting the application, State Growth conducted engagement with stakeholders including adjacent landowners and users of the access and junctions. All landowners are supporting of the design.

A public display of design plans was held on 23 February 2017 at Oatlands, with notification being given in the Mercury and Examiner newspapers prior to the event. A poster explaining the project and providing contact details has been placed in high profile locations in Oatlands, enabling the public to access information through the process. Plans and project information was also made available on the State Growth project webpage. Feedback has generally been positive.

#### **Use/Development Status under the Planning Scheme**

The proposed development is discretionary, and was advertised in accordance with Section 57 of the Act.

A permit for this use/development may be granted by Council, with or without conditions. Alternatively, Council may refuse to grant a permit.



## PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on from the 2<sup>nd</sup> June 2017 until 19<sup>th</sup> June 2017, for a period of 14 days.

No representations were received in regard to this application.

## ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015

The *Southern Midlands Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied upon.

### Assessment against Zone Provisions

#### *Utilities Zone*

The majority of the proposed works fall within the existing road corridor which is in the Utilities Zone. Road works fall within the *Utilities* use class which has a Permitted status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

<b>Section 28.3.1 – Hours of Operation</b>		
To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>  Hours of operation of a use within 50 m of a residential zone must be within 7.00 am to 7.00 pm, except if:  (i) for office and administrative tasks; or (ii) a Utilities use.	<b>P1</b>  Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.	The proposed development complies with the Acceptable Solution as the works are not within 50m of a residential zone and are for a Utilities use.

<b>Section 28.3.2 – Noise</b>		
To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>  Noise emissions measured at the boundary	<b>P1</b>  Noise emissions measured at the boundary	The proposed development complies with the Acceptable

<p>of a residential zone must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</p> <p>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</p>	<p>of a residential zone must not cause environmental harm within the residential zone.</p>	<p>Solution as it is not on the boundary of the residential zone.</p> <p>The proposed works will not add to the current noise levels on the highway.</p>
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**Section 28.4.5 - Fencing**

To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b> Fencing must comply with all of the following:</p> <p>(a) fences and gates of greater height than 2.1 m must not be erected within 10 m of the frontage;</p> <p>(b) fences along a frontage must be 50% transparent above a height of 1.2 m;</p> <p>(c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.</p>	<p><b>P1</b> Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to all of the following:</p> <p>(a) the height of the fence;</p> <p>(b) the degree of transparency of the fence;</p> <p>(c) the location and extent of the fence;</p> <p>(d) the design of the fence;</p> <p>(e) the fence materials and construction;</p> <p>(f) the nature of the use;</p> <p>(g) the characteristics of the site, the</p>	<p>Complies with A1.</p> <p>Any new fencing will be agricultural wire fences where replacement is required due to land acquisition.</p>

	streetscape and the locality, including fences;  (h) any Desired Future Character Statements provided for the area.	
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**Rural Resource Zone**

Some of the proposed works fall outside the existing road corridor in the Rural Resource Zone. Road works fall within the *Utilities* use class which has a Discretionary status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

<b>Section 26.3.3 – Discretionary Use</b>		
To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>  No acceptable solution.	<b>P1</b>  A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:  (a) the characteristics of the proposed non-agricultural use;  (b) the characteristics of the existing or likely agricultural use;  (c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;  (d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on	Complies with P1.  The proposed works will be limited to a small area of land bordering the existing road corridor to provide a turn facility.  The proposal will not adversely affect the characteristics or use of agricultural land in a material way.

	amenity from existing or likely agricultural use	
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**Section 26.4.3 - 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><b>A1</b></p> <p>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><b>P1</b></p> <p>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) 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</p>	<p>Complies with P1.</p> <p>The proposed works within the Rural Resource Zone involve the upgrade to an existing property access.</p> <p>The proposed works do not include any buildings and are limited to widening the existing road, so impacts on the skyline will be limited</p> <p>The zone does not have any Desired Future Character Statements.</p> <p>The proposal does not include any clearing of native vegetation.</p>

	<p>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>A3</b></p> <p>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><b>P3</b></p> <p>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>The extent of earthworks required exceed 2m, so assessment against P3 is required.</p> <p>Earthworks will be undertaken in a small area of Rural Resource zoned land in order to upgrade the access at Hutton Park.</p> <p>On the eastern side of the highway, fill (up to 3.5m in height) will be provided for the g-turn and access track. On the western side of the highway, cut will be undertaken to provide a safe access with an appropriate grade for B-doubles.</p> <p>These works will have minimal visual impact and will not impact upon privacy of adjoining properties.</p> <p>A Landslide Risk Assessment (LRA) Report has been prepared and is attached. The earthworks in this area were not found to affect land stability.</p>

**Part E – Assessment against Code Provisions**

***Section E3.0 - Landslide Code***

The Landslide Code applies the proposal as a section of the proposed works fall within Low or Medium Landslide Hazard Areas and the project requires excavation of more than 100m<sup>3</sup>. No part of the work is within a High Landslide Risk Area.

A Landslide Risk Assessment Report has been prepared. The design has been modified to account for the recommendations contained in this report to avoid potential problem areas. Overall, the report demonstrates that the risks can be mitigated to satisfy the applicable performance criteria.

**Section E5.0 – Road and Railway Assets Code**

The purpose of this Code is to protect the safety and efficiency of road and railway networks and reduce the conflict between sensitive uses and major roads and the rail network. A Traffic Impact Assessment has been prepared to demonstrate compliance with the standards of this Code.

The upgrade will not generate additional traffic overall or any appreciable increase in traffic movements at the intersections.

The design includes upgrades to existing accesses and junctions and no new accesses or junctions. This will include improving the Sight Distances at Tedworth Drive and Bisdee Tier and private accesses where required, typically by regrading the intersections.

### **Section E6.0 – Parking and Access Code**

The purpose of the Parking and Access Code is to:

- a) *ensure safe and efficient access to the road network for all users, including drivers, passengers, pedestrians and cyclists;*
- b) *ensure enough parking is provided for a use or development to meet the reasonable requirements of users, including people with disabilities;*
- c) *ensure sufficient parking is provided on site to minimise on-street parking and maximise the efficiency of the road network;*
- d) *ensure parking areas are designed and located in conformity with recognised standards to enable safe, easy and efficient use and contribute to the creation of vibrant and liveable places;*
- e) *ensure access and parking areas are designed and located to be safe for users by minimising the potential for conflicts involving pedestrians, cyclists and vehicles; and by reducing opportunities for crime or anti-social behaviour;*
- f) *ensure that vehicle access and parking areas do not adversely impact on amenity, site characteristics or hazards;*
- g) *recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking;*
- h) *provide for safe servicing of use or development by commercial vehicles.*

In assessing the proposal against the provisions of the access code, Council should bear in mind that the Midland Highway is a State owned and managed road. The State Government are the road authority. The standards of the Code are weighted to giving the Road Authority control over safety and access arrangements on the Midland Highway.

No new accesses will be provided within the project section and no existing accesses will be closed. One access (Hutton Park) will be substantially upgraded with a G-turn facility designed for use by B-doubles. Two private accesses will become left in/left out. Accesses have been designed based on the current vehicles using the access and will meet the requirements for safe intersection sight distance.

### **Section E7.0 – Stormwater Management Code**

This Code is relevant as the proposed development requires management of stormwater. A stormwater hydraulics report is included in the application demonstrating the suitability of the proposed drainage works. All runoff generated as a result of the

increased area of impervious surfaces will discharge by gravity into roadside table drains running parallel to the highway, and be conveyed under the roadway by a network of adequately sized cross-drainage infrastructure. Water sensitive urban design principles have been used in the design. All culverts have been assessed for adequacy and have been found to be adequate for a minor or major storm event and upgrades are not necessary.

### **Section E11.0 - Waterway and Coastal Protection Code**

An area of the highway is subject to a Waterway and Coastal Protection Area where two waterways cross the highway, as identified on the planning scheme overlay map. The Waterway and Coastal Protection Area code applies to works within this area of the project.

The waterways cross the highway via existing culverts. The flow of the waterways will not be impacted by the works. The culverts will be extended as required to accommodate road widening.

Construction of the road will be carried out in accordance with an environmental management plan consistent with the relevant State Growth specifications to prevent erosion and the pollution of waterways by runoff from construction activities. Use of heavy machinery and other activities within waterway areas will be controlled during the course of construction so as to minimise disturbance.

### **Section E14.0 – Scenic Landscapes Code**

The section of the Midland Highway subject to the application is located entirely within a Scenic Landscape Corridor under this Code. The corridor applies to land within 100m of the highway.

The Midland Highway at Spring Hill is the topographic high point of the Midland Highway. The Spring Hill Tier (long ridge with prominent steep to vertical slopes) begins northwest of Spring Hill and travels to the southeast. The Midland Highway generally follows the natural contours, but crosses the Tier in a series of deep trench excavations into the natural geology. A large proportion of the highway within the project site is surrounded by high cut batters on either side of the road. Either side of the Spring Hill Tier the adjacent landscape is predominantly pastoral with views to historic buildings and surrounding hills.

The road widening will involve some removal of a small portion of bushland adjacent to the highway. An historic oak tree on the Guard House property at Tedworth Drive will be protected. There are no pioneer avenue trees or other historic landscape plantings in the area.

The works involve the road widening that will be visible from the road but have been designed to minimise visual impact. The project maintains the existing alignment and existing batter slopes. Vegetation removal has been minimised and all new fencing will be agricultural type wire fences.

## CONCLUSION

The report has assessed a Development Application for Midland Highway Safety Upgrades for the remaining section over the top of Spring Hill. The works form part of a 10 year plan to improve the safety and efficiency of the Midland Highway.

No representations were received during the public notification period.

Overall, it is considered that this proposal has been designed with care and attention to the values contained in this area and addresses the planning scheme requirements.

It is recommended the Development Application be approved and a planning permit issued, subject to 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 application for Midland Highway Safety Upgrades at Spring Hill, applicant Department of State Growth and that a permit be issued with the following conditions:**

## CONDITIONS

### *General*

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

### *Services*

- 3) 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.

### *Council Roads and Assets*

- 4) Prior to the development commencing, on any Council roadway, a Traffic Management Plan is to be submitted for approval by Council's Manager of Works and Technical Services. The Traffic Management Plan is to include
  - A condition assessment of road pavements and bridges used for cartage routes
  - Details of any road closures
  - Management of upgrades to infrastructure
  - Traffic sign removal and reinstatement
  - Speed limits, transport times and other restrictions during transport
  - Management for the use of escorts for over-dimensional vehicles
  - A public contact plan



- Procedures for incident management
  - Details of permits required; and
  - A maintenance program for affected roads.
- 5) The Applicant must provide not less than 48 hours written notice to Council's Manager of Works and Technical Services before commencing construction works within a council roadway.
  - 6) The Developer is to contact the Manager, Works & Technical Services to arrange inspection of any Council road assets altered as a result of the works within two (2) working days of completion of works.
  - 7) Upon practical completion, a post construction condition assessment of Council roads and bridges used for cartage of materials associated with the works must be submitted to Council's General Manager. The assessment must be undertaken at the developers' expense. Any damage or excess wear and tear which may be attributed to the development is to be made good at the developer's expense to the satisfaction of Council's General Manager.

**Construction**

- 8) Construction and rehabilitation (including soil and water management) is to be in accordance with a *Construction Management Plan* as prepared by the "successful contractor" per part 10.5.11 of the submitted Development Application. A copy of the *Construction Management Plan* shall be submitted to Council prior to the works commencing.
- 9) 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. Unsightly appearance of any building, works or materials including stockpiles of materials in public view.
  - d. 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.

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. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.
- C. It is the responsibility of the developer to obtain further approvals for the disposal of any fill excavated during the works.

**DECISION**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		

**11.1.2 DEVELOPMENT APPLICATION (DA 2017/41) FOR MIDLAND HIGHWAY SAFETY UPGRADES AT YORK PLAINS TO ST PETER PASS, DEPARTMENT OF STATE GROWTH**

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

**Date:** 21 JUNE 2017

**Enclosures:**

*Development Application documents / Representation*

**Note:**

Other documents available by request:

*Stormwater statement, Geotechnical assessment and Flora and Fauna assessment*

**PROPOSAL**

The Applicant, Department of State Growth, has applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") for Safety Upgrades to the Midland Highway section identified as York Plains to St Peter Pass.

This project forms part of the Midland Highway Action Plan which is a 10 year project funded by the State and Federal Government to improve the safety and efficiency of the Midland Highway. The key objectives of the Plan are:

- Upgrade the road safety to a minimum 3 Star Australian Road Safety Assessment Program (AusRAP) rating;
- Reduce head-on collisions by providing a flexible safety barrier in the central median;
- Consolidate breaks in the central median barrier;
- Provide additional safe overtaking opportunities in a '2+1' lane arrangement; and
- Maintain a 110km/h speed environment.

This development application is for upgrades to a 5km length of the Midland Highway extending from 2km south of the York Plains Road junction to just south of the St Peter Pass rest area. This section of the Midland Highway carries in the order of 4500 vehicles per day, with approximately 19% of that consisting of commercial vehicles including heavy vehicles.

The existing road is mainly single lane, with one 1.3km overtaking lane for southbound traffic. The roadside includes native and exotic trees, including hawthorn hedgerows, particularly north of York Plains Road. There is one intersection in this section (York Plains Road) and two heavy vehicle rest areas, one on each side of the road.

The upgrade will result in a road with the following general cross section:

- 3.5m traffic lanes with alternative overtaking opportunities – increasing for one to three overtaking lanes;
- 2.0m sealed shoulders;
- 2.1m central median including the flexible safety barrier; and
- 0.5m unsealed verges or 1.5m verges where a safety barrier is provided at the edge of the road.

The works will also include the following elements:

- Reduction of roadside hazards;
- Road widening including earthworks;
- Alignment and junction upgrades, particularly York Plains Road;
- Provision of a heavy vehicle turning facility at York Plains Road;
- Acquisition of some private land adjacent to the highway for widening and junction works;
- Replacement of boundary fences with like for like agricultural post and wire fences.

The proposed road form and alignment has been identified as the preferred option through a design phase that included assessment of three options by State Growth, with consideration of heritage, traffic, construction impacts, environmental issues and project costs. Under the proposed design all road widening will be accommodated on the western side of the existing highway in order to avoid any encroachment into the heritage property of Kenmore Arms. The optioning exercise showed that the impacts on heritage plantings including hedgerows would be very similar for a 1+1 lane design compared to the proposed 2+1 design due to the close proximity of the plantings to the existing highway. To mitigate the removal of existing plantings, hedgerows on the western side of the highway are to be replaced as set out in the landscaping plan accompanying the application. No topiaries will be impacted by the works.

The land on either side of this section of the Midland Highway forms part of one large farm known as St Peters Pass, owned by St Peters Pass Pty Ltd (C & A Morrison). The farm consists roughly of 1,200 hectares on the eastern side and 6,900 hectares on the western side of the highway. The majority of the farm's key infrastructure (e.g. shearing sheds) is located on the eastern side of the property, with nearly all the livestock (beef cattle and sheep) and some crops on the western side of the highway. Movement of stock and vehicles across the highway between different parts of the farm is key to efficient management of the farm. There are three highway underpasses used for stock and/or vehicles within the project area that will all be retained. The farm also includes several dwellings for residents, including full time and seasonal workers.

In total St Peters Pass Pty Ltd currently have 18 licensed accesses to the Midland Highway. One of these will be closed and 15 will become left in/left out only. Two of the accesses will be upgraded with G-turn facilities and retain two way access.

An existing G-turn facility at Ch. 6390 is to be retained as a major property access and crossing point for St. Peters Pass Pty. Ltd. The is for the property access only and it is not intended to be used by the general public and therefore it is not intended to sign this location as a turning facility. A new access ramp will be constructed from the G-turn to provide access to the eastern side of the property. This crossing point will be used by the landowners to move large farming equipment across the highway. It is expected that this crossing would only be used infrequently, on an as-required basis. Small to medium size equipment will cross the highway through the box culvert located at Ch. 6250. The existing G-turn pavement will be resurfaced.

A new G-turn facility is to be constructed at Ch. 9000. This facility is to provide a major property access and crossing point for St. Peters Pass Pty. Ltd and for access to the Kenmore Arms homestead and stock management facility. The G-Turn will cater for Semi Trailer access to Kenmore Arms. This location will also be used for single unit trucks exiting the onsite quarry facility to turn south. The intent of this facility is as a property access only and it is not intended to be used by the general public. Therefore, it is not intended to sign this location as a turning facility.

Construction is planned to commence in late 2017 with an 18 month construction period expected. Contractors are required by State Growth to complete a Construction

Environmental Management Plan to demonstrate compliance with best practice guidelines and relevant legislation and regulations. Management of cartage and dump sites will be covered within the Department's Standard Contract Specification.

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

The existing Midland Highway corridor is within the Utilities Zone. Surrounding land is zoned Rural Resource and is principally used for agricultural purposes.

Under the Planning Scheme major road works are classified Utilities use class, which has a Permitted status in the Utilities Zone. The use class is Discretionary in the Rural Resource Zone.

The application is also subject to a number of planning scheme codes, creating further discretions. The applicable Codes are:

- E3.0 Landslide Code
- E5.0 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E11.0 Waterway and Coastal Protection Code
- E13.0 Historic Heritage Code
- E14.0 Scenic Landscapes Code

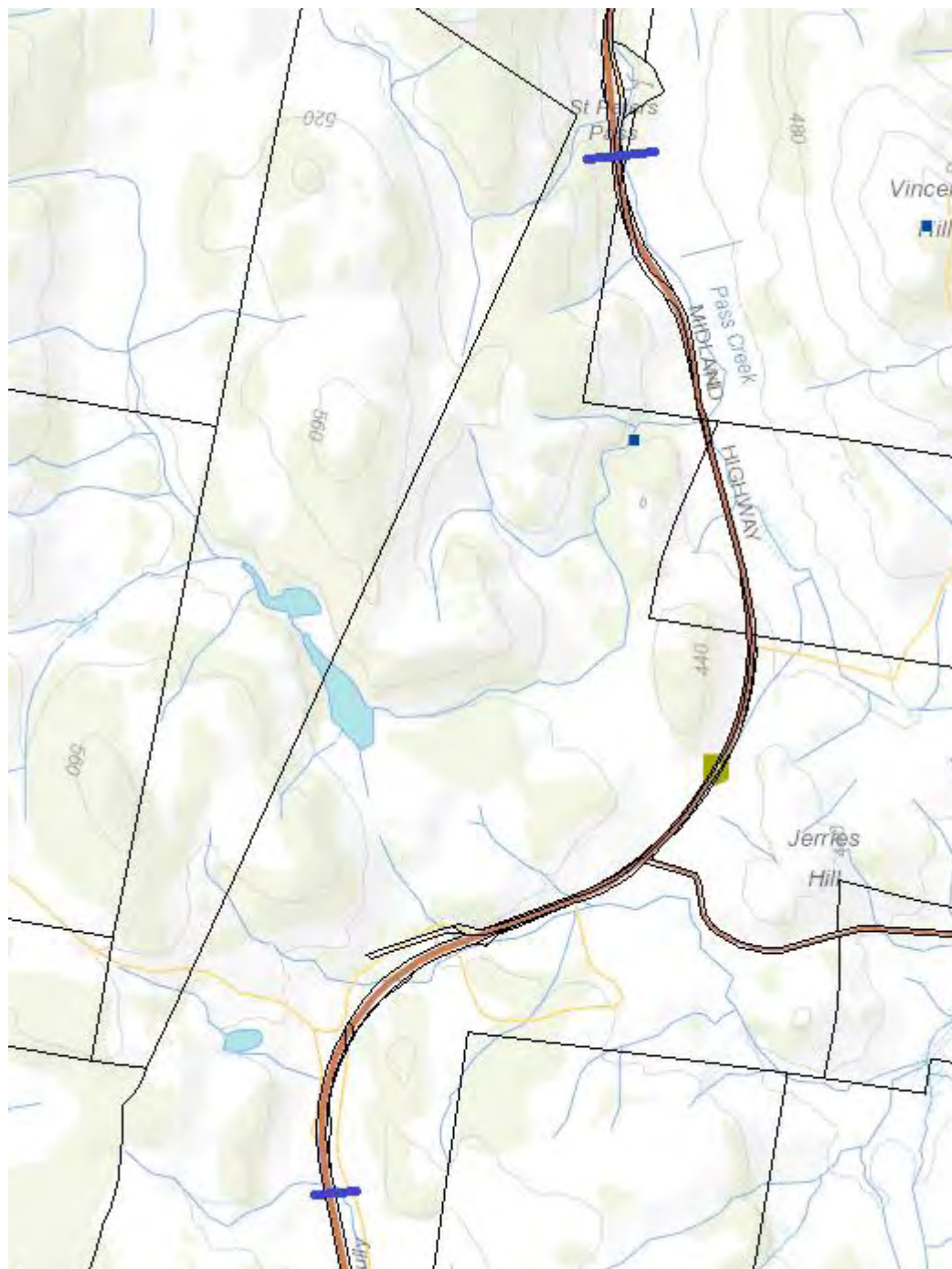
The proposal is considered at the discretion of Council. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. These matters are described and assessed in this report.

The Council gave notice of the application for public comment on 17<sup>th</sup> May 2017 until 31<sup>st</sup> May 2017, for a period of 14 days. 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 application and issue a permit subject to conditions.

## THE SITE

The maps below show the section of Midland Highway subject to this application and the surrounding areas.



Map 1: Topographic image of the subject area – the blue lines indicate the approximate extent of the upgrade section.



Map 2 Aerial image of the northern section of the subject area. Heritage listed properties and the St Peters Pass rest area identified in blue.

## THE APPLICATION

The Applicant has submitted an extensive set of plans and supporting documents to describe the proposed works and address the applicable planning matters. A brief outline of these reports is provided below.

### Development Application Supporting Report (State Growth)

This document provides an overview of the project and relevant matters including:

- Design explanation and justification;
- Background information on site and project objectives and options analysis;

- Stakeholder consultation;
- Access and junction work information;
- Identification of affected properties and land acquisitions;
- Stormwater issues;
- Landscaping;
- Service impacts;
- Geology;
- Flora and fauna;
- Land capability;
- Historic and Aboriginal heritage information;
- Assessment against the planning scheme and State policies.

*Traffic Impact Assessment (GHD)*

This report assesses traffic impacts including design, capacity, efficiency and safety of road. The report concludes that safety will be improved in regard to reducing head on crashes and reducing likelihood and severity of other crashes. The efficiency of the road will be improved by creating two additional overtaking opportunities. The upgrading of the York Plains Road junction and major accesses will also improve the safety of the road. The report provides assessment against the Road and Railway Assets Code and the Parking and Access Code.

*Stormwater Management Code Compliance Statement (GHD)*

A short statement providing assessment against the Stormwater Management Code to demonstrate that the existing drainage and culvert system is adequate to meet the scheme requirements.

*Geotechnical Investigation (GHD)*

A short statement identifying that the works are not located within any Landslide Hazards Areas and that further geotechnical assessment at the detailed design phase will be adequate to manage risks associated with ground stability.

*Flora and Fauna Survey and Addendum (North Barker Ecosystem Services)*

Presents a comprehensive assessment of flora and fauna impacts of the project, including a later addendum to look at habitat for particular species (tussock skink and ptunnara brown butterfly) in the appropriate season. Overall, the project may have some impact on plant and animal species of significance but major impacts can be avoided through detailed design and management actions. Weed management is recommended and is required as part of the standard works contract specifications used by State Growth.

*Heritage Impact Assessment (Dr Sophie Collins, Cultural Heritage Management Australia)*

The Heritage Impact Statement reviews the proposed design and provides a detailed assessment of the heritage impacts that may occur as a result of the development. This document includes detailed Heritage Impact Statements for Kenmore Arms, St Peters Pass, Pioneer Avenue Plantings and other plantings including hedgerows.

*Landscape Character Assessment and Landscape Plan (Landscape Impressions)*

The landscape character assessment presents a detailed review of the current landscape character and the changes in the landscape over time. This includes details of the Pioneer Avenue plantings and later plantings including hawthorn hedgerows and windrows.



This work along with the Heritage Impact Assessment informs the proposed landscaping plan. The key landscape design principles used in the proposal are:

- Establish selected exotic trees to provide infill planting to complete gaps in existing planting rows, highlight the former Midland Highway alignment and features where visible from the current highway, maximise the visual and physical value of trees close to the highway and create new tangential plantings taking advantage of minor draining lines.
- Locate specimen trees to highlight the topography and establish trees throughout the landscape in line with the original planting philosophy of ‘beautifying the countryside’.
- Plant replacement and infill hawthorn hedges where they are to be removed.
- Remove poplar suckers and weed species.

The Heritage Impact Statement provided with the application includes the following statements:

Scenic Landscape Corridor

*The proposed highway upgrade will result in direct impacts to the Scenic Landscape Corridor, protected under the SMIPS. In order to minimise potential impacts, a landscape architectural design approach has been undertaken, incorporating a landscape assessment (including arboricultural vegetation condition assessment) and landscape plan to preserve and enhance the Scenic Corridor. A specialist nursery has also been engaged to propagate new trees from existing St Peters Pass trees.*

*The trees impacted represent a tiny fraction of those along the road corridor and will not substantially impact upon the Scenic Landscape. While the new plantings will act to enhance the Scenic Corridor and build upon the exotic species for which Oatlands is well known. It is advised that the removal of vegetation along the alignment is minimal and will not unreasonably impact on the cultural values of the Scenic Landscape Corridor.*

Heritage Impact Statement for Pioneer Avenue Plantings

*A nomination has been made to the Tasmanian Heritage Register for the Pioneer Avenue Plantings, however, the nomination has not been progressed. As such, the Avenue is not currently offered any statutory protection under either the THR or SMIPS.*

*However, Austral Tasmania (AT2014:52-53) identified the Pioneer Avenue Plantations as having heritage values at both State and Local Levels, meeting threshold values for historic values, rarity, research potential, creative achievements, associations with important individuals, aesthetic values and potential social values (AT 2014:52-53).*

*Two trees from within the Pioneer Avenue Plantings will be impacted by the current proposal. However, every effort has been made to minimize impacts to the Avenue as a whole.*

Heritage Impact Statement for Hedgerows

*Hedgerows, as a collective suite, have been identified as being of high Local significance and moderate state level significance in accordance with criteria (a) and (h). The hedgerows are not presently listed on the THR or the SMIPS. This means that these features have no current statutory protection. It is unlikely that the hedgerows would meet the threshold requirements for listing on the THR.*

*The hedgerows in the vicinity of the Midland Highway and York Plains Road are particularly important for demonstrating aspects of nineteenth century agricultural practices relating to enclosure and boundary delineation through their scale and intactness and, aesthetics and historical connections with the St Peters Pass (formerly Springfield) property (AT 2013).*

*In accordance with the landscape design for the project, all hawthorn hedgerows that are impacted are being replaced.*

### **Stakeholder and community engagement**

Prior to submitting the application, State Growth has conducted active engagement with stakeholders including Council staff and Councillors, Heritage Tasmania, the midland Tree Society and affected property owners and users.

A public display of design plans was held on 23 February 2017 at the Oatlands Community Hall, Oatlands, with notification being given in the Mercury and Examiner newspapers twice prior to the event. Approximately 20 people attended the public display and feedback was generally positive.

A letter advising of the public display was sent to adjacent and affected landowners A poster explaining the project and providing contact details has been placed in high profile locations in Oatlands, enabling the public to access information through the process. Plans and project information was also made available on the State Growth project webpage.

### **Use/Development Status under the Planning Scheme**

The proposed development is discretionary, and was advertised in accordance with Section 57 of the Act.

A permit for this use/development may be granted by Council, with or without conditions. Alternatively, Council may refuse to grant a permit.

### **PUBLIC NOTIFICATION AND REPRESENTATIONS**

The application was advertised from the 17<sup>th</sup> May 2017 until 31<sup>st</sup> May 2017, for 14 days. One (1) representation was received.

The concerns raised in the representation are detailed in the table below.

<b>Representation 1</b>	<b>Officer Comment</b>
<p>The attached draft is being disseminated widely by the Tasmanian Branch of the Australian Garden History Society. This national society has a wide membership, here and overseas, that is concerned with the appreciation and protection of our country's landscapes, including the natural and built heritage.</p> <p>This draft sets out our concerns relating to St Peter's Pass in particular but is also significant when considering other clearances and the fate of the memorial tree plantings along the highway from Launceston to Hobart.</p>	<p><b>The application documents include a detailed landscape assessment and heritage impact assessment detailing the extent of impacts to significant vegetation. A landscaping plan including replacement plantings, improvements to existing plantings by infilling existing rows.</b></p>

<p>The Society acknowledges the need for safety on our roads and the late entry into this particular debate; however, this is a small section of road whose visual impact far exceeds its size.</p> <p>Many residents of the Southern Midlands have voiced their objections to the proposed removal of half the trees in the Pass; we ask you to add your support of this change.</p>	<p>The supporting reports indicate that impacts on heritage plantings including hedgerows would be very similar for a 1+1 lane design compared to the proposed 2+1 design, due to the close proximity of the plantings to the existing highway and the widening required to accommodate a central median and wider shoulders.</p>
<p><b>Content of draft:</b></p> <p>Re: the proposed road-widening at St Peter’s Pass in the Southern Midlands.</p> <p>In the last two years the impact of tourism on the State has been significant and an increasing boon that looks likely to continue to attract large numbers of visitors. Such a small State as ours has great diversity from its colonial-past, its buildings and convict heritage and now is seen as a focus of the arts, led by MONA.</p> <p>The visitors come to see the attractions of this part of Australia that has the benefit of four distinct seasons and very different climatic regions. The consequent benefit of truly Australian treescapes is clear in the National Parks and rural landscapes but there are also many gardens that include mature examples of ‘European’ plants, some of which are lost in their home countries.</p> <p>These plantings, some deliberate some simply fortuitous, are seen by many with great delight – the hawthorn hedges and mature trees through St Peter’s Pass are a particular example that is often cited by visitors as very special.</p> <p>With the upgrading of the Midland Highway a large number of mature trees have been removed, often without prior warning or consultation. Some loss of course is inevitable but there are particular instances, such as St Peter’s Pass, where more than trees are at stake.</p> <p>The contract for this section of road has not been given yet therefore the Tasmanian Branch of the Australian Garden History Society asks that this small segment of road be excluded from the widening; resurface it, limit vehicle speed (which would be a benefit for safety at the rest area) and inform travelers about the history and significance of the roadside vegetation.</p> <p>Yours .....</p>	<p>The Midland Highway is the primary north-south transport route in Tasmania. The proposed upgrades to achieve safety and efficiency improvements will benefit all road users including tourists.</p> <p>It is considered that the application addresses landscaping concerns in detail and the overall outcome will be positive, with road improvements and continuation of the tradition of landscape plantings along the Midland Highway.</p>

**Further Comment from State Growth**

State Growth have provided the following comments in relation to the issues raised in the representation:

*State Growth acknowledges the scenic and historic landscape of the St Peters Pass area. The Department has undertaken an extensive landscape assessment process and developed a landscaping plan to address impacts of the proposed road upgrade.*

*Extensive consultation has been undertaken with adjacent landowners and the concept plan was shown on the Public Display for the community to review and ask questions. The Concept Landscape Plan was also lodged with the Development application and was exhibited through the Council assessment process.*

*We reiterate the information provided in the DA Supporting Report regarding landscaping and will continue to work with landowners and the community to ensure landscape impacts are addressed during the construction of the project and beyond.*

## ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015

The *Southern Midlands Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied upon.

### Assessment against Zone Provisions

#### Utilities Zone

The majority of the proposed works fall within the existing road corridor which is in the Utilities Zone. Road works fall within the *Utilities* use class which has a Permitted status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

<b>Section 28.3.1 – Hours of Operation</b>		
To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>Hours of operation of a use within 50 m of a residential zone must be within 7.00 am to 7.00 pm, except if:</p> <p>(i) for office and administrative tasks; or (ii) a Utilities use.</p>	<p><b>P1</b></p> <p>Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>	<p>The proposed development complies with the Acceptable Solution as the works are not within 50m of a residential zone and are for a Utilities use.</p>

<b>Section 28.3.2 – Noise</b>		
To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>Noise emissions measured at the boundary of a residential zone must</p>	<p><b>P1</b></p> <p>Noise emissions measured at the boundary of a residential zone must</p>	<p>The proposed development complies with the Acceptable Solution as it is not on the</p>

<p>not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</p> <p>(c) 65dB(A) (LAmax) at any time.</p>	<p>not cause environmental harm within the residential zone.</p>	<p>boundary of the residential zone.</p> <p>The proposed works will not add to the current noise levels on the highway.</p>
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**Section 28.4.5 - Fencing**

To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b> Fencing must comply with all of the following:</p> <p>(a) fences and gates of greater height than 2.1 m must not be erected within 10 m of the frontage;</p> <p>(b) fences along a frontage must be 50% transparent above a height of 1.2 m;</p> <p>(c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.</p>	<p><b>P1</b> Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to all of the following:</p> <p>(a) the height of the fence;</p> <p>(b) the degree of transparency of the fence;</p> <p>(c) the location and extent of the fence;</p> <p>(d) the design of the fence;</p> <p>(e) the fence materials and construction;</p> <p>(f) the nature of the use;</p> <p>(g) the characteristics of the site, the</p>	<p>Complies with A1.</p> <p>Any new fencing will be agricultural wire fences where replacement is required due to land acquisition.</p>

	streetscape and the locality, including fences;	
	(h) any Desired Future Character Statements provided for the area.	

**Rural Resource Zone**

Some of the proposed works fall outside the existing road corridor in the Rural Resource Zone. Road works fall within the *Utilities* use class which has a Discretionary status in this zone.

The proposal must satisfy the requirements of the applicable use and development standards of this zone. It is noted that most of the zone standards are not applicable to this application.

<b>Section 26.3.3 – Discretionary Use</b>		
To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b>  No acceptable solution.	<b>P1</b>  A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:  (a) the characteristics of the proposed non-agricultural use;  (b) the characteristics of the existing or likely agricultural use;  (c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;  (d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts	Complies with P1.  The proposed works will require some acquisition of Rural Resource Zoned land bordering the existing road corridor, which is all in the same ownership. The final design of the proposed works has been determined in consultation with the landowner and will not adversely affect the use of the agricultural land in a material way.

	on amenity from existing or likely agricultural use	
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**Section 26.4.3 - 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><b>A1</b></p> <p>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><b>P1</b></p> <p>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 an area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites</p>	<p>Complies with P1.</p> <p>The proposed works are not located on a skyline or ridgeline.</p> <p>The zone does not have any Desired Future Character Statements.</p> <p>Some native vegetation will be cleared in order to facilitate road widening. Native vegetation removal has been minimised as much as possible to what is necessary for the proposed works.</p>

	<p>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>A3</b></p> <p>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><b>P3</b></p> <p>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>The extent of earthworks required exceed 2m, so assessment against P3 is required.</p> <p>The works have been designed to balance cut and fill requirements.</p> <p>A landscaping plan forms part of the proposal and includes plantings to mitigate earthworks and loss of existing vegetation.</p> <p>The privacy of adjoining properties will not be impacted.</p> <p>Geotechnical assessment indicated that impacts on land stability can be avoided via detailed design.</p>

**Part E – Assessment against Code Provisions**

**Section E3.0 - Landslide Code**

The Landslide Code applies to the proposal as some slopes adjacent to the road corridor are mapped in 'Low' Landslide Hazard Areas and the project requires excavation of more than 100m<sup>3</sup>.



A preliminary Geotechnical Statement has been provided to demonstrate that any risks can be mitigated during the detailed design and the applicable performance criteria are satisfied.

### **Section E5.0 – Road and Railway Assets Code**

The purpose of this Code is to protect the safety and efficiency of road and railway networks and reduce the conflict between sensitive uses and major roads and the rail network. A Traffic Impact Assessment has been prepared to demonstrate compliance with the standards of this Code.

The upgrade will not generate additional traffic overall. There will be additional traffic movements at the York Plains Road intersection due to the introduction of a turn facility. It is expected that the additional volume will be around 10-20 turning movements per day. The junctions will be upgraded to be able to safely and efficiently cater for the increase in traffic volumes.

No new accesses are proposed. All of the private accesses are for the St Peters Pass Pty Ltd land. Most private access points will become left in/left out only and one will be closed, reducing the overall number and further improving safety and efficiency outcomes. The two major access points will be upgraded with G-turn facilities and improved sight distances by benching or alignment.

### **Section E6.0 – Parking and Access Code**

The purpose of the Parking and Access Code is to:

- a) *ensure safe and efficient access to the road network for all users, including drivers, passengers, pedestrians and cyclists;*
- b) *ensure enough parking is provided for a use or development to meet the reasonable requirements of users, including people with disabilities;*
- c) *ensure sufficient parking is provided on site to minimise on-street parking and maximise the efficiency of the road network;*
- d) *ensure parking areas are designed and located in conformity with recognised standards to enable safe, easy and efficient use and contribute to the creation of vibrant and liveable places;*
- e) *ensure access and parking areas are designed and located to be safe for users by minimising the potential for conflicts involving pedestrians, cyclists and vehicles; and by reducing opportunities for crime or anti-social behaviour;*
- f) *ensure that vehicle access and parking areas do not adversely impact on amenity, site characteristics or hazards;*
- g) *recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking;*
- h) *provide for safe servicing of use or development by commercial vehicles.*

In assessing the proposal against the provisions of the access code, Council should bear in mind that the Midland Highway is a State owned and managed road. The State Government are the road authority. The standards of the Code are weighted to giving

the Road Authority control over safety and access arrangements on the Midland Highway.

No new accesses will be provided within the project site. Existing accesses impacted by the works which are to be retained will be upgraded as part of the project. Accesses have been designed based on the current vehicles using the access and will meet the requirements for safe intersection sight distance.

#### ***Section E7.0 – Stormwater Management Code***

This Code is relevant as the proposed development requires management of stormwater. A statement addressing stormwater management is included in the application demonstrating the suitability of the proposed drainage works. All runoff generated as a result of the increased area of impervious surfaces will discharge by gravity into roadside table drains running parallel to the highway, and be conveyed under the roadway by a network of adequately sized cross-drainage infrastructure. Water sensitive urban design principles have been used in the design. All culverts have been assessed for adequacy and have been found to be adequate for a minor or major storm event and upgrades are not necessary.

#### ***Section E10.0 – Biodiversity Code***

The Code applies to development involving clearance and conversion or disturbance of native vegetation within a Biodiversity Protection Area, which falls over part of the western side of this section of the Midland Highway. A natural values assessment has been provided with the application to address the requirements of this Code.

The vegetation community *Eucalyptus viminalis* grassy forest and woodland (DVG) has also been mapped within the Biodiversity Overlay. This is classified as 'Low Priority Biodiversity Values' as it is listed as 'other native vegetation communities' as per Table E.10.1. DVG is not a threatened vegetation community under any state or federal legislation. The report demonstrates that the impact on this vegetation will be minimal in context of the broader Council area and will not cause an unacceptable loss of biodiversity values.

#### ***Section E11.0 - Waterway and Coastal Protection Code***

Some areas of this section of the highway are subject to a Waterway and Coastal Protection Area associated with Pass Creek and several minor drainage line, as identified on the planning scheme overlay map. The Waterway and Coastal Protection Area code applies to works within this area of the project.

Stormwater from all new surfaces will be discharged to existing drainage paths and the proposed table drains are designed to accommodate runoff for a 1 in 100 year event. The waterways are piped where they cross the highway and this will be extended as required.

Disturbance to the immediate surrounds of rivers and wetlands will be kept to a minimum and controlled with the adoption of appropriate management measures. The construction management plan will be developed in accordance with the Wetlands and Waterways Works Manual (DPIWE, 2003).

#### ***Section E13.0 – Historic Heritage Code***

There are two Heritage Places on this section of the Midland Highway.

Kenmore Arms (Pass House) is listed on both the THR (5506) and SMIPS (252). It should be noted that a Central Plan Register (CPR) exists for Kenmore Arms, reducing the area registered on the THR to Lot 1, CT104898/15. The proposed alignment

immediately abuts the CPR registered boundary for the property, but will not impact the bounds of the site. It also will not impact the entrance drive and plantings of the historic driveway.

St Peters Pass is listed on both the THR (5507) and SMIPS (253) and therefore has statutory protection. However, a Central Plan Register exists for this property. The registered portion of the property occurs in excess of 190m to the south of the impact area.

Heritage Tasmania have provided an exemption for the development application as the works will not be located within the boundaries of places listed on the THR as determined by the CPR areas.

Similarly, the provisions of the Code do not apply to this proposal as the works are not located on a Heritage Place or Precinct.

### **Section E14.0 – Scenic Landscapes Code**

The section of the Midland Highway subject to the application is located entirely within a Scenic Landscape Corridor under this Code. The corridor applies to land within 100m of the highway. The Code seeks to control development adjacent to and viewed from the road so as to maintain the visual amenity.

The landscape character of the project area generally includes undulating hills, pastoral grazing land, native forest, and exotic plantings along the highway's edge. The exotic plantings include poplars, pines, oaks, elms, chestnuts, willows, conifers, sequoia and hawthorn trees and hedgerows, all remnants of the 1930s Pioneer Avenue project which stretched along the highway between Hobart and Launceston.

The proposed safety upgrades include tree removal for road widening, predominantly along the western edge of the existing highway, and as such, the project will affect the landscape character of the area. A comprehensive landscape character assessment has been undertaken, including natural and heritage values. Based on this assessment, and in consultation with Council, Heritage Tasmania, the Midland Tree Society and the affected property owners, landscaping plans have been developed to maintain the landscape values of this section of the highway.

The landscaping plan includes replacement plantings and infill planting will preserve and enhance the scenic landscape value in areas where the historic Pioneer Avenue plantings are in a poor condition.

The Heritage Impact Statement report prepared by Cultural Heritage Management Australia (CHMA) includes an assessment of the proposed works against the Scenic Landscapes Code. The attached CHMA report includes the following statement with regard to the Scenic Corridor:

*The proposed works will not negatively impact upon any historic tree plantings included on either the THR or SMIPS; the Scenic Corridor will instead be enhanced by the current works program.*

## CONCLUSION

The report has assessed a Development Application for Midland Highway Safety Upgrades at the section identified as York Plains to St Peter Pass. The works form part of a 10 year plan to improve the safety and efficiency of the Midland Highway.

A total of one (1) representation was lodged with Council, and the concerns of the representor have been addressed above. State Growth has also provided responses to these concerns.

Overall, it is considered that this proposal has been designed with care and attention to the values contained in this area and addresses the planning scheme requirements.

It is recommended the Development Application be approved and a planning permit issued, subject to 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 application for Midland Highway Safety Upgrades at York Plains to St Peters Pass, applicant Department of State Growth 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, whichever is later, in accordance with section 53 of the land Use Planning and Approvals Act 1993.

### *Services*

- 3) 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.

### *Landscaping*

- 4) Landscaping must be completed substantially in accordance with the concept landscaping plan within 12 months of practical completion of the roadworks and to the satisfaction of the Manager of Development and Environmental Services.
  - a. The developer must arrange inspection of the landscaping works with Council once works are completed.
- 5) Post Council inspection of the works pursuant to condition 4 of this permit the landscaping must continue to be maintained, with the replacement of any

dead plants or trees, for a minimum period of 24 months to the satisfaction of the Manager of Development of Environmental Services.

- a. The developer must arrange inspection of the landscaping works with Council 24 months post the initial inspection pursuant to condition 4 of this permit.

#### ***Council Roads and Assets***

- 6) Prior to the development commencing, on any Council roadway, a Traffic Management Plan is to be submitted for approval by Council's Manager of Works and Technical Services. The Traffic Management Plan is to include:
  - A condition assessment of road pavements and bridges used for cartage routes
  - Details of any road closures
  - Management of upgrades to infrastructure
  - Traffic sign removal and reinstatement
  - Speed limits, transport times and other restrictions during transport
  - Management for the use of escorts for over-dimensional vehicles
  - A public contact plan
  - Procedures for incident management
  - Details of permits required; and
  - A maintenance program for affected roads.
- 7) The Applicant must provide not less than 48 hours written notice to Council's Manager of Works and Technical Services before commencing construction works within a council roadway.
- 8) The Developer is to contact the Manager, Works & Technical Services to arrange inspection of any Council road assets altered as a result of the works within two (2) working days of completion of works.
- 9) Upon practical completion, a post construction condition assessment of Council roads and bridges used for cartage of materials associated with the works must be submitted to Council's General Manager. The assessment must be undertaken at the developers' expense. Any damage or excess wear and tear which may be attributed to the development is to be made good at the developer's expense to the satisfaction of Council's General Manager.

#### ***Construction***

- 10) Construction and rehabilitation (including soil and water management) is to be in accordance with a *Construction Management Plan* as prepared by the "successful contractor" per part 10.5.11 of the submitted Development Application. A copy of the *Construction Management Plan* shall be submitted to Council prior to the works commencing.
- 11) 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. Unsightly appearance of any building, works or materials including stockpiles of materials in public view.
- d. 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.

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. It is the responsibility of the developer to obtain further approvals for the disposal of any fill excavated during the works.

#### DECISION

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

**11.2 SUBDIVISIONS**

Nil.

**11.3 MUNICIPAL SEAL (Planning Authority)**

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

Nil.

## **11.4 PLANNING (OTHER)**

### **11.4.1 PROGRESS OF PLANNING SCHEME REFORM: UPDATE ON THE PROGRESS OF THE TASMANIA PLANNING SCHEME AND PREPARATION OF SOUTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE**

**Author:** MANAGER DEVELOPMENT AND ENVIRONMENT SERVICES (DAVID CUNDALL)

**Date:** 21 JUNE 2017

**Attachments:**

- 1. Letter from Honourable Peter Gutwein Treasurer, Minister for Planning and Local Government*
- 2. Guideline No.1 Local Provisions Schedule (LPS): zone and code application (May 2017) issued by the Tasmanian Planning Commission as approved by the Minister under Section 8A of the Land Use Planning and Approvals Act 1993*

## **ISSUE**

This report will provide the Southern Midlands Council and the wider community with an overview and update on the progress of the Tasmania Planning Scheme and the requirements for Council to prepare the Local Provisions Schedule (LPS).

The report will identify timeframes for Council to prepare the LPS and highlight the issues that must be addressed before the LPS will be suitable for statutory consideration by the Tasmanian Planning Commission (TPC) and then public exhibition.

Over the coming months, Council will need to give Officers directions on key issues to ensure the draft LPS will be suitable for endorsement by Council and Tasmanian Planning Commission in late 2017. Council, through the Planning Committee, will therefore play an active role in preparing the LPS through workshop sessions with Officers and suitably qualified persons where necessary.

The final draft LPS will need to be endorsed by Council before submission to the TPC (and public exhibition). This will likely be considered at the November 2017 Council meeting.

## **BACKGROUND**

As Council will recall, the Tasmanian Planning Scheme will consist of the State Planning Provisions (SPPs) and the Local Provisions Schedules (LPSs). The SPPs were prepared by the State Government and the LPS will need to be prepared by each Council. Some of the content of the LPS has already been prepared by the State Government, but will need to be refined by local government to suit the local area and suit local values.

The content of the LPS will consist of two parts:

- Preparation and refinement of zone maps and overlay maps; and
- Preparation of the written ordinance



The overlay maps and zone maps spatially define the application of the zones, specific area plans and the applications of certain planning scheme codes. An example of a code that only applies to a specific area of land would be heritage precincts, scenic protection areas, flood prone areas etc.

It is the responsibility of each Council to prepare these maps and written ordinance.

As further background, Council would be aware of Officer participation in the Technical Reference Group (TRG) for southern council's in Tasmania. Meetings are held on a fortnightly basis. Each Council is represented on the TRG by a senior planning representative from each Council. The Southern Midlands Council are represented by David Cundall (author of this report).

The objectives and focus of the TRG, at this point in time, will be to assist each Council in the preparation of the LPS and the coordination of similar/same mapping and ordinance requirements. In essence the TRG will work to ensure that wherever possible, Council's will be taking the same approach to the LPS.

The need to coordinate resources between Council's is further bolstered through the provision of State Government funding to each region to assist Council's in preparing the LPS. Per the attached letter, State Government are contributing \$100K to each region. The funding, in the southern region, will likely be managed by the Southern Tasmanian Council Authority (STCA) and the allocation of funding will be identified by the southern Technical Reference Group (TRG).

Other resources, provided by the State Government, to assist Council's in the preparation of the LPS include:

- Series of Fact Sheets prepared by the TPC
- Background report on the Agricultural Land Mapping project
- Terms of Reference for the preparation of the Tasmanian Planning Scheme; and
- Explanatory Document for the draft of the State Planning Provisions of the Tasmanian Planning Scheme (March 2016)
- *Guideline No.1 Local Provisions Schedule (LPS): zone and code application (May 2017)* issued by the Tasmanian Planning Commission as approved by the Minister under Section 8A of the *Land Use Planning and Approvals Act 1993* (attached to this report).
- "Planning Portal" to assist communications between the TPC and Councils. This is a mechanism to ensure consistent response to Councils and address common concerns
- Waterway Overlay mapping, threatened species and communities mapping, agricultural land mapping, hazard area mapping (to be reviewed/refined by Councils)
- GIS support for mapping of zones (yet to be confirmed)
- Workshop sessions conducted by the Planning Policy Unit (and ongoing communications with the Unit)
- Ongoing meetings with TPC

### Timeframes

The SPPs were declared by the Minister for Planning and Local Government Honourable Peter Gutwein on the 22<sup>nd</sup> February 2017. Information on the background to the preparation and declaration of the SPPs was provided to the March 2017 Council meeting along with the reasoning for the Ministers decision and the recommendations by the Tasmanian Planning Commission. Both these documents are available to Council and the community through the Tasmanian Planning Commission website.

The expected timeframes to complete the LPS and submit to the TPC differs between each Council. Southern Midlands and Central Highlands Councils will be working closely together - with an expected completion date by December 2017. A final draft of the LPS will be considered for endorsement by Council at the November 2017 meeting.

### Work Plans

The Minister via the TPC has encouraged each Council to determine timeframes for the completion of the LPS. Primarily this would give State Government an understanding of timeframes to complete the Tasmanian Planning Scheme and determine the level of funding to Council's to enable completion of the LPS. It also assists the TPC in determining the resourcing for the assessment of the LPS.

The most practical method of determining these timeframes is to prepare a project plan and schedule to complete certain components of the LPS.

For the Southern Midlands the following tasks and completion dates have been identified in the table below (Table 1). These dates and details are tentative and subject to allocation of funding and coordination efforts between Councils and State Government and review by Council:

<b>WORK SCHEDULE FOR SOUTHERN MIDLANDS LPS</b>			
<b>LPS</b>	<b>Activity</b>	<b>Completion</b>	<b>Description</b>
<b>General</b>	Identify and agree on resource intensive and common issues across southern region with Technical reference group – for funding opportunities (\$100k from State Government for Region)	<b>8<sup>th</sup> June 2017 (TRG Meeting)</b>	TRG members prepare list of common issues across the region
<b>General</b>	Brief Council on preparation of mapping Overlays and Zones and update on progress – get direction from Council on identified issues	<b>28<sup>th</sup> June 2017 (Council Meeting)</b>	Inform Council of progress of LPS and update community via public agenda item
<b>Zone Maps</b>	Complete zone mapping in GIS for basic (like for like) zone conversions: <ul style="list-style-type: none"> <li>• Village Zone</li> <li>• Residential Zone</li> <li>• Community Purpose</li> <li>• Recreation</li> <li>• General Business</li> <li>• Light Industrial</li> <li>• Environmental Management Zone</li> </ul>	<b>3<sup>rd</sup> July 2017</b>	Translate existing zones to new zones using Map Info Software.  Make separate report for explanation for changes

<p><b>Code Maps</b></p>	<p>Complete Overlay Mapping for:</p> <ul style="list-style-type: none"> <li>• Electricity Transmission Corridor</li> <li>• Flood-Prone Hazard Areas</li> <li>• Landslip Hazard Areas</li> </ul>	<p><b>11<sup>th</sup> July 2017</b></p>	<p>Map existing:</p> <ul style="list-style-type: none"> <li>• Transmission lines corridor</li> <li>• Flood prone areas</li> <li>• Landslip Hazards (High, Medium, Low)</li> </ul> <p>The data for the Landslip hazard areas is existing in SMIPS2015 and available on theLIST.tas.gov.au</p> <p>Make separate report for explanation for changes</p>
<p><b>Zone Maps</b></p>	<p>Complete zone mapping for:</p> <ul style="list-style-type: none"> <li>• Rural Living Zone; and</li> <li>• Convert Environmental Living to Rural Living Zone</li> <li>• Convert “Particular Purpose Zone 1 – Urban Growth Zone” to Future Urban Growth Zone</li> <li>• Convert “Particular Purpose Zone 2 – Future Road Corridor” to “Particular Purpose Zone – Future Road Corridor”</li> </ul>	<p><b>11<sup>th</sup> July 2017</b></p>	<p>Translate existing Rural Living Zones in Map Info</p> <p>Make separate report for explanation for changes</p>
<p><b>Code Maps</b></p>	<p>Identify Attenuation areas that should be custom mapped; organise list of consultants to prepare mapping; engage consultant to prepare map</p>	<p><b>13<sup>th</sup> July 2017</b></p>	<p>Any existing land uses or uses that have a permit to conduct activities that may cause environmental harm will have a default attenuation area under the SPPs. Many of these activities are adequately managed within the boundaries of the subject land or have an attenuation area that does not reflect the true nature of the activity. Many activities have never been subject of attenuation areas and/or application of Attenuation Code under SMIPS2015 or former planning schemes.</p> <p>The preparation of the LPS is an opportunity to map these areas correctly.</p> <p>Where there is no mapped overlay in LPS then the SPP distances will be used.</p>
<p><b>Zone Maps</b></p>	<p>Complete zone mapping for Utilities Zone (State Roads, TasWater Assets)</p>	<p><b>25<sup>th</sup> July 2017</b></p>	<p>Translate existing Utilities Zones (roads, rail, Sewer, Water) to utilities zone using Map Info Software</p>

			<p>Identify land that should be utilities and convert:</p> <ul style="list-style-type: none"> <li>• Category 1-5 Roads</li> <li>• Major local roads</li> <li>• Any sewer or water assets</li> </ul> <p>Make separate report for explanation for changes</p>
<b>Specific Area Plan Maps</b>	<p>Complete Overlay Mapping for:</p> <ul style="list-style-type: none"> <li>• Oatlands Equestrian SAP</li> <li>• Chauncy Vale Special Area</li> <li>• Heritage Precinct Special Area</li> <li>• Scenic Protection Areas</li> </ul>	<b>25<sup>th</sup> July 2017</b>	<p>Map existing overlay areas in Map Info</p> <p>Make separate report for explanation for changes</p>
<b>Code Ordinance</b>	<p>Review and update Local Heritage Listed Places Schedule</p>	<b>25<sup>th</sup> July 2017</b>	<p>Review the list of heritage places in SMIPS2015:</p> <ul style="list-style-type: none"> <li>• Identify and extract all state listed places into separate word document</li> <li>• Identify and compile list of all properties that require a specific extent mapping i.e. heritage listed places on large rural titles</li> <li>• Identify and compile list of any properties that require site visits or further background information to inform schedule</li> <li>• Cross check address/location details</li> <li>• Update the “Description” and any “statement of local historic heritage significance” or “heritage values” where existing information readily available</li> <li>• Include report of changes</li> </ul>
<b>Supportive Document</b>	<p>Complete draft principles for mapping of Agricultural Zone and Rural Zone</p>	<p><b>26th July 2017 (Council Meeting)*</b></p> <p><b>*Date Tentative</b></p>	<p>Before draft mapping of the agriculture and rural zone can commence Council will need to agree to drafting principles i.e. split zoning lands, classification of land, ownership of land, vegetation and potential future use, and further refinement of mapping etc</p>
<b>Code Maps</b>	<p>Complete Overlay maps for attenuation areas where required.</p>	<b>8<sup>th</sup> August 2017</b>	<p>Work with consultant to prepare the maps and obtain the map file to then create overlay in Map Info</p> <p>Make separate report for</p>

			explanation for changes
<b>Code Ordinance</b>	Input Local Heritage Places into LPS (written ordinance)	<b>8<sup>th</sup> August 2017</b>	Input final information into ordinance document
<b>Overlay Maps</b>	Map Specific Extent of Local Heritage Listed Places in Overlay Map	<b>8<sup>th</sup> August 2017</b>	Officers to advise GIS Officer of land with a “specific extent” listing in SMIPS2015, and any new places through review and create overlay in Map Info for all heritage listed titles.  Make separate report for explanation for changes
<b>Zone Maps</b>	Complete Agricultural and Rural Zone Mapping	<b>31<sup>st</sup> August 2017</b>	Map agriculture and rural zones  Make separate report for explanation for changes
<b>Code Maps</b>	Complete Waterway Overlay Map (Rivers, creeks, streams)	<b>12<sup>th</sup> September 2017</b>	Map the waterway overlay by refining the state mapping provided on theList.tas.gov.au
<b>Supportive Document</b>	Prepare Principles for Mapping of Priority Vegetation Overlay	<b>28<sup>th</sup> September 2017 (Council Meeting)</b>	Before draft mapping of the Priority Vegetation Overlay can commence – Council will need to agree to drafting principles for identification of vegetation of local significance and refinement of mapping threatened species
<b>Zone Ordinance</b>	Prepare draft local area objectives and Council Workshop. This only applies to discretionary uses	<b>28<sup>th</sup> September 2017 (Council Meeting)</b>	Council Officers to identify areas that <i>should</i> have further unique local planning provisions for design as identified through previous strategic planning documents or other unique local identifiable characteristics.
<b>Zone Maps</b>	Identify and Council Workshop zone changes or overlays as previously identified in Interim Planning Scheme process, previous strategic works, consistency with LPS guidelines or SPPs	<b>28<sup>th</sup> September 2017 (Council Meeting)</b>	Council Officers to identify land that requires rezoning due to ensure consistency with SPPs and LPS guidelines, Regional Land Use Strategy or in response to previous hearings into Interim Scheme or to remedy other ongoing issues.  Make separate report for explanation for changes
<b>Zone Maps</b>	Complete Zone Mapping	<b>17<sup>th</sup> October 2017</b>	
<b>Ordinance</b>	Input following into LPS <ul style="list-style-type: none"> <li>• Local Area Objectives</li> <li>• Particular Purpose Zone – Future Road Corridor Zone</li> </ul>	<b>18<sup>th</sup> October 2017</b>	Finalise in LPS: <ul style="list-style-type: none"> <li>• Local Area Objectives</li> <li>• Site Specific Qualifications</li> <li>• Particular Purpose Zone – Future Road Corridor Zone</li> </ul>

	<ul style="list-style-type: none"> <li>• Site Specific Qualifications</li> <li>• Specific Area Plans</li> </ul>		<ul style="list-style-type: none"> <li>• Specific Area Plans</li> </ul> <p>Make separate report for explanation for changes</p>
<b>All</b>	Workshop Draft Mapping with Planning Committee and provide update	<b>25<sup>th</sup> October 2017</b>	Update Council and obtain direction for mapping
<b>Code Map</b>	Complete Priority Vegetation Overlay Map	<b>25<sup>th</sup> October 2017</b>	Map the Priority Vegetation Overlay
<b>All</b>	Complete LPS written Ordinance	<b>31<sup>st</sup> October 2017</b>	<p>Review and Finalise LPS written component</p> <p>Make separate report for explanation for changes</p>
<b>Final report on draft LPS</b>	Complete Supporting Report to Council	<b>22nd November 2017 (Council Meeting)</b>	<p>The LPS prepared by Council must be submitted to the Tasmanian Planning Commission under Section 35 of LUPAA.</p> <p>The TPC must then consider the LPS and then submit a request to the Minister to allow for public exhibition of the LPS.</p> <p>In submitting the draft LPS to the TPC the Council must provide an accompanying report as supporting information to demonstrate compliance with the criteria outlined in Section 34 of the LUPAA.</p> <p>The supporting report is also an appropriate document to capture all the changes and justification for changes to assist the TPC and the public in understanding the rationale for Council's LPS.</p>
<b>Admin</b>	Submit LPS and supporting report to TPC	<b>6th December 2017</b>	Compile all documentation and schedule of shape files (mapping) and submit to TPC

Table 1: Work Schedule for Southern Midlands LPS

### Resourcing Issues

The primary resourcing issues as identified in Table 1 are:

- Develop local/regional/subregional principles for mapping of Agriculture and Rural Zone; and then
- GIS mapping of Rural and Agriculture Zone.
- Develop local/regional/subregional principles for mapping of Priority Vegetation Overlay and identification of any local values (new to CHC); and then
- GIS mapping of Priority Vegetation Overlay

- Review and update the list of local historic places
- Refine state mapping of waterway areas (potentially a state wide or regional approach)
- Mapping attenuation areas where:
  - Default SRAD is excessive or will likely restrict future land use potential; and
  - Existing Use is sufficiently managed within boundary of subject land;
- GIS Mapping (generally)
- Drafting of Local Area Objectives
- Refinement of zoning

The TRG at its meeting of the 8<sup>th</sup> June 2017 have agreed that the following tasks (in Table 2) will require a coordinated approach and should be the subject of the State Government funding:

<b>Southern Region Common Issues (LPS)</b>		
<b>Task</b>	<b>Description</b>	<b>Outcome</b>
Map the Priority Vegetation Overlay under the Natural Assets Code.	Before this mapping work can commence Councils will need to refine existing mapping of threatened species, and identify any vegetation of local significance. This will require a set of agreed principles.	State funding should be used to engage a suitably qualified person to work with Councils and determine local values and prepare/refine mapping.
GIS Mapping (Generally)	Councils must prepare the zone and overlay maps. There is scope for a coordinated approach	TRG are working with TPC to identify common approach to mapping.  Some regional councils may use the same GIS service provider to prepare maps
Map the rural resource zone and map the agriculture zone,	State Government have mapped agricultural land across Tasmania and provided this mapping to Council (and public). Council will need to review this mapping and refine to suit the local area.  Council will need to identify local objectives and guidelines before this mapping can commence.  This is a common issue across the state. A large proportion of land that was formally “rural resource zone” is identified as having potential for agriculture.	Councils are likely to adopt a common approach to mapping this land by way of adopting a set of guidelines and criteria.  State funding should be used to engage a suitably qualified person to work with each council and ground truth mapping where necessary.

<p>Changes to the Southern Tasmanian Regional Land Use Strategy (STRLUS)</p>	<p>Council needs to be mindful that the LPS must be consistent with the STRLUS (as legislated). This may require amendments to STRLUS.</p> <p>The State Government are currently undertaking the process of identifying any inconsistencies with the SPPs.</p>	<p>Funding should be set aside in case STRLUS needs review to allow for the LPS or to incorporate any local strategic changes.</p> <p>This scope of this exercise is yet to be confirmed.</p>
<p>Other</p>	<p>It is likely, as Council's, progress with the LPS work that further issues will be identified. Either common to the region or certain Council's are simply not adequately resourced to undertake certain tasks.</p>	<p>Funding should be set aside as contingency.</p>

Table 2

**Human Resource/Financial Implications**

The timeframes identified in this report show completion of the LPS in December 2017, this is not on a full time basis. Council will need to progressively work through the issues at hand in collaboration with the State Government and the region.

On average Council Officers will need to dedicate approximately 8-12 hours a fortnight to prepare the LPS, conduct workshops and continue engagement with the State Government and TRG.

The mapping of attenuation areas in the Southern Midlands is a potential candidate for an external consultant. The existing attenuation areas and activities that require attenuation areas will need to be reviewed to then determine the scope of work. This will be completed by mid July 2017. This will likely be undertaken in conjunction with the Central Highlands Council.

In terms of actual GIS mapping work, there is also potential for Council to utilise existing contracts with its GIS provider.

**Community Consultation and Public Relations**

Exhibition of the LPS will be undertaken in accordance with the statutory requirements of the *Land Use Planning and Approvals Act 1993*.

As outlined in Table 1 of this report, Officers will provide ongoing workshops to Council and provide ongoing agenda items and updates to the community. The workshops sessions will enable Council to feedback any community expectations to Officers and ensure a draft LPS that is suitable for public exhibition. This will likely occur in early 2018 and will be followed by hearings conducted by the TPC.

There will also be likely engagement with individual landowners where any ground truthing of data is necessary and property access or local knowledge is required.



## RECOMMENDATION

**THAT the information be received.**

## DECISION

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

**Attachment**

Treasurer

Level 9 Executive Building  
15 Murray Street HOBART TAS 7000  
Ph +61 3 6165 7670  
Email [treasureroffice@dpac.tas.gov.au](mailto:treasureroffice@dpac.tas.gov.au)

SOUTHERN MIDLANDS COUNCIL

Rec'd 31 MAY 2017

File no \_\_\_\_\_

File no \_\_\_\_\_

COPY



Mayor Cr Tony Bisdee  
Southern Midlands Council  
PO Box 21  
OATLANDS TAS 7120

29 MAY 2017

Dear Mayor,

I am writing to confirm arrangements for Councils to prepare their Local Provisions Schedules (LPS) and assistance the Government is providing to expedite this important reform.

I understand that Council planners in the three regions have prepared draft work plans clarifying LPS mapping and drafting tasks and timeframes. This is a positive initiative and provides practical opportunities for Councils to coordinate and share resources for timely completion of the LPS process.

The Government strongly supports this constructive approach and has allocated each region \$100,000 in the 2017/18 State Budget to assist. I have asked the Planning Policy Unit (PPU) in the Department of Justice to work with Councils and the regional council bodies to finalise work plans and budgets so funds can be allocated.

The Government is also committed to provide information, advice and guidance to ensure draft LPSs give effect to the State Planning Provisions and meet statutory requirements.

On 5 May 2017, I endorsed the release of Guidelines in accordance with Section 8A of the *Land Use Planning and Approvals Act 1993*, and Practice Notes to assist Councils with the preparation of their draft LPS. The Tasmanian Planning Commission (TPC) has established a Planners Portal on its website to receive and respond to drafting and mapping questions from Council planners.

An Advisory Statement will also be issued shortly covering the transitioning of existing particular provisions in interim planning schemes to an LPS, such as the conversion of specific area plans and particular purposes zones.

Inevitably there will be some matters that arise which will require more detailed consideration. For example, a solution is currently being developed to address an issue with the listing of heritage places identified by some Councils. Advice and assistance in relation to such matters will be provided as and when required during the LPS process.

To ensure actions and communications are coordinated, a State LPS Steering Committee has been formed. The Steering Committee comprises the Department Secretary (Chair), the PPU, the TPC, LGAT and the Planning Reform Taskforce.

The Government is also moving quickly to identify any considerations in relation to the three Regional Land Use Strategies (Regional Strategies) to ensure they are consistent with the State Planning Provisions. This is to ensure a draft LPS is consistent with a Regional Strategy.

As the Government is committed to a major review of Regional Strategies after introduction of the Tasmanian Planning Scheme and Tasmanian Planning Policies, any immediate strategic changes will be limited to those essential to the drafting of an LPS and based on comprehensive regional or local planning study.

An Advisory Statement will be released shortly clarifying the Regional Strategy process.

Finally, I acknowledge the planning expertise of Councils and their staff and look forward to the timely preparation and submission of the draft LPSs to the TPC over coming months.

Yours sincerely



Peter Gutwein MP  
Treasurer  
Minister for Planning and Local Government

Cc General Manager: Tim Kirkwood

# Guideline No. 1

## Local Provisions Schedule (LPS): zone and code application

May 2017

This Guideline has been issued by the Tasmanian Planning Commission under section 8A of the *Land Use Planning and Approvals Act 1993* with the approval of the Minister for Planning and Local Government.

Version	Issue Date	Description
0.0	5 May 2017	original issue

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## **1.0 Guideline purpose**

The purpose of this guideline is to provide an easy reference guide for the application of all zones and codes for the preparation of draft Local Provisions Schedules (LPSs) and amendments to LPSs.

## **2.0 Guideline issue**

This Guideline has been issued by the Tasmanian Planning Commission under section 8A of the *Land Use Planning and Approvals Act 1993* with the approval of the Minister for Planning and Local Government.

## **3.0 LPS zone and code application**

- 3.1 Clauses 5.0 and 6.0 of this guideline provide detailed Local Provisions Schedule (LPS) application instructions for the State Planning Provisions (SPPs) zones and codes.
- 3.2 This guideline must be read in conjunction with the SPPs and particularly clause LP1.0 Local Provisions Schedule Requirements of the SPPs.
- 3.3 The zone and overlay names, colours, outlines, hatching and annotations must be applied as shown in the first column of the tables in clauses 5.0 and 6.0 of this guideline.
- 3.4 The primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible. Reference may also be made to the 'allowable minimum lot size' in the Acceptable Solution, unless there is a Performance Criterion that specifies an absolute minimum, in the subdivision standards for the zone.
- 3.5 The spatial application of zones and codes should as far as practicable be consistent with and coordinated with the LPS that applies to an adjacent municipal area as required by section 34(2)(g) of the Act.

## **4.0 Disclaimer**


Notwithstanding the content of this guideline, the LPS must also meet the LPS criteria of section 34 of the Act which prevail over any conflict with the content in this guideline.





**Glossary**


LIST	the Land Information System Tasmania
LPS	Local Provisions Schedule
section 29 Planning Scheme	a planning scheme approved under section 29 of the former provisions of the Act
SPPs	State Planning Provisions
the Act	<i>Land Use Planning and Approvals Act 1993</i>
TPS	Tasmanian Planning Scheme


## 5.0 Zone Application


Zone	Zone Purpose	Zone Application Guidelines
<p><b>8.0 General Residential Zone</b></p>  <p>Red 255, Green 0, Blue 0</p>	<p>The purpose of the General Residential Zone is:</p> <p>8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.</p> <p>8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.</p> <p>8.1.3 To provide for non-residential use that:</p> <ul style="list-style-type: none"> <li>(a) primarily serves the local community; and</li> <li>(b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</li> </ul> <p>8.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>	<p>GRZ 1 The General Residential Zone should be applied to the main urban residential areas within each municipal area which:</p> <ul style="list-style-type: none"> <li>(a) are not targeted for higher densities (see Inner Residential Zone); and</li> <li>(b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.</li> </ul> <p>GRZ 2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</p> <ul style="list-style-type: none"> <li>(a) within the General Residential Zone in an interim planning scheme;</li> <li>(b) within an equivalent zone under a section 29 planning scheme; or</li> <li>(c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and</li> <li>(d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,</li> </ul> <p><i>Note: The Future Urban Zone may be used for future urban land for residential use and development where the intention is to prepare detailed structure/precinct plans to guide future development.</i></p> <p>GRZ 3 The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.</p>


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<p><b>9.0</b>  <b>Inner Residential Zone</b></p>  <p>Red 128, Green 0, Blue 0</p>	<p>The purpose of the Inner Residential Zone is:</p> <p>9.1.1 To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities.</p> <p>9.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.</p> <p>9.1.3 To provide for non-residential use that:</p> <ul style="list-style-type: none"> <li>(a) primarily serves the local community; and</li> <li>(b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</li> </ul> <p>9.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>	<p>IRZ 1 The Inner Residential Zone should be applied to urban residential areas that are connected to a reticulated water supply service, reticulated sewerage system, and a public stormwater system, and have been identified for higher density development where any of the following conditions exist:</p> <ul style="list-style-type: none"> <li>(a) characterised by higher dwelling density with greater presence of non-housing activity;</li> <li>(b) proximity to activity centres with a range of services and facilities; or</li> <li>(c) located along high frequency public transport corridors.</li> </ul> <p>IRZ 2 The Inner Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</p> <ul style="list-style-type: none"> <li>(a) within the Inner Residential Zone in an interim planning scheme; or</li> <li>(b) within an equivalent zone under a section 29 planning scheme.</li> </ul> <p>IRZ 3 The Inner Residential Zone should not be applied to land that is highly constrained by hazards, natural or cultural values or other impediments that will limit developing the land to higher densities.</p>

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<p><b>10.0</b>  <b>Low Density Residential Zone</b></p>  <p>Red 240, Green 128, Blue 128</p>	<p>The purpose of the Low Density Residential Zone is:</p> <p>10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.</p> <p>10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.</p> <p>10.1.3 To provide for Visitor Accommodation that is compatible with residential character.</p>	<p>LDRZ 1 The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:</p> <ul style="list-style-type: none"> <li>(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:                             <ul style="list-style-type: none"> <li>(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and</li> <li>(ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or</li> </ul> </li> <li>(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or</li> <li>(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.</li> </ul> <p>LDRZ 2 The Low Density Residential Zone may be applied to areas within a Low Density Residential Zone in an interim planning scheme or a section 29 planning scheme to lots that are smaller than the allowable minimum lot size for the zone, and are in existing residential areas or settlements that do not have reticulated infrastructure services.</p> <p>LDRZ 3 The Low Density Residential Zone should not be applied for the purpose of protecting areas of important natural or landscape values.</p> <p>LDRZ 4 The Low Density Residential Zone should not be applied to land that is targeted for green-field development unless constraints (e.g. limitations on infrastructure, or environmental considerations) have been identified that impede the area being developed to higher densities.</p>


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<p><b>11.0</b>  <b>Rural Living Zone</b></p>  <p>Red 255, Green 201, Blue 210</p>	<p>The purpose of the Rural Living Zone is:</p> <p>11.1.1 To provide for residential use or development in a rural setting where:</p> <ul style="list-style-type: none"> <li>(a) services are limited; or</li> <li>(b) existing natural and landscape values are to be retained.</li> </ul> <p>11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.</p> <p>11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.</p> <p>11.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>	<p>RLZ 1 The Rural Living Zone should be applied to:</p> <ul style="list-style-type: none"> <li>(a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or</li> <li>(b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme,</li> </ul> <p>unless RLZ 4 below applies.</p> <p>RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</p> <ul style="list-style-type: none"> <li>(a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</li> <li>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.</li> </ul> <p>RLZ 3 The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on :</p> <ul style="list-style-type: none"> <li>(a) a reflection of the existing pattern and density of development within the rural living area; or</li> <li>(b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul>


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		<p>RLZ 4 The Rural Living Zone should not be applied to land that:</p> <ul style="list-style-type: none"> <li>(a) is suitable and targeted for future greenfield urban development;</li> <li>(b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or</li> <li>(c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul>
<p><b>12.0</b>  <b>Village Zone</b></p>  <p>Red 255, Green 165, Blue 0</p>	<p>The purpose of the Village Zone is:</p> <p>12.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.</p> <p>12.1.2 To provide amenity for residents appropriate to the mixed use characteristics of the zone.</p>	<p>VZ 1 The Village Zone should be applied to land within rural settlements where the Urban Mixed Use Zone is not suitable and there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain this mix.</p> <p>VZ 2 The Village Zone may be applied to land where the full range of reticulated infrastructure services are or are not available.</p> <p>VZ 3 The Village Zone may cover either:</p> <ul style="list-style-type: none"> <li>(a) an entire settlement where the settlement is relatively small and no clear town centre exists or is intended to exist; or</li> <li>(b) part of a settlement where a high degree of use mix exists or is intended in the centre (otherwise refer to Local Business Zone) the remainder of the settlement may be zoned either General Residential or Low Density Residential depending on the characteristics of the settlement.</li> </ul> <p>VZ 4 The Village Zone should not be applied to existing rural settlements where a mix of uses does not exist or where there is no strategic intention to provide a mix of uses.</p>



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<p><b>13.0</b></p> <p><b>Urban Mixed Use Zone</b></p>  <p>Red 221, Green 221, Blue 221</p>	<p>The purpose of the Urban Mixed Use Zone is:</p> <p>13.1.1 To provide for a mix of residential, retail, community services and commercial activities in urban locations.</p> <p>13.1.2 To provide for a diverse range of use or development that are of a type and scale that support and do not compromise or distort the role of surrounding activity centres in the activity centre hierarchy.</p>	<p>UMUZ 1 The Urban Mixed Use Zone should be applied to land within urban settlements:</p> <ul style="list-style-type: none"> <li>(a) which have an existing mix of uses, where no particular use dominates, and there is a strategic intention to maintain a mix of uses; or</li> <li>(b) where there is a strategic intention to create an area with a mix of uses where no particular use dominates.</li> </ul> <p>UMUZ 2 The Urban Mixed Use Zone may be applied to urban areas:</p> <ul style="list-style-type: none"> <li>(a) along high frequency public transport corridors or key transport hubs such as bus interchanges; or</li> <li>(b) areas intended for commercial, retail and residential activity with good access to high frequency public transport services.</li> </ul> <p>UMUZ 3 The Urban Mixed Use Zone should not be applied to:</p> <ul style="list-style-type: none"> <li>(a) commercial strips where commercial and retail activity is intended as the dominant activity (see business zones);</li> <li>(b) residential areas where residential use is intended as the dominant use (see residential zones); or</li> <li>(c) smaller rural settlements (see Village Zone).</li> </ul>


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<p><b>14.0</b></p> <p><b>Local Business Zone</b></p>  <p>Red 143, Green 188, Blue 255</p>	<p>The purpose of the Local Business Zone is:</p> <p>14.1.1 To provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.</p> <p>14.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.</p> <p>14.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.</p> <p>14.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.</p>	<p>LBZ 1 The Local Business Zone should be applied to land within urban settlements which provides, or is intended to provide, for the business, commercial and community functions within:</p> <ul style="list-style-type: none"> <li>(a) local shopping strips; or</li> <li>(b) town centres for some smaller settlements.</li> </ul> <p>LBZ 2 The Local Business Zone may be applied to:</p> <ul style="list-style-type: none"> <li>(a) Local Centres and the lower order Minor or Neighbourhood Centres in the Activity Centre Network under the Southern Tasmania Regional Land Use Strategy;</li> <li>(b) Local or Minor Centres and the Neighbourhood or Rural Town Centres in the Regional Activity Centre Hierarchy under the Regional Land Use Strategy of Northern Tasmania; and</li> <li>(c) the main retail and business areas of Local Service Centres and Localities in the activity centres description in the Cradle Coast Regional Land Use Strategy.</li> </ul> <p>LBZ 3 The Local Business Zone may be used for groups of local shops and businesses in existing residential areas where there is a strategic intention to maintain such uses, and the provisions of the surrounding residential zone are not appropriate.</p> <p>LBZ 4 The Local Business Zone should not be used for individual, isolated local shops or businesses within residential areas, unless:</p> <ul style="list-style-type: none"> <li>(a) they are a use, or are of a scale, that is more appropriate for the Local Business Zone and there is an intention to maintain the use; or</li> <li>(b) there is a strategic intention to expand the existing retail or business area in this locality consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul>





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<p><b>15.0</b></p> <p><b>General Business Zone</b></p>  <p>Red 9, Green 109, Blue 255</p>	<p>The purpose of the General Business Zone is:</p> <p>15.1.1 To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania’s main suburban and rural centres.</p> <p>15.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.</p> <p>15.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.</p> <p>15.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.</p>	<p>GBZ 1 The General Business Zone should be applied to land within urban settlements that provides, or is intended to provide, for the business, commercial and community functions within Tasmania’s main suburban and rural town centres.</p> <p>GBZ 2 The General Business Zone may be applied to:</p> <ul style="list-style-type: none"> <li>(a) Major Activity Centres, Rural Service Centres and the higher order Minor or Neighbourhood Centres in the Activity Centre Network under the Southern Tasmania Regional Land Use Strategy;</li> <li>(b) Suburban Activity Centres and District Service Centres in the Regional Activity Centre Hierarchy under the Regional Land Use Strategy of Northern Tasmania; and</li> <li>(c) the main retail and business areas of District Activity Centres in the activity centres description in the Cradle Coast Regional Land Use Strategy.</li> </ul>

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<p><b>16.0</b>  <b>Central Business Zone</b></p>  <p>Red 4, Green 50,                      Blue 154</p>	<p>The purpose of the Central Business Zone is:</p> <p>16.1.1 To provide for the concentration of the higher order business, retail, administrative, professional, community, and entertainment functions within Tasmania’s primary centres.</p> <p>16.1.2 To provide for a type and scale of use and development supports and does not compromise or distort the activity centre hierarchy.</p> <p>16.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.</p> <p>16.1.4 To encourage Residential and Visitor Accommodation use above ground floor level if it supports the viability of the activity centre and an active street frontage is maintained.</p>	<p>CBZ 1 The Central Business Zone should be applied to land within urban settlements that provides, or is intended to provide, for the key concentration of the higher-order business, retail, administrative, professional, community, and entertainment functions, within Tasmania’s primary activity centres that service the entire State, region or sub-region.</p> <p>CBZ 2 The Central Business Zone may be applied to:</p> <ul style="list-style-type: none"> <li>(a) the Primary Activity Centre and the Principal Activity Centres in the Activity Centre Network under the Southern Tasmania Regional Land Use Strategy;</li> <li>(b) the Principal Activity Centre in the Regional Activity Centre Hierarchy under the Regional Land Use Strategy of Northern Tasmania; and</li> <li>(c) the main retail and business areas of Regional Activity Centres in the activity centres description in the Cradle Coast Regional Land Use Strategy.</li> </ul> <p><i>Note: The unique characteristics of the CBDs of Hobart or Launceston may warrant consideration of a Specific Area Plan subject to the requirements of section 32(4) of the Act.</i></p>

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<p><b>17.0</b> <b>Commercial Zone</b></p>  <p>Red 181, Green 145, Blue 197</p>	<p>The purpose of the Commercial Zone is:</p> <p>17.1.1 To provide for retailing, service industries, storage and warehousing that require:</p> <p>(a) large floor or outdoor areas for the sale of goods or operational requirements; and</p> <p>(b) high levels of vehicle access and parking for customers.</p> <p>17.1.2 To provide for a mix of use development that supports and does not compromise or distort the role of other activity centres in the activity centre hierarchy.</p>	<p>CZ 1 The Commercial Zone should be applied to land within urban settlements that provides, or is intended to provide, for large floor area retailing (such as Bulky Goods Sales and Equipment and Machinery Sales and Service), service industry, low impact storage and warehousing, or other commercial use needs of the community that demand:</p> <p>(a) large floor or outdoor areas; and</p> <p>(b) high levels of vehicle access and car parking for customers.</p> <p>CZ 2 The spatial application of the Commercial Zone must ensure that it does not compromise the viability of the other retail and business centres located within the three business zones.</p> <p>CZ 3 The Commercial Zone should not be applied to land:</p> <p>(a) where the primary purpose is to provide for industrial purposes (see industrial zones); or</p> <p>(b) where the primary purpose is to provide for General Retail and Hire uses such as supermarkets, department stores or other variety stores (see business zones).</p>
<p><b>18.0</b> <b>Light Industrial Zone</b></p>  <p>Red 176, Green 0, Blue 176</p>	<p>The purpose of the Light Industrial Zone is:</p> <p>18.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.</p> <p>18.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.</p>	<p>LIZ 1 The Light Industrial Zone should be applied to land where there are likely to be minimal off site impacts.</p> <p>LIZ 2 The Light Industrial Zone should not be applied to individual, isolated industrial uses, unless:</p> <p>(a) they are a use, or are of a scale, that is more appropriate for the Light Industrial Zone and there is a strategic intention to maintain the use; or</p> <p>(b) there is a strategic intention to expand the existing industrial area in this locality consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</p> <p>LIZ 3 The Light Industrial Zone should not be applied to areas that primarily accommodate, or are</p>

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		<p>strategically intended to accommodate, large-scale, medium or high impact manufacturing, processing, storage, or transport activities (see General Industrial Zone).</p> <p>LIZ 4 The Light Industrial Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, light industrial activities.</p>
<p><b>19.0</b>  <b>General Industrial Zone</b></p>  <p>Red 92, Green 0,                  Blue 92</p>	<p>The purpose of the General Industrial Zone is:</p> <p>19.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be impacts on adjacent uses.</p> <p>19.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.</p>	<p>GIZ 1 The General Industrial Zone should be applied to land that provides, or is intended to provide, for a range of larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses. These are likely to include large industrial operations with actual or potential nearby off site impacts. These may be located in areas remote from land designated for other uses, such as residential use, in order to avoid land use conflicts.</p> <p>GIZ 2 The General Industrial Zone should not directly adjoin land zoned for residential purposes unless:</p> <ul style="list-style-type: none"> <li>(a) separated by physical buffers such as a major road; or</li> <li>(b) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses.</li> </ul> <p>GIZ 3 The General Industrial Zone should have access to freight transport routes and other utility infrastructure and services (e.g. electricity, water, sewerage) that is appropriate for the intended industrial use.</p> <p>GIZ 4 The General Industrial Zone may be applied to land without connection to a reticulated sewerage system if:</p> <ul style="list-style-type: none"> <li>(a) for existing industrial areas that provide for larger-scale or medium and higher impact, manufacturing, processing, servicing, storage and transport and distribution uses;</li> <li>(b) unnecessary for the intended industrial use; or</li> <li>(c) the area is capable of accommodating on-site waste water treatment systems suitable for the intended industrial use.</li> </ul>


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		<p>GIZ 5 The General Industrial Zone may be applied to port and marine facilities that are directly linked to specific higher impact manufacturing, processing, repair, servicing or storage uses.</p> <p>GIZ 6 The General Industrial Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, industrial activities.</p>
<p><b>20.0</b>  <b>Rural Zone</b></p>  <p>Red 228, Green 172, Blue 144</p>	<p>The purpose of the Rural Zone is:</p> <p>20.1.1 To provide for a range of use or development in a rural location:</p> <ul style="list-style-type: none"> <li>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</li> <li>(b) that requires a rural location for operational reasons;</li> <li>(c) is compatible with agricultural use if occurring on agricultural land;</li> <li>(d) minimises adverse impacts on surrounding uses.</li> </ul> <p>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</p> <p>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.</p>	<p>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</p> <p>RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</p> <p>RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</p> <ul style="list-style-type: none"> <li>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</li> <li>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</li> <li>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</li> <li>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</li> <li>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</li> </ul>


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<p><b>21.0</b>  <b>Agriculture Zone</b></p>  <p>Red 179, Green 113, Blue 59</p>	<p>The purpose of the Agriculture Zone is:</p> <p>21.1.1 To provide for the use or development of land for agricultural use.</p> <p>21.1.2 To protect land for the use or development of agricultural use by minimising:</p> <ul style="list-style-type: none"> <li>(a) conflict with or interference from non-agricultural uses;</li> <li>(b) non-agricultural use or development that precludes the return of the land to agricultural use; and</li> <li>(c) use of land for non-agricultural use in irrigation districts.</li> </ul> <p>21.1.3 To provide for use or development that supports the use of the land for agricultural use.</p>	<p>AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:</p> <ul style="list-style-type: none"> <li>(a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:                             <ul style="list-style-type: none"> <li>(i) incorporates more recent or detailed analysis or mapping;</li> <li>(ii) better aligns with on-ground features; or</li> <li>(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</li> </ul> </li> <li>(b) any other relevant data sets; and</li> <li>(c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</li> </ul> <p>AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6.</p> <p>AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to:</p> <ul style="list-style-type: none"> <li>(a) existing land uses on the title and surrounding land;</li> <li>(b) whether the title is isolated from other agricultural land;</li> </ul>


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		<p>(c) current ownership and whether the land is utilised in conjunction with other agricultural land;</p> <p>(d) the agricultural potential of the land; and</p> <p>(e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</p> <p>AZ 4 The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:</p> <p>(a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;</p> <p>(b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;</p> <p>(c) outlying titles that are either included or excluded within the 'Land Potential Suitable for the Agriculture Zone' layer; and</p> <p>(d) larger titles or those with extensive areas of native vegetation cover.</p> <p>AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles.</p> <p>AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:</p> <p>(a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p>


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		<ul style="list-style-type: none"> <li>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</li> <li>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</li> <li>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</li> <li>(e) it can be demonstrated that:                             <ul style="list-style-type: none"> <li>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</li> <li>(ii) there are significant constraints to agricultural use occurring on the land; or</li> <li>(iii) the Agriculture Zone is otherwise not appropriate for the land.</li> </ul> </li> </ul> <p>AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:</p> <ul style="list-style-type: none"> <li>(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</li> <li>(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;</li> <li>(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or</li> <li>(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and</li> </ul>






Zone	Zone Purpose	Zone Application Guidelines
		<p>having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.</p> <p><i>Note: Further details on the Agricultural Land Mapping Project can be found in the Agricultural Land Mapping Project: Background Report, April 2017, including the methodology used in generating the 'Land Potentially Suitable for Agriculture Zone' and the 'Potential Agricultural Land Initial Analysis' layers. The Background Report is available on the Department of Justice, Tasmanian planning reform website (<a href="http://www.justice.tas.gov.au/tasmanian_planning_reform">www.justice.tas.gov.au/tasmanian_planning_reform</a>).</i></p>
<p><b>22.0</b>  <b>Landscape Conservation Zone</b></p>  <p>Red 150, Green 146, Blue 0</p>	<p>The purpose of the Landscape Conservation Zone is:</p> <p>22.1.1 To provide for the protection, conservation and management of landscape values.</p> <p>22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.</p>	<p>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</p> <p>LCZ 2 The Landscape Conservation Zone may be applied to:</p> <ul style="list-style-type: none"> <li>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</li> <li>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</li> <li>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</li> </ul> <p>LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.</p> <p>LCZ 4 The Landscape Conservation Zone should not be applied to:</p> <ul style="list-style-type: none"> <li>(a) land where the priority is for residential use and development (see Rural Living Zone);</li> </ul>



Zone	Zone Purpose	Zone Application Guidelines
		<p>or</p> <p>(b) State-reserved land (see Environmental Management Zone).</p> <p><i>Note: The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.</i></p> <p><i>Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.</i></p>
<p><b>23.0</b>  <b>Environmental Management Zone</b></p>  <p>Red 90, Green 89,                  Blue 45</p>	<p>The purpose of the Environmental Management Zone is:</p> <p>23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.</p> <p>23.1.2 To allow for compatible use or development where it is consistent with:</p> <p>(a) the protection, conservation and management of the values of the land; and</p> <p>(b) applicable reserved land management objectives and objectives of reserve management</p>	<p>EMZ 1 The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:</p> <p>(a) land reserved under the <i>Nature Conservation Act 2002</i>;</p> <p>(b) land within the Tasmanian Wilderness World Heritage Area;</p> <p>(c) riparian, littoral or coastal reserves;</p> <p>(d) Ramsar sites;</p> <p>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</p> <p>(f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.</p> <p>EMZ 2 The Environmental Management Zone should be applied to land seaward of the high water mark unless contrary intention applies, such as land with existing, or intended for:</p> <p>(a) passive recreation opportunities (see Open Space Zone);</p>


Zone	Zone Purpose	Zone Application Guidelines
	plans.	<p>(b) recreational facilities (see Recreation Zone);</p> <p>(c) large scale port and marine activities or facilities (see Port and Marine Zone);</p> <p>(d) industrial activities or facilities (see industrial zones); or</p> <p>(e) major utilities infrastructure (see Utilities Zone).</p> <p>EMZ 3 The Environmental Management Zone may be applied to land for water storage facilities directly associated with major utilities infrastructure, such as dams.</p> <p><i>Note: If the land seaward of the high water mark that is outside the municipal area is unzoned, the General Provision at clause 7.11 of the State Planning Provisions will be applicable for any use subject to section 7 of the Act. Clause 7.11 requires the consideration of the provisions of the zone that is closest to the site, or the provision of the zone from which the use or development extends.</i></p>
<p><b>24.0</b> <b>Major Tourism Zone</b></p>  <p>Red 129, Green 134, Blue 143</p>	<p>The purpose of the Major Tourism Zone is:</p> <p>24.1.1 To provide for large scale tourist facilities which include a range of use and development.</p> <p>24.1.2 To provide for compatible use and development that complements or enhances the tourist facilities on the site.</p> <p>24.1.3 To provide for development that does not unreasonably impact on surrounding areas.</p> <p>24.1.4 To ensure that any commercial uses</p>	<p>MTZ 1 The Major Tourism Zone should be applied to land that is, or intended, for major tourism developments with a range of facilities which, due to their scale and complexity, are best managed through a specific tourism zoning.</p> <p>MTZ 2 The Major Tourism Zone should only be applied to land if:</p> <p>(a) it is within the Major Tourism Zone in an interim planning scheme and the strategic intention for the site is consistent with the zone purpose; or</p> <p>(b) justification has been provided for the zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</p> <p>MTZ 3 The Major Tourism Zone should not be applied to land that is:</p> <p>(a) only intended for a single use (e.g. Visitor Accommodation); or</p> <p>(b) only intended as small-scale sites that can be more appropriately managed through an</p>

Zone	Zone Purpose	Zone Application Guidelines
	support the tourist purpose of the site and do not compromise or distort the role of existing activity centres.	alternate zoning.  <i>Note: Major tourism developments with unique characteristics that differ significantly to the Major Tourism Zone purpose may be more appropriately located within a Particular Purpose Zone.</i>
<b>25.0</b> <b>Port and Marine Zone</b>   Red 0, Green 244, Blue 238	The purpose of the Port and Marine Zone is:  25.1.1 To provide for major port and marine activity related to shipping and other associated transport facilities and supply and storage.  25.1.2 To provide for use or development that supports and does not adversely impact on port and marine activities.	PMZ 1 The Port and Marine Zone should be applied to land that is used for large scale port and marine activity, including proclaimed wharf areas as described under section 11(7) of the <i>Land Use Planning and Approvals Act 1993</i> .  PMZ 2 The Port and Marine Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, large scale port and marine activities or facilities.  PMZ 3 The Port and Marine Zone should not be applied to land only intended for small scale or minor port and marine facilities, such as boat ramps, or small scale marinas or jetties.

Zone	Zone Purpose	Zone Application Guidelines
<p><b>26.0</b>  <b>Utilities Zone</b></p>  <p>Red 255, Green 255, Blue 0</p>	<p>The purpose of the Utilities Zone to:</p> <p>26.1.1 To provide land for major utilities installations and corridors.</p> <p>26.1.2 To provide for other compatible uses where they do not adversely impact on the utility.</p>	<p>UZ 1 The Utilities Zone should be applied to land that is used, or intended to be used, for major utilities infrastructure, including:</p> <ul style="list-style-type: none"> <li>(a) category 1, 2, 3, 4 and 5 roads as defined in the <i>Tasmanian State Road Hierarchy</i> published by the Tasmanian Department of State Growth;</li> <li>(b) any listed major local roads;</li> <li>(c) future road corridors for major local and all State roads;</li> <li>(d) energy production facilities, such as power stations, and major electricity substation facilities;</li> <li>(e) waste water treatment plants; or</li> <li>(f) rail corridors.</li> </ul> <p>UZ 2 The application of the Utilities Zone to category 1, 2, 3, 4 or 5 roads as defined in the <i>Tasmanian State Road Hierarchy</i> should be based on the 'State Road Casement' layer published on the LIST.</p> <p>UZ 3 The Utilities Zone may be applied to land that provides, or is intended to provide, for major waste transfer stations, recycling depots or refuse disposal sites.</p> <p>UZ 4 The Utilities Zone may be applied to land for water storage facilities for the purposes of water supply directly associated with major utilities infrastructure, such as dams or reservoirs.</p> <p>UZ 5 The Utilities Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, port and marine activities or facilities.</p> <p>UZ 6 The Utilities Zone should not be used for minor utilities or underground utilities as these are more appropriately contained with the surrounding zone to which it is located.</p> <p><i>Note: Major airport facilities may be more appropriately located within a Particular Purpose Zone</i></p>


Zone	Zone Purpose	Zone Application Guidelines
<p><b>27.0</b>  <b>Community Purpose Zone</b></p>  <p>Red 255, Green 255, Blue 192</p>	<p>The purpose of the Community Purposes Zone is:</p> <p>27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.</p> <p>27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.</p>	<p>CPZ 1 The Community Purpose Zone should be applied to land that provides, or is intended to provide, for key community facilities and services, including:</p> <ul style="list-style-type: none"> <li>(a) schools, tertiary institutions or other education facilities;</li> <li>(b) medical centres, hospital services or other care-based facilities;</li> <li>(c) emergency services facilities; or</li> <li>(d) large community halls, places of worship or other key community or cultural facilities.</li> </ul> <p>CPZ 2 Some community facilities and services may be zoned the same as the surrounding zone, such as a residential or business zone, if the zone is appropriate for the nature or scale of the intended use, such as a small scale place of worship, public hall, community centre or neighbourhood centre.</p> <p><i>Note: Major community facilities and services, such as tertiary educational facilities and hospital services, with unique characteristics may be more appropriately located within a Particular Purpose Zone.</i></p>
<p><b>28.0</b>  <b>Recreation Zone</b></p>  <p>Red 50, Green 226, Blue 27</p>	<p>The purpose of the Recreation Zone is:</p> <p>28.1.1 To provide for active and organised recreational use and development ranging from small community facilities to major sporting facilities.</p> <p>28.1.2 To provide for complementary uses that do not impact adversely on the recreational use of the land.</p> <p>28.1.3 To ensure that new major sporting facilities do not cause unreasonable</p>	<p>RecZ 1 The Recreation Zone should be applied to land that is, or is intended to be, used for active or organised recreational purposes, including:</p> <ul style="list-style-type: none"> <li>(a) sporting grounds and facilities;</li> <li>(b) golf courses;</li> <li>(c) racecourses; and</li> <li>(d) major sporting facilities.</li> </ul> <p>RecZ 2 The Recreation Zone may be applied to either public or privately owned land.</p> <p>RecZ 3 The Recreation Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, recreational facilities.</p>



Zone	Zone Purpose	Zone Application Guidelines
	impacts on adjacent sensitive uses.	RecZ 4 The Recreation Zone should not be used for open space areas or land predominantly intended for passive recreation (see Open Space Zone).
<p><b>29.0</b> <b>Open Space Zone</b></p>  <p>Red 51, Green 153, Blue 102</p>	<p>The purpose of the Open Space Zone is:</p> <p>29.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.</p> <p>29.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.</p>	<p>OSZ 1 The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for:</p> <ul style="list-style-type: none"> <li>(a) passive recreational opportunities; or</li> <li>(b) natural or landscape amenity within an urban setting.</li> </ul> <p>OSZ 2 The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities.</p> <p>OSZ 3 The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for open space purposes.</p> <p>OSZ 4 The Open Space Zone should not be applied to land:</p> <ul style="list-style-type: none"> <li>(a) with significant natural values (see Environmental Management Zone); or</li> <li>(b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).</li> </ul>
<p><b>30.0</b> <b>Future Urban Zone</b></p>  <p>Red 255, Green 135, Blue 75</p>	<p>The purpose of the Future Urban Zone is:</p> <p>30.1.1 To identify land intended for future urban use and development.</p> <p>30.1.2 To ensure that development does not compromise the potential for future urban use and development of the land.</p> <p>30.1.3 To support the planned rezoning of</p>	<p>FUZ 1 The Future Urban Zone should be applied to land identified for future urban development to protect the land from use or development that may compromise its future development, consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</p> <p>FUZ 2 The Future Urban Zone should be applied to land within an interim planning scheme Particular Purpose Zone which provides for the identification of future urban land.</p> <p>FUZ 3 The Future Urban Zone may be applied to land identified in an interim planning scheme code or specific area plan overlay which provides for future urban land.</p>



Zone	Zone Purpose	Zone Application Guidelines
	land for urban use and development in sequence with the planned expansion of infrastructure.	FUZ 4 The Future Urban Zone may be applied to sites or areas that require further structure or master planning before its release for urban development.
<p>PX.0                      Particular Purpose Zone</p>  <p>Red 255, Green 33,                      Blue 118</p>		<p>PPZ 1 A Particular Purpose Zone (PPZ) may be applied to a particular area of land where the intended planning outcomes cannot be achieved through the application of one or more State Planning Provision zones. It may be applied to land that provides major facilities or sites which require a unique or tailored approach to both use and development standards, such as a university campus, or major hospital site.</p> <p>PPZ 2 A PPZ must be applied to land currently within in an interim planning scheme PPZ in accordance with Schedule 6, Clause 8 of the Act, unless the Minister declares that it is a PPZ that is not applicable to this part of the Act (for further guidance refer to the Minister’s Advisory Statement – Transitional Arrangements for PPZs, SAPs &amp; SSQs).</p> <p><i>Note: A new PPZ or a PPZ introduced into a planning scheme after 17 December 2015 must meet a requirement of section 32(4) of the Act.</i></p>








### 6.0 Code Application




Code	Code Purpose	Code Application Guidelines
<p><b>C1.0</b> Signs Code</p>	<p>The purpose of the Signs Code is:</p> <p>C1.1.1 To provide for appropriate advertising and display of information for business and community activity.</p> <p>C1.1.2 To provide for well-designed signs that are compatible with the visual amenity of the surrounding area.</p> <p>C1.1.3 To ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.</p>	<p>There are no overlays applicable to operation of the Signs Code however, the allowable sign types and development standards relate to the zones in which they occur.</p>
<p><b>C2.0</b> Parking and Sustainable Transport Code</p> <p>Parking precinct plan</p>  <p>Red 194, Green 165, Blue 207</p>	<p>The purpose of the Parking and Sustainable Transport Code is:</p> <p>C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.</p> <p>C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.</p> <p>C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.</p>	<p><b>Overview</b></p> <p>The Parking and Sustainable Transport Code enables the identification of two overlays for:</p> <ul style="list-style-type: none"> <li>• a parking precinct plan; and</li> <li>• pedestrian priority streets.</li> </ul> <p><b>Guidelines for applying the Parking and Sustainable Transport Code overlays</b></p> <p>PSTC 1 A parking precinct plan overlay may be applied to an area where the intention is to reduce the amount of on-site car parking. This may apply to an area:</p> <ul style="list-style-type: none"> <li>(a) identified for such purposes under an interim planning scheme or section 29 planning scheme; or</li> </ul>




Code	Code Purpose	Code Application Guidelines
<p>Pedestrian priority street</p>  <p>Red 123, Green 50, Blue 148</p>	<p>C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.</p> <p>C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.</p> <p>C2.1.6 To provide for parking precincts and pedestrian priority streets.</p>	<p>(b) within a main activity centre (e.g. parts of a CBD) or to key development sites (e.g. hospitals).</p> <p>PSTC 2 A pedestrian priority street overlay may be applied to a road where pedestrian movement and activity are to take priority over siting of vehicle parking and access to facilitate active street frontages. These may include:</p> <p>(a) an area identified for such purposes under an interim planning scheme or section 29 planning scheme; or</p> <p>(b) key streets within the main business or retail areas.</p>
<p><b>C3.0</b>  <b>Road and Railway Assets Code</b></p> <p>Road or railway attenuation area</p>  <p>Red 217, Green 240, Blue 211</p>	<p>The purpose of the Road and Railway Assets Code is:</p> <p>C3.1.1 To protect the safety and efficiency of the road and railway networks; and</p> <p>C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.</p>	<p><b>Overview</b></p> <p>The Road and Railway Asset Codes enables the identification of three overlays for:</p> <ul style="list-style-type: none"> <li>• a road or railway attenuation area;</li> <li>• future major road; and</li> <li>• future railway.</li> </ul> <p>A road or railway attenuation area applies to land within a relevant overlay, or, in the absence of an overlay, to land within 50m of the boundary of:</p> <ul style="list-style-type: none"> <li>• a major road with a speed limit above 60km/h;</li> <li>• the rail network;</li> <li>• a future major road; or</li> <li>• a future railway.</li> </ul> <p>The code also provides for future major roads and future railways to be shown as an overlay to assist with application of the provisions.</p>



Code	Code Purpose	Code Application Guidelines
<p>Future major road</p>  <p>Red 127, Green 191, Blue 123</p> <p>Future major railway</p>  <p>Red 27, Green 120, Blue 55</p>		<p><b>Guidelines for applying the Road and Railway Assets Code overlays</b></p> <p>RRAC 1 A road or railway attenuation area overlay may be applied to provide appropriate buffers around existing major roads or railways or future major roads or railways as an alternative to the 50m attenuation area specified in the definition to take account of local circumstances, such as:</p> <ul style="list-style-type: none"> <li>(a) the characteristics of the road or railway;</li> <li>(b) the topography of the surrounding area;</li> <li>(c) the surrounding use or development; or</li> <li>(d) any existing attenuation measures or buffers.</li> </ul> <p>RRAC2 A future major road overlay or a future railway overlay must be applied to land intended for such purposes.</p>
<p><b>C4.0</b></p> <p><b>Electricity Transmission Infrastructure Protection Code</b></p>	<p>The purpose of the Electricity Transmission Infrastructure Protection Code is:</p> <p>C4.1.1 To protect use and development against hazards associated with proximity to electricity transmission infrastructure.</p> <p>C4.1.2 To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure.</p>	<p><b>Overview</b></p> <p>The Electricity Transmission Infrastructure Protection Code applies to land within the following overlays:</p> <ul style="list-style-type: none"> <li>• electricity transmission corridor overlay;</li> <li>• communications station buffer area overlay; or</li> <li>• substation facility buffer area overlay.</li> </ul> <p>The electricity transmission corridor overlay covers land within:</p> <ul style="list-style-type: none"> <li>• a specified distance either side of existing overhead transmission lines;</li> <li>• a specified distance either side of existing underground cabling for electricity</li> </ul>

Code	Code Purpose	Code Application Guidelines
<p>Communications station buffer area</p>  <p>Red 1, Green 102, Blue 94</p> <p>Electricity transmission corridor</p>  <p>Red 199, Green 234, Blue 229</p> <p>Inner protection area</p>  <p>Red 90, Green 180, Blue 172</p>	<p>C4.1.3 To maintain future opportunities for electricity transmission infrastructure.</p>	<p>transmission; or</p> <ul style="list-style-type: none"> <li>• a specified distance from the edge of an easement established by unregistered wayleave agreement under the <i>Electricity Wayleaves and Easements Act 2000</i> and regardless of whether containing existing infrastructure or not, whichever is the greater.</li> </ul> <p>The substation facility buffer area overlay extends 65m from the title, lease or licence boundary of all 110kV and 220kV substations. The communications station buffer area overlay extends 55m from the centre of the tower of TasNetworks communications stations.</p> <p>The code also includes two further overlays that assist with the interpretation of the exemptions and development standards. These include the:</p> <ul style="list-style-type: none"> <li>• inner protection area overlay, which is contained within the electricity transmission corridor overlay; and</li> <li>• substation facility overlay, which identifies the location of substation facilities that are subject to the substation facility buffer area overlay.</li> </ul> <p>The overlays for the code have been prepared by TasNetworks and are published on the LIST.</p> <p><b>Guidelines for applying the Electricity Transmission Infrastructure Protection Code overlays</b></p> <p>ETIPC 1 The following overlays must be included for the application of the Electricity Transmission Infrastructure Protection Code in accordance with the overlay maps produced by TasNetworks:</p> <ol style="list-style-type: none"> <li>(a) communications station buffer area overlay;</li> <li>(b) electricity transmission corridor overlay;</li> <li>(c) inner protection area overlay;</li> </ol>

Code	Code Purpose	Code Application Guidelines
<p>Substation facility</p>  <p>Red 216, Green 179, Blue 101</p> <p>Substation facility buffer area</p>  <p>Red 140, Green 81, Blue 10</p>		<p>(d) substation facility overlay; and</p> <p>(e) substation facility buffer area overlay,</p> <p>unless modified to address any anomalies or inaccuracies.</p>
<p><b>C5.0</b>  <b>Telecommunications Code</b></p>	<p>The purpose of the Telecommunications Code is:</p> <p>C5.1.1 To provide for telecommunication networks as a service for the community.</p> <p>C5.1.2 To ensure that facilities are co-located where practicable.</p> <p>C5.1.3 To ensure that facilities use mitigation measures to avoid an unreasonable loss of visual amenity.</p>	<p>There are no overlays applicable to operation of the Telecommunications Code.</p>

Code	Code Purpose	Code Application Guidelines
<p><b>C6.0</b> <b>Local Historic Heritage Code</b></p> <p>Local heritage place </p> <p>Red 230, Green 245, Blue 208</p> <p>Local heritage precinct </p> <p>Red 161, Green 215, Blue 106</p> <p>Local heritage landscape precinct </p> <p>Red 197, Green 27, Blue 125</p>	<p>The purpose of the Local Historic Heritage Code is:</p> <p>C6.1.1 To recognise and protect the local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential and significant trees by regulating development that may impact on their values, features and characteristics.</p>	<p><b>Overview</b></p> <p>The Local Historic Heritage Code aims to recognise and protect the local historic heritage significance of local heritage places, heritage precincts, historic landscape precincts and places or precincts of archaeological potential, as well as significant trees, by regulating development that may impact on their values, features and characteristics.</p> <p>The Local Historic Heritage Code applies to development only, not use. Internal buildings and works are exempt from requiring a planning permit under clause 4.3.2 of the SPPs.</p> <p>To avoid duplication of assessment, the Local Historic Heritage Code does not apply to a registered place entered on the Tasmanian Heritage Register (THR). Some sites may have dual listings but this is for mutually exclusive parts of the same lot or lots.</p> <p><b>Guidelines for applying the Local Historic Heritage Code</b></p> <p>LHHC 1 THR places must not be listed as local heritage places in the Code list (Table C6.1) unless they are dual listed for mutually exclusive parts of the place. In the event that a place is 'de-listed' from the THR in the future, an assessment on whether the place meets the criteria for local historic heritage significance, as set out in the definition of this term in the code may be necessary and consideration of an amendment to the relevant LPS to list it as a local heritage place may be appropriate.</p> <p>LHHC 2 If the planning authority has local historic heritage landscape precincts, local heritage precincts or places or precincts of archaeological potential within its municipal area, the LPS must include an overlay map showing the place or precinct for the application of the code.</p> <p>LHHC 3 Each LPS may contain an overlay map showing local heritage places for the application of the Local Historic Heritage Code.</p> <p>LHHC 4 Each LPS may contain an overlay map showing significant trees LPS, for the application of</p>

Code	Code Purpose	Code Application Guidelines
<p>Place or precinct or archaeological potential</p>  <p>Red 233, Green 163, Blue 201</p> <p>Significant trees</p>  <p>Red 77, Green 146, Blue 33</p>		<p>the Local Historic Heritage Code.</p> <p>LHHC 5 The information included in the right hand column of Table C6.1 (titled 'Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values') must address the significance of each place and its historic heritage values, as set out in the definition for local historic heritage significance in the code.</p> <p>The statement of local historic heritage significance must incorporate the historic heritage values of the place.</p> <p>The information may be set out in the table or appear in a separate datasheet. All external documents must be listed in the LPS's Applied, Adopted or Incorporated Documents table.</p>
<p><b>C7.0</b></p> <p><b>Natural Assets Code</b></p> <p>Waterway and coastal protection area</p>  <p>Red 141, Green 160, Blue 203</p>	<p>The purpose of the Natural Assets Code is:</p> <p>C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.</p> <p>C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of</p>	<p><b>Overview</b></p> <p>The Natural Assets Code applies to land within the following overlays:</p> <ul style="list-style-type: none"> <li>• waterway and coastal protection area;</li> <li>• future coastal refugia area; and</li> <li>• priority vegetation area.</li> </ul> <p>The waterway and coastal protection area overlay includes land within a specified buffer distance from Class 1 to 4 watercourses and wetlands, including Ramsar wetlands. Class 1 watercourses include lakes and tidal waters.</p> <p>The future coastal refugia area overlay is applied to land identified for the protection of land for the</p>

Code	Code Purpose	Code Application Guidelines
<p>Future coastal refugia area</p>  <p>Red 252, Green 141, Blue 98</p> <p>Priority vegetation area</p>  <p>Red 102, Green 194, Blue 165</p>	<p>the coast.</p> <p>C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.</p> <p>C7.1.4 To minimise impacts on identified priority vegetation.</p> <p>C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.</p>	<p>landward retreat of coastal habitats, such as saltmarshes and tidal wetlands, which have been identified as at risk from predicted sea level rise.</p> <p>The priority vegetation area overlay is intended for native vegetation that:</p> <ul style="list-style-type: none"> <li>• forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the <i>Nature Conservation Act 2002</i>;</li> <li>• is a threatened flora species;</li> <li>• forms a significant habitat for a threatened fauna species; or</li> <li>• has been identified as native vegetation of local importance.</li> </ul> <p><b>Guidelines for applying the Natural Assets Code overlays</b></p> <p><i>Waterway and Coastal Protection Area Overlay</i></p> <p>A 'Waterway and Coastal Protection Area Guidance Map' (guidance map) has been prepared and published on the LIST to provide guidance for preparing the waterway and coastal protection area overlay. The guidance map identifies the relevant buffer distances for the overlay based on the class of watercourse and the type of wetland.</p> <p>NAC 1 The waterway and coastal protection area overlay should be derived from the guidance map.</p> <p>NAC 2 To assist with the interpretation of the Natural Assets Code, the waterway and coastal protection area overlay metadata may indicate whether it relates to a watercourse, along with the class of watercourse, or a wetland, along with the type of wetland, as per the definition of 'waterway and coastal protection area' in the code. This can be derived from the guidance map by measurement of the buffers applied in the guidance map and cross-referencing with the distances specified in Table 1 in the definition of 'waterway and coastal</p>



Code	Code Purpose	Code Application Guidelines
		<p>protection area' in the Natural Assets Code for the relevant watercourse or wetland.</p> <p><i>Note: The watercourses in the guidance map have either been mapped as lines or polygons, and the buffer distance measured from these. For those watercourses mapped as lines, the buffer distances need to be measured from the centre line of the watercourse in determining the class of the watercourse.</i></p> <p>NAC 3 The waterway and coastal protection area overlay may include modifications to the areas depicted on the guidance map to:</p> <ul style="list-style-type: none"> <li>(a) address any anomalies or inaccuracies in the guidance map;</li> <li>(b) identify a larger area if demonstrated as necessary to protect identified natural assets associated with the waterway and coastal protection area;</li> <li>(c) make any adjustments to align with the definition of 'waterway and coastal protection area' in the Natural Assets Code, such as removing piped watercourses or piped drainage lines;</li> <li>(d) remove areas of existing development, particularly within urban areas; or</li> <li>(e) to include Ramsar wetlands within the overlay area.</li> </ul> <p><i>Future Coastal Refugia Area Overlay</i></p> <p>A 'Future Coastal Refugia Area Guidance Map' (guidance map) has been prepared and published on the LIST to provide guidance for preparing the future coastal refugia area overlay.</p> <p>The guidance map provides guidance for mapping the future coastal refugia area overlay by identifying potential future coastal saltmarsh and tidal wetland areas based on the Department of Premier and Cabinet (DPAC) predicted sea level rise and 1% AEP storm surge height mapping for 2100, including areas with and without LiDAR coverage.</p> <p>The guidance map categorises the land in accordance with the current interim planning schemes (IPS)</p>



Code	Code Purpose	Code Application Guidelines															
		<p>and <i>Flinders Planning Scheme 2000</i> (FPS 2000) zones (see Table NAC 1) for the purposes of mapping the future coastal refugia area overlay.</p> <p>Table NAC 1: Future Coastal Refugia Area Guidance Map IPS and FPS 2000 zone categories</p> <table border="1" data-bbox="1025 555 2011 1377"> <thead> <tr> <th data-bbox="1025 555 1352 603">Zone Category</th> <th data-bbox="1352 555 1659 603">Interim Planning Scheme</th> <th data-bbox="1659 555 2011 603">Flinders Planning Scheme 2000</th> </tr> </thead> <tbody> <tr> <td data-bbox="1025 603 1352 826"><b>Compatible Zone</b></td> <td data-bbox="1352 603 1659 826">Rural Resource Zone Significant Agriculture Zone Open Space Zone Environmental Management Zone</td> <td data-bbox="1659 603 2011 826">Rural Zone Environmental Management and Recreation Zone</td> </tr> <tr> <td data-bbox="1025 826 1352 916"><b>Special Consideration Zone</b></td> <td data-bbox="1352 826 1659 916">Rural Living Zone Environmental Living Zone</td> <td data-bbox="1659 826 2011 916">Rural Residential Zone</td> </tr> <tr> <td data-bbox="1025 916 1352 1150"><b>Case by Case Consideration Zone</b></td> <td data-bbox="1352 916 1659 1150">Utilities Zone Major Tourism Zone Community Purpose Zone Recreation Zone Particular Purpose Zone</td> <td data-bbox="1659 916 2011 1150">Public Purpose Zone</td> </tr> <tr> <td data-bbox="1025 1150 1352 1377"><b>Incompatible Zone</b></td> <td data-bbox="1352 1150 1659 1377">General Residential Zone Inner Residential Zone Low Density Residential Zone Village Zone</td> <td data-bbox="1659 1150 2011 1377">Residential Zone Low Density Residential Zone Commercial Zone Village Zone Port Zone</td> </tr> </tbody> </table>	Zone Category	Interim Planning Scheme	Flinders Planning Scheme 2000	<b>Compatible Zone</b>	Rural Resource Zone Significant Agriculture Zone Open Space Zone Environmental Management Zone	Rural Zone Environmental Management and Recreation Zone	<b>Special Consideration Zone</b>	Rural Living Zone Environmental Living Zone	Rural Residential Zone	<b>Case by Case Consideration Zone</b>	Utilities Zone Major Tourism Zone Community Purpose Zone Recreation Zone Particular Purpose Zone	Public Purpose Zone	<b>Incompatible Zone</b>	General Residential Zone Inner Residential Zone Low Density Residential Zone Village Zone	Residential Zone Low Density Residential Zone Commercial Zone Village Zone Port Zone
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Code	Code Purpose	Code Application Guidelines	
			Urban Mixed Use Zone Local Business Zone General Business Zone Central Business Zone Commercial Zone Light Industrial Zone General Industrial Zone Port and Marine Zone
		<p>NAC 4 The future coastal refugia area overlay may include modifications to the areas depicted in the guidance map to:</p> <ul style="list-style-type: none"> <li>(a) address any anomalies or inaccuracies in the guidance map, particularly areas that are located within an area with no LIDAR coverage;</li> <li>(b) identify a larger area if demonstrated as necessary to protect identified future coastal refugia areas, such as mobile and other sensitive coastal habitats and existing saltmarshes and tidal wetlands; or</li> <li>(c) remove an area if it is demonstrated that the application of the future coastal refugia area will constrain the future use and development of existing habitable buildings, major infrastructure, key community facilities and services and the like.</li> </ul> <p>NAC 5 The accuracy of the areas with no LIDAR coverage that are mapped in the guidance map is uncertain. These areas may be expanded or reduced to reflect the extent of potential future saltmarshes and tidal wetlands.</p>	

Code	Code Purpose	Code Application Guidelines
		<p>NAC 6 The future coastal refugia area overlay should be derived from the guidance map, with the following considerations:</p> <ul style="list-style-type: none"> <li>(a) the future coastal refugia area overlay should not be applied to land that is currently within an incompatible zone, unless:                             <ul style="list-style-type: none"> <li>(i) it is intended to provide an alternate zoning for the land in order to protect the future coastal refugia area; or</li> <li>(ii) the land is intended for open space purposes within that zone.</li> </ul> </li> <li>(b) the future coastal refugia area overlay may be applied to land that is currently within a special consideration zone if:                             <ul style="list-style-type: none"> <li>(i) it is intended to apply the Landscape Conservation Zone, Rural Living C Zone, Rural Living D Zone, or any other zone that is compatible with the overlay; or</li> <li>(ii) it is demonstrated that the application of the future coastal refugia area will not constrain the future use and development of existing habitable buildings, major infrastructure, key community facilities and services and the like.</li> </ul> </li> <li>(c) the future coastal refugia area overlay may be applied to land that is currently within a case-by-case consideration zone if:                             <ul style="list-style-type: none"> <li>(i) the application of the future coastal refugia area overlay is compatible with the purpose of the zone; or</li> <li>(ii) the application of the future coastal refugia area overlay will not significantly impact on the existing development on the land.</li> </ul> </li> <li>(d) the future coastal refugia area overlay should be applied to land that is currently within a compatible zone if it is demonstrated that the application of the future coastal refugia area will not constrain the future use and development of existing habitable buildings, major infrastructure, key community facilities and services and the like.</li> </ul>



Code	Code Purpose	Code Application Guidelines
		<p><i>Priority Vegetation Area Overlay</i></p> <p>NAC 7 The priority vegetation area overlay must include threatened native vegetation communities as identified in TASVEG Version 3 mapping, as published on the Department of Primary Industries, Parks, Water and the Environment's (DPIPWE) website and available on the LIST.</p> <p>NAC 8 For the purposes of applying the priority vegetation area overlay to land containing threatened flora species, any areas mapped within the overlay should be derived from or based on the threatened flora data from the Natural Values Atlas as published DPIPWE's website and available on the LIST.</p> <p>NAC 9 In applying the priority vegetation area overlay for threatened flora species, the overlay map may include an area around recorded occurrences of threatened flora species to identify areas of potential occurrence based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority.</p> <p>NAC 10 For the purposes of applying the priority vegetation area overlay to land containing significant habitat for threatened fauna species, any areas identified as significant habitat should be based on the threatened fauna data from the Natural Values Atlas, as published on DPIPWE's website.</p> <p>NAC 11 The priority vegetation area overlay may be based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority to:</p> <ul style="list-style-type: none"> <li>(a) address any anomalies or inaccuracies in the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above; or</li> <li>(b) provide more recent or detailed local assessment of the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above.</li> </ul>



Code	Code Purpose	Code Application Guidelines
		<p>NAC 12 The priority vegetation area overlay may include areas of native vegetation which have been identified as being of local importance based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority. Identification of these areas may be assisted by datasets or spatial products identified by DPIPWE.</p> <p>NAC 13 A priority vegetation area overlay should not be applied to land that is within the:</p> <ul style="list-style-type: none"> <li>(a) Inner Residential Zone;</li> <li>(b) Village Zone;</li> <li>(c) Urban Mixed Use Zone;</li> <li>(d) Local Business Zone;</li> <li>(e) General Business Zone;</li> <li>(f) Central Business Zone;</li> <li>(g) Commercial Zone;</li> <li>(h) Light Industrial Zone;</li> <li>(i) General Industrial Zone;</li> <li>(j) Agriculture Zone; or</li> <li>(k) Port and Marine Zone.</li> </ul> <p>NAC 14 A priority vegetation area overlay should only be applied to the General Residential Zone or Low Density Residential Zone if intended for the management of impacts associated with subdivision.</p>




Zone	Zone Purpose	Zone Application Guidelines
<p><b>C8.0</b></p> <p><b>Scenic Protection Code</b></p> <p>Scenic protection area</p>  <p>Red 117, Green 107, Blue 177</p> <p>Scenic road corridor</p>  <p>Red 188, Green 189, Blue 220</p>	<p>The purpose of the Scenic Protection Code is:</p> <p>C8.1.1 To recognise and protect landscapes that are identified as important for their scenic values.</p>	<p><b>Overview</b></p> <p>The Scenic Protection Code applies to land shown within a:</p> <ul style="list-style-type: none"> <li>• scenic protection area overlay; or</li> <li>• scenic road corridor overlay.</li> </ul> <p>The code provides for individual scenic protection areas and scenic road corridors to be listed in the LPSs and for the specific scenic values and management objectives to be identified. The articulation of specific scenic values and management objectives allow for greater guidance in the assessment of discretionary applications against the code.</p> <p><b>Guidelines for applying the Scenic Protection Code overlays</b></p> <p>SPC 1 The scenic protection area overlay and the scenic road corridor overlay may be applied to land identified at the local or regional level as important for the protection of scenic values. These may include areas:</p> <ol style="list-style-type: none"> <li>(a) containing significant native vegetation or bushland areas with important scenic values (such as skyline areas); or</li> <li>(b) identified for their significant scenic views.</li> </ol> <p>SPC 2 The scenic protection area overlay and the scenic road corridor overlay may be aligned with an equivalent overlay contained in an interim planning scheme or section 29 planning scheme provided it is consistent with the purpose, requirements and operation of the Scenic Protection Code in the SPPs. Any new overlays should be justified as having significant scenic values requiring protection from inappropriate development that would or may diminish those values.</p>



Zone	Zone Purpose	Zone Application Guidelines
		<p>SPC 3 The scenic protection area overlay and the scenic road corridor overlay may only be applied in the following zones:</p> <ul style="list-style-type: none"> <li>(a) Rural Living Zone;</li> <li>(b) Rural Zone;</li> <li>(c) Agriculture Zone;</li> <li>(d) Landscape Conservation Zone;</li> <li>(e) Environmental Management Zone; or</li> <li>(f) Open Space Zone.</li> </ul>
<p><b>C9.0</b>  <b>Attenuation Code</b>                      Attenuation area</p>  <p>Red 27, Green 158,                      Blue 119</p>	<p>The purpose of the Attenuation Code is:</p> <p>C9.1.1 To minimise adverse impacts on the health, safety and amenity of sensitive use from activities which have the potential to cause emissions</p> <p>C9.1.2 To minimise the likelihood for sensitive use to conflict with, interfere with, or constrain, activities which have the potential to cause emissions.</p>	<p><b>Overview</b></p> <p>The Attenuation Code provides for an attenuation area overlay to be applied around existing activities as a variation to the generic attenuation distances specified in the Tables. An attenuation area depicted by an overlay prevails over the generic attenuation distances specified in the Tables.</p> <p><b>Guidelines for applying an Attenuation Area overlay</b></p> <p>AC 1 An attenuation area overlay may be applied to an existing activity listed in Tables C9.1 or C9.2 of the Attenuation Code as a variation to the generic attenuation distances to:</p> <ul style="list-style-type: none"> <li>(a) align with an equivalent overlay contained in an interim planning scheme or section 29 planning scheme; or</li> <li>(b) take account of local circumstances, such as:                             <ul style="list-style-type: none"> <li>(i) the characteristics of the activity;</li> <li>(ii) the topography of the surrounding area;</li> <li>(iii) the surrounding land uses or zones; or</li> </ul> </li> </ul>






Zone	Zone Purpose	Zone Application Guidelines
		<p>(iv) any existing attenuation measures or buffers.</p> <p>AC 2 Any new attenuation area overlay for an existing activity listed in Tables C9.1 or C9.2, which does not align with an equivalent overlay contained in an interim planning scheme or section 29 planning scheme, must be justified by a suitably qualified person. The attenuation area overlay may apply to an area larger or smaller than the generic attenuation distances specified for the relevant activity.</p>
<p><b>C10.0</b>  <b>Coastal Erosion Hazard Code</b></p> <p>Coastal erosion investigation area</p>  <p>Red 224, Green 243, Blue 248</p> <p>Low coastal erosion hazard band</p>  <p>Red 254, Green 224, Blue 144</p>	<p>The purpose of the Coastal Erosion Hazard Code is:</p> <p>C10.1.1 To ensure that use or development subject to risk from coastal erosion is appropriately located and managed, so that:</p> <ul style="list-style-type: none"> <li>(a) people, property and infrastructure are not exposed to an unacceptable level of risk;</li> <li>(b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised;</li> <li>(c) it does not increase the risk from coastal erosion to other land or public infrastructure; and</li> <li>(d) works to protect land from coastal erosion are undertaken in a way that provides appropriate</li> </ul>	<p><b>Overview</b></p> <p>The Coastal Erosion Hazard Code is applied by reference to the coastal erosion hazard area overlay, which includes land within the three coastal erosion hazard bands (low, medium or high) or within a coastal erosion investigation area.</p> <p>The Department of Premier and Cabinet (DPAC), Office of Security and Emergency Management prepared the coastal erosion hazard area overlay as part of the Mitigating Natural Hazards through Land Use Planning Project, which includes the three coastal erosion hazard bands and the coastal erosion investigation area. This overlay is available as a layer on the LIST and is titled 'Coastal Erosion Hazard Bands 20161201'.</p> <p>A coastal erosion investigation area is land shown on the overlay map as within a coastal erosion investigation area. This corresponds with areas with a lack of current data to be able to accurately determine the hazard band. A site assessment of the shoreline is required to determine the applicable hazard band for these areas.</p> <p>The code may also be applied to land outside the mapped overlay area if the planning authority reasonably believes, based on information in its possession, that the land is located on an actively mobile landform within the coastal zone. This ability to 'call-in' an application on land outside the mapped overlay areas is necessary to address the requirements in the <i>State Coastal Policy 1996</i> for actively mobile landforms, namely outcome 1.4.2.</p>




Zone	Zone Purpose	Zone Application Guidelines										
<p>Medium coastal erosion hazard band</p>  <p>Red 252, Green 141, Blue 89</p> <p>High coastal erosion hazard band</p>  <p>Red 215, Green 48, Blue 39</p>	<p>protection without increasing risks to other land.</p> <p>C10.1.2 To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.</p>	<p><b>Guidelines for applying the Coastal Erosion Hazard Area overlay</b></p> <p>CEHC 1 The coastal erosion hazard area overlay must include the three coastal erosion hazard bands and the coastal erosion investigation area as depicted in the 'Coastal Erosion Hazard Area Bands 20161201' layer published on the LIST, unless modified:</p> <ul style="list-style-type: none"> <li>(a) to reflect the coastal erosion hazard bands or coastal erosion investigation area as depicted in an equivalent overlay contained in the interim planning scheme for that municipal area, if consistent with the thresholds specified in Table CEHC 1 below; or</li> <li>(b) in accordance with a report prepared by a suitably qualified person which justifies a change to these areas to meet the thresholds specified in Table CEHC 1 below.</li> </ul> <p>Table CEHC 1: Coastal erosion hazard area overlay thresholds</p> <table border="1" data-bbox="1025 844 1991 1150"> <thead> <tr> <th data-bbox="1025 844 1317 890">Hazard area</th> <th data-bbox="1317 844 1991 890">Thresholds</th> </tr> </thead> <tbody> <tr> <td data-bbox="1025 890 1317 971">Low hazard band</td> <td data-bbox="1317 890 1991 971">Recession to 2100 (incorporating the State sea level rise allowance)</td> </tr> <tr> <td data-bbox="1025 971 1317 1053">Medium hazard band</td> <td data-bbox="1317 971 1991 1053">Recession to 2050 (incorporating the State sea level rise allowance)</td> </tr> <tr> <td data-bbox="1025 1053 1317 1101">High hazard band</td> <td data-bbox="1317 1053 1991 1101">Vulnerable to two back to back 1% AEP erosion events now.</td> </tr> <tr> <td data-bbox="1025 1101 1317 1150">Investigation area</td> <td data-bbox="1317 1101 1991 1150">Area with no investigation undertaken</td> </tr> </tbody> </table>	Hazard area	Thresholds	Low hazard band	Recession to 2100 (incorporating the State sea level rise allowance)	Medium hazard band	Recession to 2050 (incorporating the State sea level rise allowance)	High hazard band	Vulnerable to two back to back 1% AEP erosion events now.	Investigation area	Area with no investigation undertaken
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Investigation area	Area with no investigation undertaken											
<p><b>C11.0 Coastal Inundation Hazard Code</b></p>	<p>The purpose of the Coastal Inundation Hazard Code is:</p> <p>C11.1.1 To ensure that use or development subject to risk from coastal inundation is appropriately located and managed so that:</p>	<p><b>Overview</b></p> <p>The Coastal Inundation Hazard Code is applied by reference to the coastal inundation hazard area overlay, which includes land within the three coastal inundation hazard bands (low, medium or high) or within a coastal inundation investigation area.</p> <p>The Department of Premier and Cabinet (DPAC), Office of Security and Emergency Management prepared the coastal inundation hazard area overlay as part of the Mitigating Natural Hazards</p>										


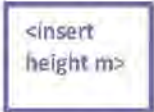
Zone	Zone Purpose	Zone Application Guidelines
<p>Coastal inundation investigation area</p>  <p>Red 255, Green 255, Blue 204</p> <p>Low coastal inundation hazard band</p>  <p>Red 65, Green 182, Blue 196</p> <p>Medium coastal inundation hazard band</p>  <p>Red 44, Green 127, Blue 184</p>	<p>(a) people, property and infrastructure are not exposed to an unacceptable level of risk;</p> <p>(b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised;</p> <p>(c) it does not increase the risk from coastal inundation to other land or public infrastructure; and</p> <p>(d) works to protect land from coastal inundation are undertaken in a way that provides appropriate protection without increasing risks to other land.</p> <p>C11.1.2 To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.</p>	<p>through Land Use Planning Project, which includes the three coastal inundation hazard bands and the coastal inundation investigation area. This overlay is available as a layer on the LIST and is titled 'Coastal Inundation Hazard Bands 20161201'.</p> <p>A coastal inundation investigation area is an area shown on the overlay map as within the coastal inundation investigation area. These areas correspond with land that is within the coastal zone and below the 10m contour where no LiDAR data is available to be able to accurately determine the hazard band. A site survey is required to determine the elevation of the land in order to determine the applicable hazard band. The LPSs must include the AHD levels for the relevant hazard bands, including the 'defined flood level', for the relevant localities in that municipal area. The defined flood level is only applicable to the consideration of building approvals.</p> <p><b>Guidelines for applying the Coastal Inundation Hazard Area overlay</b></p> <p>CIHC 1 The coastal inundation hazard area overlay must include the three coastal inundation hazard bands and the coastal inundation investigation area as depicted in the 'Coastal Inundation Hazard Area Bands 20161201' layer published on the LIST, unless modified:</p> <p>(a) to reflect the coastal inundation hazard bands or coastal inundation investigation area as depicted in an equivalent overlay contained in the interim planning scheme for that municipal area, if consistent with the thresholds specified in Table CIHC 1 below; or</p> <p>(b) in accordance with a report prepared by a suitably qualified person which justifies a change to these areas to meet the thresholds specified in Table CIHC 1 below.</p> <p>CIHC 2 The LPSs must include the AHD levels for the coastal inundation hazard bands and the defined flood level for the relevant localities as a list for the Coastal Inundation Hazard Code in accordance with the AHD levels published on the DPAC website (<a href="http://www.dpac.tas.gov.au/divisions/osem/coastal_hazards_in_tasmania">http://www.dpac.tas.gov.au/divisions/osem/coastal_hazards_in_tasmania</a>), unless modified:</p> <p>(a) to reflect the AHD levels for a coastal inundation investigation area as included in an</p>

Zone	Zone Purpose	Zone Application Guidelines										
<p>High coastal inundation hazard band</p>  <p>Red 37, Green 52, Blue 148</p>		<p>equivalent code in the interim planning scheme for that municipal area if consistent with the thresholds specified in Table CHIC 1 below; or</p> <p>(b) in accordance with a report prepared by a suitably qualified person which justifies a change to these areas to meet the thresholds specified in Table CHIC 1 below.</p> <p>Table CHIC 1: Coastal inundation hazard area overlay thresholds</p> <table border="1" data-bbox="1055 624 1917 1023"> <thead> <tr> <th data-bbox="1055 624 1308 663">Hazard area</th> <th data-bbox="1308 624 1917 663">Thresholds</th> </tr> </thead> <tbody> <tr> <td data-bbox="1055 663 1308 743">Low hazard band</td> <td data-bbox="1308 663 1917 743">1% in 2100 rounded up to the nearest 0.1m plus 0.3m in free board</td> </tr> <tr> <td data-bbox="1055 743 1308 823">Medium hazard band</td> <td data-bbox="1308 743 1917 823">1 % in 2050 rounded up to the nearest 0.1m plus 0.3m in free board</td> </tr> <tr> <td data-bbox="1055 823 1308 903">High hazard band</td> <td data-bbox="1308 823 1917 903">Mean high tide plus sea level rise in 2050, rounded up to the nearest 0.1m</td> </tr> <tr> <td data-bbox="1055 903 1308 1023">Investigation area</td> <td data-bbox="1308 903 1917 1023">The area less than 1km from the mean high-water mark and below the 10m contour in which no detailed investigation has been undertaken.</td> </tr> </tbody> </table>	Hazard area	Thresholds	Low hazard band	1% in 2100 rounded up to the nearest 0.1m plus 0.3m in free board	Medium hazard band	1 % in 2050 rounded up to the nearest 0.1m plus 0.3m in free board	High hazard band	Mean high tide plus sea level rise in 2050, rounded up to the nearest 0.1m	Investigation area	The area less than 1km from the mean high-water mark and below the 10m contour in which no detailed investigation has been undertaken.
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High hazard band	Mean high tide plus sea level rise in 2050, rounded up to the nearest 0.1m											
Investigation area	The area less than 1km from the mean high-water mark and below the 10m contour in which no detailed investigation has been undertaken.											
<p><b>C12.0</b>  <b>Flood-Prone Hazard Areas Code</b>                      Flood-prone areas</p>  <p>Red 103, Green 169, Blue 207</p>	<p>The purpose of the Flood-Prone Hazard Areas Code is:</p> <p>C12.1.1 To ensure that use or development subject to risk from flood is appropriately located and managed, so that:</p> <p>(a) people, property and infrastructure are not exposed to an unacceptable level of risk;</p>	<p><b>Overview</b></p> <p>The Flood-Prone Hazard Areas Code is applied by reference to a flood-prone hazard area overlay. There is currently no statewide mapping of land potentially susceptible to flooding risks to guide the application of the overlay.</p> <p><b>Guidelines for applying the Flood-Prone Hazard Area overlay</b></p> <p>FPHAZ 1 The flood-prone hazard area overlay should be applied to areas known to be prone to flooding, particularly areas known to be within the 1 per cent annual exceedance probability (AEP) level.</p>										

Zone	Zone Purpose	Zone Application Guidelines
	<p>(b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised; and</p> <p>(c) it does not increase the risk from flood to other land or public infrastructure.</p> <p>C12.1.2 To preclude development on land that will unreasonably affect flood flow or be affected by permanent or periodic flood.</p>	<p>FPHAZ 2 In determining the extent of the flood-prone hazard area overlay, planning authorities may utilise their own data, including any equivalent overlay contained in an interim planning scheme or section 29 planning scheme for that municipal area, or data from other sources.</p>
<p><b>C13.0</b>  <b>Bushfire-Prone Areas Code</b>                      Bushfire-prone areas</p>  <p>Red 239, Green 138,                      Blue 98</p>	<p>The purpose of the Bushfire-Prone Areas Code is:</p> <p>C13.1.1 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.</p>	<p><b>Overview</b></p> <p>The Bushfire-Prone Areas Code is applied by reference to a bushfire-prone area overlay, or, in the absence of an overlay, to land within 100m of an area of bushfire-prone vegetation equal to or greater than 1ha.</p> <p><b>Guidelines for applying the Bushfire-Prone Area Overlay</b></p> <p>BPAC 1 Planning authorities should consult with the Tasmania Fire Service (TFS) to determine whether an overlay map exists for the municipal area and, if no overlay map exists, when preparing a local overlay map.</p>

Zone	Zone Purpose	Zone Application Guidelines
<p><b>C14.0</b> <b>Potentially Contaminated Land Code</b></p> <p>Potentially contaminated land</p>  <p>Red 117, Green 112, Blue 179</p>	<p>The purpose of the Potentially Contaminated Land Code is:</p> <p>C14.1.1 To ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.</p>	<p><b>Overview</b></p> <p>The Potentially Contaminated Land Code provides identification of potentially contaminated land via a potentially contaminated land overlay.</p> <p><b>Guidelines for applying the Potentially Contaminated Land overlay</b></p> <p>PCLC 1 The potentially contaminated land overlay may be applied to delineate land that has been potentially contaminated by a potentially contaminating activity. The overlay may be:</p> <ul style="list-style-type: none"> <li>(a) aligned with an equivalent overlay in an interim planning scheme or section 29 planning scheme;</li> <li>(b) based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority or the Environment Protection Authority; or</li> <li>(c) based on any other relevant information or mapping held by the planning authority or Environment Protection Authority.</li> </ul>
<p><b>C15.0</b> <b>Landslip Hazard Code</b></p> <p>Low landslip hazard band</p>  <p>Red 255, Green 255, Blue 212</p>	<p>The purpose of the Landslip Hazard Code is:</p> <p>C15.1.1 To ensure that a tolerable risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within a landslip hazard area.</p>	<p><b>Overview</b></p> <p>The Landslip Hazard Code is applied by reference to the landslip hazard area overlay, which includes land within the four landslip hazard bands (low, medium, medium-active or high).</p> <p>The Department of Premier and Cabinet (DPAC), Office of Security and Emergency Management prepared the landslip hazard area overlay as part of the Mitigating Natural Hazards through Land Use Planning Project, which includes the four landslip hazard bands. This overlay is available as a layer on the LIST and is titled 'Landslide Planning Map – Hazard Bands 20131022'.</p>

Zone	Zone Purpose	Zone Application Guidelines										
<p>Medium landslip hazard band</p>  <p>Red 254, Green 217, Blue 142</p> <p>Medium-active landslip hazard band</p>  <p>Red 254, Green 153, Blue 41</p> <p>High landslip hazard band</p>  <p>Red 204, Green 76, Blue 2</p>		<p><b>Guidelines for applying the Landslip Hazard Area overlay</b></p> <p>LHC 1 The landslip hazard area overlay must include the four landslip hazard bands as depicted in the ‘Landslide Planning Map – Hazard Bands 20131022’ layer published on the LIST, unless modified:</p> <ul style="list-style-type: none"> <li>(a) to reflect the landslip hazard bands as depicted in an equivalent overlay contained in the interim planning scheme for that municipal area, if consistent with the thresholds specified in Table LHC 1 below; or</li> <li>(b) in accordance with a report prepared by a suitably qualified person which justifies a change to these areas to meet the thresholds specified in Table LHC 1 below.</li> </ul> <p>Table LHC 1: Landslip hazard area overlay thresholds</p> <table border="1" data-bbox="1055 839 1912 1270"> <thead> <tr> <th data-bbox="1055 839 1308 887">Hazard area</th> <th data-bbox="1308 839 1912 887">Thresholds</th> </tr> </thead> <tbody> <tr> <td data-bbox="1055 887 1308 999">Low hazard band</td> <td data-bbox="1308 887 1912 999">This area has no known landslides; however it has been identified as being susceptible to landslide by Mineral Resources Tasmania (MRT).</td> </tr> <tr> <td data-bbox="1055 999 1308 1110">Medium hazard band</td> <td data-bbox="1308 999 1912 1110">The area has known landslide features, or is within a landslide susceptibility zone, or has legislated controls to limit disturbance of adjacent unstable areas.</td> </tr> <tr> <td data-bbox="1055 1110 1308 1190">Medium-active hazard band</td> <td data-bbox="1308 1110 1912 1190">The land is on an active landslide.</td> </tr> <tr> <td data-bbox="1055 1190 1308 1270">High hazard band</td> <td data-bbox="1308 1190 1912 1270">The component is within a declared “Landslip A” under the <i>Mineral Resources Development Act 2001</i>.</td> </tr> </tbody> </table>	Hazard area	Thresholds	Low hazard band	This area has no known landslides; however it has been identified as being susceptible to landslide by Mineral Resources Tasmania (MRT).	Medium hazard band	The area has known landslide features, or is within a landslide susceptibility zone, or has legislated controls to limit disturbance of adjacent unstable areas.	Medium-active hazard band	The land is on an active landslide.	High hazard band	The component is within a declared “Landslip A” under the <i>Mineral Resources Development Act 2001</i> .
Hazard area	Thresholds											
Low hazard band	This area has no known landslides; however it has been identified as being susceptible to landslide by Mineral Resources Tasmania (MRT).											
Medium hazard band	The area has known landslide features, or is within a landslide susceptibility zone, or has legislated controls to limit disturbance of adjacent unstable areas.											
Medium-active hazard band	The land is on an active landslide.											
High hazard band	The component is within a declared “Landslip A” under the <i>Mineral Resources Development Act 2001</i> .											

Zone	Zone Purpose	Zone Application Guidelines
<p><b>C16.0</b>  <b>Safeguarding of Airports Code</b></p> <p>Airport noise exposure area</p>  <p>Red 217, Green 95, Blue 2</p> <p>Airport obstacle limitation area (m above existing ground level)</p>  <p>Red 117, Green 112, Blue 179</p>	<p>The purpose of the Safeguarding of Airports Code is:</p> <p>C16.1.1 To safeguard the operation of airports from incompatible use or development.</p> <p>C16.1.2 To provide for use and development that is compatible with the operation of airports in accordance with the appropriate future airport noise exposure patterns and with safe air navigation for aircraft approaching and departing an airport.</p>	<p><b>Overview</b></p> <p>The Safeguarding of Airports Code is applied by reference to two overlays:</p> <ul style="list-style-type: none"> <li>the airport noise exposure area overlay; and</li> <li>the airport obstacle limitation area overlay.</li> </ul> <p><b>Guidelines for applying the Safeguarding of Airports Code overlays</b></p> <p><i>Airport Noise Exposure Area overlay</i></p> <p>SAC 1 The airport noise exposure area overlay should be based on the relevant airport noise contours contained in the airport master plan or those otherwise adopted by the relevant airport owner or operator for the relevant airport in accordance with any accepted guidelines.</p> <p>SAC 2 The airport noise exposure area overlay should at least include the land within the 20 Australian Noise Exposure Forecast (ANEF) contour and all land within higher ANEF contours.</p> <p><i>Note:</i> Australian Standard AS 2021-2015 Acoustics – Aircraft noise intrusion – Building siting and construction <i>suggests areas outside the 20 ANEF are acceptable for all sensitive uses.</i></p> <p>SAC 3 The airport noise exposure area overlay may also take account of the N contours contained in the airport master plan or those otherwise adopted for the relevant airport.</p> <p><i>Note:</i> <i>N contours measure the number of aircraft noise events per day exceeding 60, 65 or 70 decibels. The National Airports Safeguarding Framework - Guideline A: Measures for Managing Impacts of Aircraft Noise identifies the following areas as potentially having impacts on residents around airports:</i></p> <ul style="list-style-type: none"> <li>20 or more daily events greater than 70 dB(A);</li> </ul>



Zone	Zone Purpose	Zone Application Guidelines
		<ul style="list-style-type: none"> <li>• 50 or more daily events of greater than 65 dB(A);</li> <li>• 100 events or more daily events of greater than 60 dB(A); or</li> <li>• 6 or more events of greater than 60 dB(A) between the hours of 11pm and 6 am.</li> </ul> <p><i>Airport Obstacle Limitation Area overlay</i></p> <p>SAC 4 The airport obstacle limitation area overlay should be based on the Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) contained in the airport master plan or those otherwise adopted by the relevant airport owner of operator for the relevant airport in accordance with any accepted guidelines.</p> <p>SAC 5 The airport obstacle limitation area overlay must identify the specified height limitations, as heights measured from the ground level to the underside of the adopted OLS and PANS-OPS for the relevant airports. The overlay may address any anomalies in the OLS or PANS-OPS height limitations provided they are endorsed by the relevant airport operator.</p>

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

### 12.1 Roads

**Strategic Plan Reference – Page 14**

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

### 12.1 ANSTEY COURT, OATLANDS – OATLANDS DISTRICT HOMES ASSOCIATION – REQUEST TO INTRODUCE REDUCED SPEED LIMIT

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 23 JUNE 2017

#### ISSUE

Council to consider a request from the Oatlands District Homes Association to introduce a reduced speed limit in Anstey Court, Oatlands.

#### BACKGROUND

The Oatlands District Homes Association has received a number of requests from the residents of Anstey Court which asks that a speed limit be put in place to reduce the risk of an accident occurring. The letter indicates that a number of incidents have been reported recently of visitors driving at speed, which could possibly endanger elderly residents.

Anstey Court has 16 residential units, of which 10 are owned by the Homes Association.

The Association has suggested a speed limit of 10 km per hour.

#### DETAIL

The Association's request has been referred to the Department of State Growth's Traffic Engineering Branch for initial assessment and comment.

The Department has responded by advising that Council can treat Anstey Court as basically a private access, recognising that this is a cul-de-sac which only services these units. Council can erect standard signage imposing a 10 kilometre per hour limit within what is referred to as a shared zone. This would simply involve the erection of a double sided sign showing 10 km per hour "Shared Zone" as you enter the cul-de-sac, and 'End of Shared Zone' on the rear of the sign as you leave the cul-de-sac.



**Human Resources & Financial Implications** – the approximate cost to purchase and erect the signage would be \$400.00. This would be funded from the Operating Budget - Signage Program.

**Community Consultation & Public Relations Implications** – this request has been initiated by the Oatlands District Homes Association on behalf its residents and the need for broader consultation is not considered necessary.

**Priority - Implementation Time Frame** – no specific timeframe

### **RECOMMENDATION**

**THAT Council proceed to erect signage in Anstey Court, Oatlands advising a 10 kilometre per hour speed limit within this Shared Zone.**

### **DECISION**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		

## 12.2 Bridges

**Strategic Plan Reference – Page 14**

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

Nil.

## 12.3 Walkways, Cycle ways and Trails

**Strategic Plan Reference – Page 14**

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

Nil.

## 12.4 Lighting

**Strategic Plan Reference – Page 14**

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

Nil.

## 12.5 Buildings

**Strategic Plan Reference – Page 15**

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

Nil.

## 12.6 Sewers

**Strategic Plan Reference – Page 15**

1.6.1 Increase the capacity of access to reticulated sewerage services.

Nil.

## 12.7 Water

**Strategic Plan Reference – Page 15**

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

Nil.

## 12.8 Irrigation

**Strategic Plan Reference – Page 15**

1.8.1 Increase access to irrigation water within the municipality.

Nil.

## 12.9 Drainage

**Strategic Plan Reference – Page 16**

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

Nil.

## 12.10 Waste

**Strategic Plan Reference – Page 17**

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

Nil.

## 12.11 Information, Communication Technology

**Strategic Plan Reference – Page 17**

1.11.1 Improve access to modern communications infrastructure.

Nil.

**12.12 Officer Reports – Works & Technical Services (Engineering)**

**12.12.1 MANAGER - WORKS & TECHNICAL SERVICES REPORT**

**Author:** ACTING MANAGER WORKS & TECHNICAL SERVICES (CRAIG WHATLEY)

**Date:** 22 JUNE 2017

**ROADS PROGRAM**

Maintenance grading is continuing. One grader is working in the York Plains area, the other is working in the Southern area.

The corner realignment project at Yarlinton Road is now open to traffic. Fencing has been completed, some minor works still to be completed.

The Mudwalls Road and Lovely Banks Road junction 'black spot' project is still in progress. Final trim, drainage, guard rail and fencing to be completed over the next 2-3 weeks.

**WASTE MANAGEMENT PROGRAM**

All sites operating well.

**TOWN FACILITIES PROGRAM**

Ongoing maintenance.

**QUESTIONS WITHOUT NOTICE TO MANAGER, WORKS & TECHNICAL SERVICES**

**RECOMMENDATION**

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

**DECISION**

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

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

### **13.1 Residential**

**Strategic Plan Reference – Page 18**

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

Nil.

### **13.2 Tourism**

**Strategic Plan Reference – Page 19**

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

Nil.

### **13.3 Safety**

**Strategic Plan Reference – Page 31**

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

Nil.

### **13.4 Business**

**Strategic Plan Reference – Page 20**

2.3.1a Increase the number and diversity of businesses in the Southern Midlands.  
2.3.1b Increase employment within the municipality.  
2.3.1c Increase Council revenue to facilitate business and development activities (social enterprise)

Nil.

### **13.5 Industry**

**Strategic Plan Reference – Page 21**

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

Nil.

### **13.6 Integration**

**Strategic Plan Reference – Page 21**

2.5.1 The integrated development of towns and villages in the Southern Midlands.  
2.5.2 The Bagdad Bypass and the integration of development.

Nil.

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

### **14.1 Heritage**

#### **Strategic Plan Reference – Page 22**

- |       |  |
|-------|--|
| 3.1.1 | Maintenance and restoration of significant public heritage assets.                         |
| 3.1.2 | Act as an advocate for heritage and provide support to heritage property owners.           |
| 3.1.3 | Investigate document, understand and promote the heritage values of the Southern Midlands. |

#### **14.1.1 HERITAGE PROJECT PROGRAM REPORT**

Report unavailable due to the Officer being on leave.

#### **14.1.2 SOUTHERN MIDLANDS COUNCIL ARTIST IN RESIDENCE POLICY**

**Author:** MANAGER HERITAGE PROJECTS (BRAD WILLIAMS) & HERITAGE PROJECT OFFICER (ALAN TOWNSEND)

**Date:** 22 JUNE 2017

**Attachment:**

*Draft Artist in Residence Policy*

### **ISSUE**

Final adoption of Policy titled 'Artist in Residence Policy'

### **BACKGROUND**

Council, at its meeting held 24<sup>th</sup> May 2017 received the attached policy, which is re-submitted for final adoption at this meeting.

### **DETAIL**

*The following information was provided to the previous meeting and is included for information purposes only.*

This report seeks Council's consideration of the draft Southern Midlands Council Artist in Residence Policy.

For several years, Council has participated in the Arts Tasmania *Artist in Residence* scheme, whereby the Oatlands Gaoler's Residence has been utilised as part of Arts Tasmania's statewide offering of residencies. Whilst it is intended that Council continue to work collaboratively with Arts Tasmania on that scheme, the draft Artist in Residence Policy presented here aims to expand the scheme in-house for a more flexible approach to such a scheme (i.e. not bound by the Arts Tasmania timeframes etc.).

### **DETAIL**

Several successful AiR residencies have been delivered by various Tasmanian artists at the Oatlands Gaoler's Residence, either through the Arts Tasmania program, or on a more casual basis as negotiated with the staff of Council's Heritage Projects Program. Most recently, Henrietta Manning has delivered a very successful series of exhibitions at



the Gaol, Moonah Arts Centre, Sidespace and Colville Galleries Hobart) which gave the program excellent exposure and demonstrates the potential of the program.

These programs have traditionally been cost-neutral to Council (those through Arts Tasmania do generate a small amount of revenue).

Heritage Projects Program staff have increased the advertising and social media exposure of the AiR program and it is expected that interest will be received from more artists. In order to provide more rigour in the selection process and operation of the program (if outside the Arts Tasmania program), it is deemed desirable to have a policy position for the AiR program in order to ensure that both Council the public and the artists themselves maximise the benefits from the program.

In particular, the draft policy seeks to ensure that a certain level of public exposure of the outputs of the residence is delivered (not that this has previously been deficient), and that one artwork from each residency be donated to Council to build the collection of relevant local artwork for public display.

ATTACHMENT A is the draft AiR policy for consideration.

**Human Resources & Financial Implications** - This submission does not have any human resources or financial implications. In effect it formalises the existing informal process that Heritage Projects Program staff undertake when interest is received from a prospective artist. It is intended that the AiR program be cost-neutral however any costs that may be involved in future can be considered by council as part of the normal budget deliberations.

**Community Consultation & Public Relations Implications** - The formalisation of a policy position for the AiR program is a positive public relations exercise as it results in more rigour in the process and will increase the efficiency of answering public queries about the program.

**Policy Implications** - If adopted, this policy will become part of the SMC Policy Manual and reviewed accordingly.

**Priority - Implementation Time Frame** - Timely adoption of the policy is desirable, so that further promotion of the program can be undertaken.

## RECOMMENDATION

**THAT Council adopt the Artist in Residence Policy.**

## DECISION

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



Council Policy  
**ARTIST IN RESIDENCE POLICY**

Approved by: DRAFT V1.0  
Approved date: Insert date  
Review date: Insert date

## **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:

- o Manager Heritage Projects or Heritage Project Officer - the working group Chairperson
- o Manager, Community Development (or delegate)
- o 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.



Council Policy  
**ARTIST IN RESIDENCE POLICY**

Approved by: DRAFT V1.0  
Approved date: Insert date  
Review date: Insert date

**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.
- An artist is eligible for application if they:
  - o Intend to utilise the Southern Midlands as their primary subject matter.
  - o Can demonstrate how they will meet the objectives of the AiR program.
  - o Agree to be bound by the provisions of this policy.
- Applications are to include the following (but not be limited to):
  - o A c.v.
  - o A portfolio of work.
  - o 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.



Council Policy  
**ARTIST IN RESIDENCE POLICY**

Approved by: DRAFT V1.0  
Approved date: Insert date  
Review date: Insert date

- 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.

**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 XX-XX-XXXX. The document is maintained by the Heritage Projects Program, for the Southern Midlands Council.

## 14.2 Natural

### Strategic Plan Reference – Page 23/24

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

### 14.2.1 LANDCARE UNIT, GIS & CLIMATE CHANGE – GENERAL REPORT

**Author:** NRM PROGRAMS MANAGER (MARIA WEEDING)

**Date:** 19 JUNE 2017

#### ISSUE

Southern Midlands Landcare Unit Monthly Report.

#### DETAIL

- Works relating to the Tasmanian Community Fund Dulverton Walking Track project continue. Two bench seats have been installed in the last month, one at the end of the track at Parattah and the other near the roman catholic cemetery area. Due to costs being a little below expectation over the project, a purchase of two extra solar lights has been possible.
- Helen Geard and Maria Weeding have been working on a component of the proposed Kempton Streetscape upgrade. This has been to find out prices and options for the community member representative group to consider at a future meeting.
- Helen Geard has been working on the Drum Muster program – to have the current drums collected. Helen Geard is also organising for a new person at the Oatlands Waste Transfer Station to have training relevant to the disposal of the containers, and the administration of the Drum Muster program at the point of collection.
- Awaiting on final detailed plans for the Lake Dulverton Foreshore toilet block. The plans can then be used to finalise a work program with potential contractors for the changes required.
- A funding application to NRM South for revegetation works (through the Midlands Tree Committee) has been successful. A number of plants will be collected next week – ready for distribution in early July.
- A work experience student who is interested in natural resource management/ outdoor work is going to be at Southern Midlands Council for a week – commencing on Monday 3<sup>rd</sup> July 2017.
- The Weeds Workshop and the follow up proposed program for future work has been detailed for Council to consider at a budget session.

## RECOMMENDATION

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

## DECISION

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

### **14.3 Cultural**

**Strategic Plan Reference – Page 24**

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

Nil.

### **14.4 Regulatory (Other than Planning Authority Agenda Items)**

**Strategic Plan Reference – Page 25**

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

Nil.

### **14.5 Climate Change**

**Strategic Plan Reference – Page 25**

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

Nil.

## **15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)**

### **15.1 Community Health and Wellbeing**

**Strategic Plan Reference – Page 26**

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

Nil.

### **15.2 Youth**

**Strategic Plan Reference – Page 26**

4.2.1 Increase the retention of young people in the municipality.

Nil.

### **15.3 Seniors**

**Strategic Plan Reference – Page 27**

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

Nil.

### **15.4 Children and Families**

**Strategic Plan Reference – Page 27**

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

Nil.

### **15.5 Volunteers**

**Strategic Plan Reference – Page 27**

4.5.1 Encourage community members to volunteer.

Nil

### **15.6 Access**

**Strategic Plan Reference – Page 28**

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

Nil.

### **15.7 Public Health**

**Strategic Plan Reference – Page 28**

4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.



## 15.8 Recreation

**Strategic Plan Reference – Page 29**

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

Nil.

## 15.10 Education

**Strategic Plan Reference – Page 29**

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

Nil.

## 15.9 Animals

### Strategic Plan Reference – Page 29

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

### 15.9.1 ANIMAL MANAGEMENT REPORT

**Author:** ANIMAL MANAGEMENT/COMPLIANCE OFFICER (HELEN BRYANT)

**Date:** 22 JUNE 2017

**Attachment:**

*Monthly Animal Management Statement – May-June 2017*

### ISSUE

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

The purpose of the report is twofold:

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

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

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

### Resource Sharing

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

### INFRINGEMENT DETAILS

23 May 2017 - MAIN ROAD, KEMPTON

One Border Collie type dog witnessed wandering at large in Kempton area, impounded. Previous verbal and written warnings issued, previous Infringement issued. Further infringements issued.

### RECOMMENDATION

**THAT the information be received.**

### DECISION

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

**SOUTHERN MIDLANDS COUNCIL  
 MONTHLY ANIMAL MANAGEMENT STATEMENT  
 MAY 2017 - JUNE 2017**

<b>DOG IMPOUNDS</b>	<b>RECLAIMED</b>	<b>ADOPTED</b>	<b>EUTHANISED</b>
6	6	0	0
<b>OTHER IMPOUNDS</b>	<b>RECLAIMED</b>	<b>ADOPTED</b>	<b>EUTHANISED</b>
0	0	0	0

**JOBS ATTENDED (YTD):**

<b>DOGS AT LARGE</b>	<b>DOG ATTACKS</b>	<b>DOG BARKING</b>	<b>DOG GENERAL</b>	<b>KENNEL INSPECT</b>	<b>WELFARE</b>	<b>STOCK</b>	<b>OTHER</b>
10	CHC 1	1	1			3	2

**REGISTERED DOGS:** 1727  
**INFRINGEMENTS ISSUED:** 1

## **16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)**

### **16.1 Retention**

**Strategic Plan Reference – Page 30**

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

## **17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)**

### **17.1 Improvement**

**Strategic Plan Reference – Page 32**

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

Nil.

### **17.2 Sustainability**

**Strategic Plan Reference – Page 33 & 34**

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

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

*Common Services Joint Venture Update unavailable this month.*

## **17.2.2 SOUTH CENTRAL SUB-REGION COLLABORATION STRATEGY – STANDING ITEM**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 22 JUNE 2017

### **ISSUE**

Standing Item to enable:

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

### **BACKGROUND**

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

### **DETAIL**

The Sub-region met on 29<sup>th</sup> May 2017 at the Kempton Council Chambers.

The following activities were discussed and considered:

1. Update on Workforce Planning Project being undertaken by KPMG.

A regional workshop with key stakeholders is scheduled to be held in June 2017 (date to be confirmed).

This included a presentation from Sorell Mayor Kerry Vincent on the Workforce Planning Project being undertaken in their region (i.e. SERDA) - he commented in relation to how they operate and what they are up to.

2. Presentation from David Shering (Handbuilt Creative) and Melinda Anderson (Destination Southern Tasmania) re: investing in a beacon technology project for the SCS, providing potential project summaries and costs.

As an outcome of these discussions, it was agreed that each Council would provide advice by 9<sup>th</sup> June 2017 in terms of their participation in the project, noting that external funding from State Growth will only be a potential source for a short time, as such, a decision is urgent.

NOTE: Melinda Anderson and James Dryburgh offered to assist Councils in determining their funding model for the project and/or seeking potential funding partners.

The next meeting is to be held on Monday 31<sup>st</sup> July 2017 at the Brighton Council Chambers.

**Human Resources & Financial Implications** – In reference to the Beacon project, Council has allocated \$18,000 in the 2017/18 to participate in this project.

Other specific projects (as they arise) which require additional funding will be referred to Council for consideration prior to commencement.

**Community Consultation & Public Relations Implications** – Nil

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Ongoing.

**RECOMMENDATION**

**THAT** the information be received.

**DECISION**

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

### **17.2.3 POLICY – AUSTRALIAN ACCOUNTING STANDARD AASB 124 – RELATED PARTY DISCLOSURES**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 22 JUNE 2017

**Attachment:**

*Draft Related Party Disclosure Policy*

#### **ISSUE**

Final adoption of Policy titled 'Related Party Disclosure Policy'

#### **BACKGROUND**

Council, at its meeting held 24<sup>th</sup> May 2017 received the attached policy, which is re-submitted for final adoption at this meeting.

#### **DETAIL**

*The following information was provided to the previous meeting and is included for information purposes only.*

From 1 July 2016, local governments (councils) must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual financial statements.

The objective of the Standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Council's related parties are likely to include the Mayor, councillors, General Manager, senior executives, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

#### **DETAIL**

The Local Government Association of Tasmania, through a working group comprising representatives from the Tasmanian Audit Office, the Local Government Division of the Department of Premier and Cabinet, Clarence City Council and the Local Government Association of Tasmania developed a template Policy to comply with AASB 124.

Council's Audit Panel, at its meeting held 11<sup>th</sup> April 2017, reviewed and amended the draft template policy to reflect SMC's circumstances, and provided a recommendation to Council that the policy be adopted.

The policy outlines what is expected of elected members and staff of Council in relation to Australian Accounting Standard AASB 124 *Related Party Disclosures* (AASB 124), and outlines the procedures Council will follow to collect, store, manage and report on related party relationships, transactions and commitments.

Councillors will note that the following key management personnel have been nominated:



- Mayor and Councillors
- General Manager
- Deputy General Manager / Manager – Community & Corporate Development
- Manager – Works & Technical Services
- Manager – Corporate Services
- Manager – Development & Environmental Services
- Manager – Heritage Program
- HBS Pty Ltd & HESC Ltd – Directors K Pitt and M Farley

In reference to the Minutes of the Audit Panel meeting held 11<sup>th</sup> April 2017, there are still some clarifications being sought in relation to materiality (i.e. the quantum of dollars) and the actual reporting requirements; however this does not influence the need to adopt such policy.

**Human Resources & Financial Implications – N/A**

**Community Consultation & Public Relations Implications – N/A**

**Policy Implications – Policy document.**

**Priority - Implementation Time Frame –** ASSB124 applies from 1<sup>st</sup> July 2016. All key management personnel will need to comply with the reporting requirements from that date.

## **RECOMMENDATION**

**THAT Council adopt the ‘Related Party Disclosure Policy’.**

## **DECISION**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		



Council Policy  
**RELATED PARTY DISCLOSURE POLICY**

Approved by: DRAFT  
Approved date:  
Review date: Review due following ordinary Council election

## **1. ACKNOWLEDGEMENTS**

This Policy uses, with permission, material developed by the Queensland Government (Department of Infrastructure, Local Government and Planning).

It has been developed through a working group comprising representatives from the Tasmanian Audit Office, the Local Government Division of the Department of Premier and Cabinet, Clarence City Council and the Local Government Association of Tasmania

## **2. SCOPE**

This policy outlines what is expected of elected members and staff of Council in relation to Australian Accounting Standard AASB 124 *Related Party Disclosures* (AASB 124).

Specifically, the policy outlines the disclosure requirements under AASB 124 of Key Management Personnel (KMP), which includes elected members. It also outlines the procedures Council will follow to collect, store, manage and report on related party relationships, transactions and commitments.

Under the *Local Government Act 1993* and the *Audit Act 2008* all local governments in Tasmania must produce annual financial statements that comply with Australian Accounting Standards.

## **3. SUMMARY OF THE STANDARD**

From 1 July 2016, local governments (councils) must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual financial statements.

The objective of the Standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Council's related parties are likely to include the Mayor, councillors, General Manager, senior executives, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.



Council Policy  
**RELATED PARTY DISCLOSURE POLICY**

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**4. KEY TERMS**

<b>Term</b>	<b>Meaning</b>
Arm's length terms	Terms between the parties that are reasonable in the circumstances of the transaction that would result from: <ul style="list-style-type: none"> <li>• neither party bearing the other any special duty or obligation, and</li> <li>• the parties being unrelated and uninfluenced by the other, and</li> <li>• each party having acted in its own interest.</li> </ul>
Close Family Member	Family members of Key Management Personnel (KMP) who may be expected to influence, or be influenced by, that person in their dealings with the entity. This includes, but is not limited to, that person's spouse or domestic partner; and the children and dependents of that person or that person's spouse or domestic partner.
Control of an entity	You control an entity if you have: <ol style="list-style-type: none"> <li>a) power over the entity;</li> <li>b) exposure, or rights, to variable returns from involvement with the entity; and</li> <li>c) the ability to use your power over the entity to affect the amount of your returns.</li> </ol>
Declaration by KMP	An annual declaration of close family members and entities that the KMP or their close family members control or jointly control, as per Appendix 1, updated during the year as necessary.
Entities controlled by KMPs	Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs. You control an entity if you have: <ul style="list-style-type: none"> <li>• power over the entity;</li> <li>• exposure, or rights, to variable returns from involvement with the entity; and</li> <li>• the ability to use your power over the entity to affect the amount of your returns.</li> </ul>
Entities related to Council	Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council.
Joint control of an entity	To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
Key Management Personnel (KMP)	Persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. In the council context this includes the Mayor, all aldermen or councillors, the General Manager and senior council officers as outlined in the policy.

<b>Term</b>	<b>Meaning</b>
KMP Compensation	<p>All employee benefits. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity. Compensation includes:</p> <ul style="list-style-type: none"> <li>a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees;</li> <li>b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;</li> <li>c) other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation;</li> <li>d) termination benefits; and</li> <li>e) share-based payment.</li> </ul>
Materiality	<p>Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.</p> <p>Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.</p>
Ordinary Citizen Transactions (OCTs)	<p>Transactions that an ordinary citizen would undertake with Council are usually not material to related party disclosure requirements. OCTs do not apply if the terms and conditions are different to those offered to the general public.</p>
Related Party of Council	<p>People and entities, such as companies, trusts and associations, can be related parties of Council. Most commonly these will be entities related to Council, KMP of Council (including elected members), close family members of KMP and entities that are controlled or jointly controlled by KMP or their close family members.</p>
Related Party Transaction	<p>A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.</p>



Council Policy  
**RELATED PARTY DISCLOSURE POLICY**

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**5. LINKS TO OTHER LEGISLATION AND AUSTRALIAN ACCOUNTING STANDARDS**

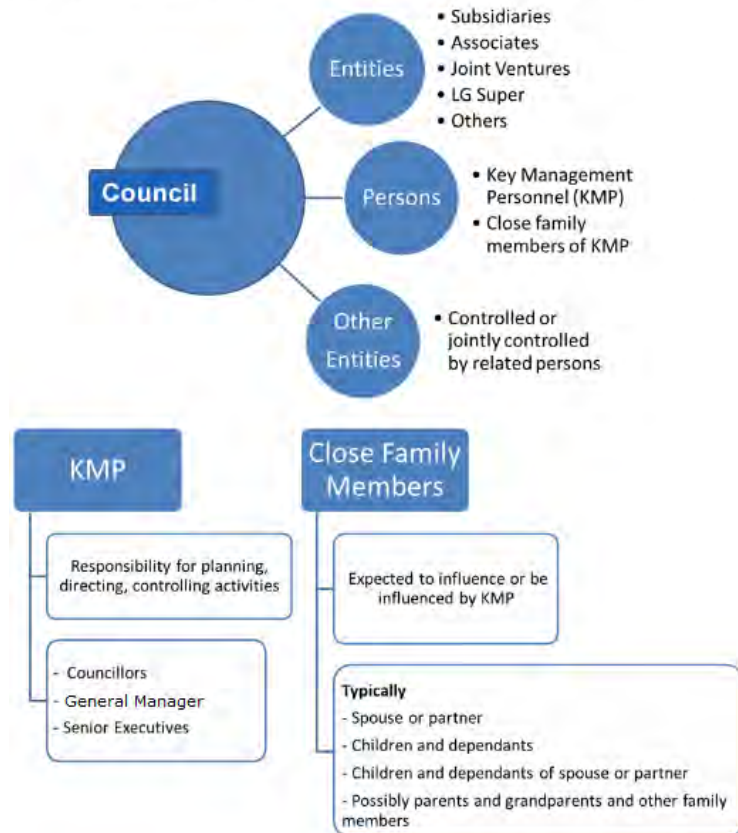
There is overlap between the requirements of AASB 124 and the interest provisions in the *Local Government Act 1993* (LGA). Beyond the provisions of AASB 124 the LGA requires certain disclosures. Council will make these disclosures separately where not adequately covered by AASB 124 disclosures.

Other legislation referred to in this policy include the *Audit Act 2008*, *Archives Act 1983*, *Privacy Act 1988*, *Personal Information Protection Act 2004* (PIP Act) and *Right to Information Act 2009*.

Other Australian Accounting Standards referred to in this policy include AASB 10 *Consolidated Financial Statements*; AASB 11 *Joint Arrangements*; AASB 128 *Investments in Associates and Joint Ventures*

**6. IDENTIFYING RELATED PARTIES**

The following diagram gives an overview of common related parties that a council will have:





Council Policy  
**RELATED PARTY DISCLOSURE POLICY**

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6.1 The General Manager will establish, review and maintain a list of Key Management Personnel for Council.

**Key Management Personnel (KMP) for council are:**

- the Mayor
- Councillors
- the General Manager
- Deputy General Manager / Manager, Community & Corporate Development
- Manager, Works & Technical Services
- Manager, Corporate Services
- Manager, Development & Environment Services
- Manager, Heritage Program
- HBS Pty Ltd & HESC Ltd – Directors K Pitt & M Farley

6.2 Those persons identified as KMP will complete an annual declaration which outlines the entities, if any, that are controlled or jointly controlled by that KMP or their close family members and which are likely to have transactions with Council (Appendix 1).

For the purpose of this Policy, Close Family Members includes:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependents of that person or of that person's spouse or domestic partner.

Council may determine other family members, such as a parent, grandparent, sibling, cousin, etc, who may be expected to influence, or be influenced by, that person in their dealings with Council or a Council entity (policy description to be inserted as per guidance below).

Council may seek to ensure alignment between this declaration and the register of interests required under section 54 of the LGA (policy description to be inserted as per guidance below).

6.3 It is the responsibility of General Manager to seek a declaration upon a change of KMP.

6.4 All KMPs will be asked to provide their declarations by 1 July each year covering the forthcoming financial year. In addition, an updated declaration for the previous financial year will also be provided.

6.5 It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.



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## **7. REGISTER OF RELATED PARTY TRANSACTIONS**

### *7.1 Maintain a Register*

The General Manager or Responsible Accounting Officer is responsible for maintaining and keeping up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year.

### *7.2 Contents of Register*

The contents of the register of related party transactions must detail for each related party transaction:

- a) the description of the related party transaction;
- b) the name of the related party;
- c) the nature of the related party's relationship with Council;
- d) whether the notified related party transaction is existing or potential;
- e) a description of the transactional documents the subject of the related party transaction.

The General Manager or Responsible Accounting Officer is responsible for ensuring that the information is disclosed in Council's Financial Statements to the extent, and in the manner stipulated by AASB 124.

7.3 Council will use the declarations of KMP to establish a list of related parties for the purposes of identifying transactions and reporting under AASB 124.

7.4 Updates will be provided to KMP and Council staff periodically on changes arising from amendments to Australian Accounting Standards, applicable legislation or policy and procedural requirements.

## **8. COUNCIL ENTITIES AND SUBSIDIARIES**

For the purpose of this policy, entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements.

When assessing whether Council has control or joint control over an entity, Council will need to consider AASB 10 *Consolidated Financial Statements* and AASB 11 *Joint Arrangements*. AASB 128 *Investments in Associates and Joint Ventures* details the criteria for determining whether Council has significant influence over an entity.



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## 9. ENTITIES CONTROLLED (OR JOINTLY CONTROLLED) BY KMP OR THEIR CLOSE FAMILY MEMBERS

9.1 KMP will exercise their best judgement in identifying related parties.

9.2 KMP, including elected members, will carefully assess the information and examples following before declaring, or not declaring, an entity over which they, or a close member of the family, have control or joint control.

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

When assessing whether or not a KMP or close member of their family controls, or jointly controls, an entity, Council will need to refer to AASB 10 *Consolidated Financial Statements* and AASB 11 *Investments in Associates and Joint Ventures*.

### **Example for Guidance**

*Mayor is the President of a local football club.*

*The Mayor of Sunny Shire Council is the President of League Heroes Inc, the local football club. This club is overseen by a committee which comprises the President and four other committee members. Each member has a single vote when making decisions at meetings. The committee members are not related and do not have agreements to vote with one another. The club has over 100 members that each have a vote in electing the committee members at the club's annual general meeting.*

*From these facts it would appear that the Mayor does not control or jointly control the football club so it will not be a related party of Council just because the Mayor is the president of the club.*

### **Example for Guidance (Joint control)**

*Fred is the Mayor of Sunny Shire Council and owns 50 per cent of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50 per cent of ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.*

*Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both. Fred will need to include the company on his related party declaration.*

## 10. RELATED PARTY DISCLOSURES BY COUNCIL

10.1 Each year Council will declare the following related party transactions:

10.1.1 Transactions with Council subsidiaries, by transaction type.





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10.1.2 KMP compensation, including:

- short-term employee benefits;
- post-employment benefits;
- long-term benefits; and
- termination benefits.

10.1.3 Transactions with other related parties, including:

- purchases or sales of goods (finished or unfinished);
- purchases or sales of property and other assets;
- rendering or receiving of services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- provision of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and
- settlement of liabilities on behalf of the entity, or by the entity on behalf of that related party.

10.1.4 Transactions of a similar nature will be disclosed in aggregate except when separate disclosure is necessary for an understanding of the effects of a related party transaction on the financial statements of council, having regard to the following criteria:

- the nature of the related party transaction
- the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council)
- whether the transaction is carried out on non-arm's length terms
- whether the nature of the transaction is outside normal day-to-day business operations.

10.1.5 Outstanding balances in relation to transactions with related parties, including:

- Entities controlled by KMPs; and
- Bad or doubtful debts in respect of amounts owed by related parties.

10.1.6 Non-monetary transactions such as use of facilities, peppercorn rents.

10.2 If a KMP or close associate is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes. Feedback must be provided within 30 days.

10.3 Council will not capture Ordinary Citizen Transactions (OCTs) with related parties. Nor will Council disclose non-material transactions.



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**RELATED PARTY DISCLOSURE POLICY**

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10.4 For the purpose of this Policy, example of OCTs are:

<b>Examples of OCTs</b>
Using a council's public swimming pool after paying the normal fee
Parking fees at rates available to the general public
Attending council functions that are open to the public
Fines on normal terms and conditions
Visiting a council art gallery
Paying rates and utility charges
Dog registration
<b>Examples of transactions that are NOT OCTs</b>
Purchases or sales of property
Leases
Transfers under finance arrangements (eg. Loans)
Settlement of liabilities
Infrastructure charges or contributions
Purchase of goods and services, regardless of conditions
Employee expenses of close family members of KMP

*The list of OCTs will be reviewed periodically with updates provided to KMP.*

10.5 The General Manager will assess the materiality of the related party transactions that have been captured prior to disclosure.

Council does not have to disclose transactions that are not material. In determining materiality, the size and nature of the transaction individually and collectively will be considered and assessment will be made in consultation with the Audit Panel.

10.6 In making disclosures in the annual financial statements Council will include:

10.6.1 Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them.

10.6.2 KMP compensation in total and for each of the following categories:

- short-term employee benefits;
- post-employment benefits;
- other long-term benefits; and
- termination benefits.

10.6.3 Where related party transactions have occurred:

- the nature of the related party relationship; and
- information about the transactions, outstanding balances and commitments, including terms and conditions.

10.6.4 Separate disclosure in aggregate for each category of related party transactions.



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**RELATED PARTY DISCLOSURE POLICY**

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Note: Transactions that are individually significant, either because of their amount or nature, are included in the aggregate disclosure but also need to be disclosed separately.

10.6.5 The types of transactions disclosed such as:

- purchases or sales of goods;
- purchases or sales of property and other assets or rendering or receiving property and other assets or rendering or receiving goods;
- rendering or receiving of services;
- leases;
- guarantees given or received;
- commitments;
- loans and settlements of liabilities;
- expense recognised during the period in respect of bad debts; and
- provision for doubtful debts relating to outstanding balances.

## 11. PRIVACY AND RIGHT TO INFORMATION

Council must comply with the requirements of the *Archives Act 1983* (Tasmania), *Privacy Act 1988* (Commonwealth), *Personal Information Protection Act 2004* (Tasmania) and *Right to Information 2009* (Tasmania) in the collection, storage, management, disclosure and reporting of information.

A declaration statement from KMP is incorporated into the *Declaration of Related Party Transactions Form* (Appendix 1) to enable the disclosure and reporting of information in accordance with AASB 124. A Related Party Information Collection Notice will be provided to KMP and included in their Declarations (Appendix 2).

## 12. DISPUTE RESOLUTION

Disputes will be managed in accordance with Council's dispute resolution policy.

## 6. DOCUMENT ADMINISTRATION

This Instruction is a managed document and is to be reviewed following an ordinary Council election.

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

APPENDIX 1

**DECLARATION OF RELATED PARTY TRANSACTIONS  
& CONSENT FORM**

**PRIVATE AND CONFIDENTIAL**

**Related Party Declaration by Key Management Personnel**

Name of Key Management Person: *(insert name)*

Position of Key Management Person: *(insert name)*

<b>Close Family Member Name</b>	<b>Relationship with KMP</b>	<b>Entities over which the close family member has sole or joint control</b>	<b>Nature of likely transactions with Council or Council entities</b>

<b>Name of Entity over which the KMP has control</b>	<b>Relationship with KMP</b>	<b>Nature of likely transactions with Council or Council entities</b>

I *(insert full name)*, *(insert position)* declare that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members having had, or likely to have, transactions with Council. I make this declaration after reading Council's policy which details the meaning of the words "close family members" and "entities controlled, or jointly controlled, by myself or my close family members".

I permit the General Manager to access the register of interests of me and persons related to me and to use the information for the purposes specified in Council's Related Party Disclosures Policy.

Declared at *(insert place)* on the *(insert date)*

Signature of KMP:

Name of KMP:

In accordance with Council's *Privacy Policy*, your information, and the information of others, is protected by law, including the *Privacy Act 1988* and the *Personal Information Protection Act 2004*.

## APPENDIX 2

### RELATED PARTY INFORMATION COLLECTION NOTICE

#### Related party transactions disclosure by Key Management Personnel

From 1 July 2016, Council must disclose related party relationships, transactions and outstanding balances, including commitments, in its annual financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures*.

#### ***Purpose of collection, use and disclosure of related party information***

The reason for disclosure of related party transactions is to ensure that Council's financial statements contain the information necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Council's related parties are likely to include the Mayor, councillors, General Manager, senior executives, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

A related party transaction is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

A related party transaction must be disclosed in Council's financial statements if the transaction is material. Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.

Prior to disclosure, the General Manager will assess the materiality of related party transactions that have been captured, and, if deemed material, will disclose in its financial statements the nature of the related party relationship and information about the transaction. Disclosure in the financial statements may be in aggregate form and/or may be made separately, depending on the nature and materiality of the transaction.

#### ***Related Party Transactions Declaration by Key Management Personnel***

Key management personnel (KMP) are the persons who have authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly and include the Mayor, councillors, General Manager and senior executives. In order to comply with AASB 124, Council has adopted a policy that requires all KMP to declare any existing or potential related party transactions between Council and any of their related parties during a financial year.

Each KMP must provide an annual *Related Party Declaration* in the approved form, by 1 July each year, and update the Declaration should they become aware of any change, error or omission. KMPs must exercise their best judgement in identifying related parties when declaring, or not declaring, entities over which they, or a close member of their family, have control or joint control.

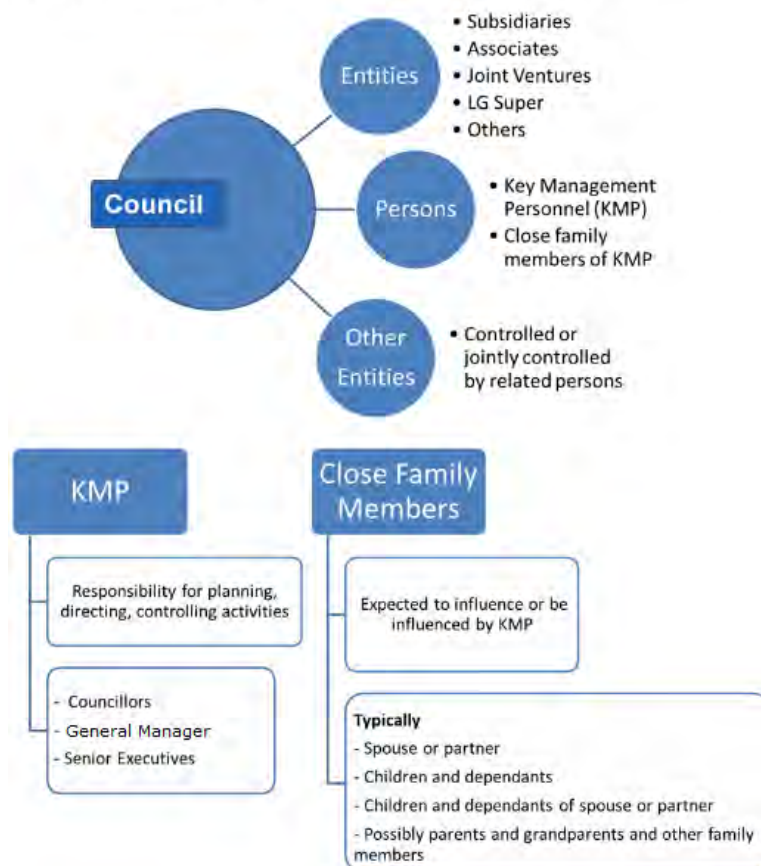
**How will the information captured in the Declaration be used?**

Council will use the declarations of KMPs to establish a list of related parties of Council for the purposes of identifying transactions and reporting under AASB 124. If a KMP or close family member is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes.

**Who are related parties?**

People and entities, such as companies, trusts and associations, can be related parties of Council. The following diagram gives an overview of common related parties that a council will have.

The following diagram gives an overview of common related parties that a council will have:



For related party transaction disclosures under AASB 124, the related party relationship must be disclosed for both the KMP and their close family members, even if the same related party entity is held jointly or in common by them. This is separate and in addition to Council’s register of interests which is required under the *Local Government Act 1993*.

Under AASB 124, those persons who are prescribed as definitely being close family members of a KMP include:

- that person’s children and spouse or domestic partner;
- children of that person’s spouse or domestic partner; and
- dependents of that person or that person’s spouse or domestic partner.

Council may determine other family members, such as a parent, grandparent, sibling, cousin, etc, who may be expected to influence, or be influenced by, that person in their dealings with Council or a Council entity.

***What is an entity that I, or my close family members, control or jointly control?***

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

You control an entity if you have:

- a) power over the entity;
- b) exposure, or rights, to variable returns from involvement with the entity; and
- c) the ability to use your power over the entity to affect the amount of your returns.

You jointly control an entity if there is a contractually agreed sharing of control of the entity. Joint control exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

In some instances, it may not be easy to determine whether or not you, or your close family members, control or jointly control an entity. If you are unsure and require further clarification, you should contact the General Manager for a confidential discussion.

*For more information about Council's disclosure requirements under AASB 124 Related Party Transactions, please refer to the Council's Related Party Disclosures Policy.*

*All information collected by Council is in accordance with Council's Personal Information Protection Policy and is protected by law, including the Privacy Act 1988 and the Personal Information Act 2004.*

**17.2.4 REVIEW OF PROCEDURES – PUBLIC INTEREST DISCLOSURES ACT 2002**

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

**Date:** 22 JUNE 2017

**Attachments:**

1. *Model Procedures - Public Interest Disclosures Act 2002*
2. *Guidelines and Standards for Procedures to be followed by Public Bodies*

**ISSUE**

The Southern Midlands Council is committed to the aims and objectives of the Public Interest Disclosures Act 2002. It does not tolerate improper conduct by its employees, officers or members, or the taking of detrimental action against those who come forward to disclose such conduct.

The Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal the type of conduct to which the Act is directed.

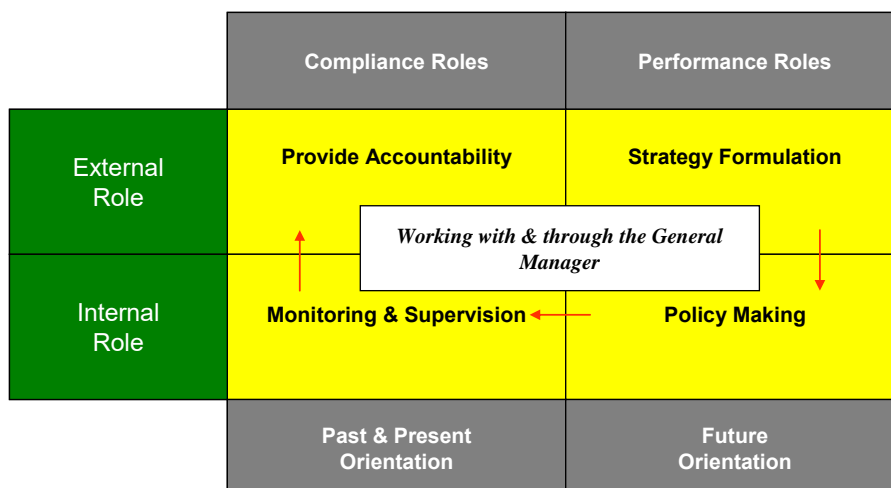
The Council will take all reasonable steps to protect people who make such a disclosure from any detrimental action in reprisal for making the disclosure, and to protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.

To facilitate the continuation of this important commitment Council is encouraged to review the revised Procedures established in the *Model Procedures* developed by the Office of the Ombudsman and consider the amendment of Council’s existing Procedures.

**BACKGROUND**

**FRAMEWORK FOR ANALYSING COUNCIL’S GOVERNANCE FUNCTION**

The diagram below along with its explanation has been the subject of previous presentations to Council; however, it is meaningful to reflect on this governance framework when policy documents are presented to Council. As part of this framework it is important for Council to be aware of and monitor audits and related governance review mechanisms that are undertaken within the organisation, based on Council’s strategies and policies.





## DETAIL

It is proposed that Council adopt the Model Procedures - *Public Interest Disclosures Act 2002*. This revised document is more comprehensive than the previous document. These procedures establish a system for reporting disclosures of improper conduct or detrimental action by Council or members, officers or employees of Council. The procedures are also intended to assist its members, officers and employees to understand the way in which the Act operates and needs to be administered.

The system created by these procedures provides for such disclosures to be made to the General Manager (the Principal Officer) or to a delegated Public Interest Disclosure Officer. Disclosures may be made by people who are “public officers” with the Southern Midlands Council or by people who are or have been “contractors” with Southern Midlands Council for the supply of goods or services.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate.

Large public bodies are required to establish procedures that comply with these guidelines and submit them to the Ombudsman for approval: s60. The procedures then need to be submitted at least once every three years following the initial approval for review.

A large public body includes:

- a State Service Agency;
- a council within the meaning of the Local Government Act 1993;
- a GBE; and
- a State-owned company.

The procedures must include procedures for the protection of the welfare of a person making a disclosure: s 60(2).

If the procedures prepared by Council depart from the Model Procedures in Attachment 1 (other than in completing the fields left blank for Council specific information), the procedures should be accompanied by a document which explains why the Council has departed from the Model Procedures and summarises the changes.

As Councillors are aware, the process for any policy document being, that it is tabled at one meeting and then “lays on the table” until the next meeting, to enable Councillors sufficient time to work through and consider all of the ramifications of the strategy/policy, before the document is finally considered for adoption at the following meeting.

## CONCLUSION

The Model Procedures - *Public Interest Disclosures Act 2002* represents a more comprehensive approach in working with the requirements of the Act both in the manner in which it is presented and the detail included within the document.

The Model Procedures - *Public Interest Disclosures Act 2002* is commended to Council for its consideration in the replacement of the existing procedures.

**Human Resources & Financial Implications** - Business Unit Managers will undertake briefings with their team members to ensure that everyone is up to date with the revised document.

**Community Consultation & Public Relations Implications** - This document will be hosted on the Southern Midlands Council website.

**Policy Implications** - To be review three yearly.

**Priority - Implementation Time Frame** - To be implemented immediately.

## RECOMMENDATION

**THAT Council**

1. **Receive and note the report;**
2. **Consider adoption of the Model Procedures - *Public Interest Disclosures Act 2002* at the July 2017 Council meeting.**

## DECISION

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



## ***Public Interest Disclosures Act 2002***

# **Model Procedures to be followed by Public Bodies**

Revised: June 2017

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## I Statement of Support

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The [NAME OF PUBLIC BODY] is committed to the aims and objectives of the *Public Interest Disclosures Act 2002* (the Act). It does not tolerate improper conduct by its employees, officers or members, or the taking of detrimental action against those who come forward to disclose such conduct.

The [NAME OF PUBLIC BODY] recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal the type of conduct to which the Act is directed.

The [NAME OF PUBLIC BODY] will take all reasonable steps to protect people who make such a disclosure from any detrimental action in reprisal for making the disclosure, and to protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.

## Purpose of these procedures

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These procedures establish a system for reporting disclosures of improper conduct or detrimental action by members, officers or employees of the [NAME OF PUBLIC BODY]. The procedures are also intended to assist its members, officers and employees to understand the way in which the Act operates and needs to be administered.

The system created by these procedures provides for such disclosures to be made to the [TITLE OF PRINCIPAL OFFICER OF THE PUBLIC BODY] (the Principal Officer) or to a delegated Public Interest Disclosure Officer. Disclosures may be made by people who are “public officers” with the [NAME OF PUBLIC BODY]. People who are or have been “contractors” with [NAME OF PUBLIC BODY] for the supply of goods or services can make disclosures to the Ombudsman or Integrity Commission. The meaning of public officers and contractors is explained later in this document.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate

*[Note: It would be useful to include cross references to other relevant policies and procedures in your public body dealing with investigation of complaints etc at this point. This would include your public body’s code of conduct and any other grievance or complaint handling policy.]*

The procedures have been prepared in accordance with Guidelines and Standards published by the Ombudsman under s 38(1)(c) of the Act. These Guidelines and Standards can be seen on the Ombudsman’s website at [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

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## The purpose of the Act

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The Act commenced operation on 1 January 2004. It was substantially amended by the *Public Interest Disclosures Amendment Act 2009*, following a major review of the Act, and these procedures reflect those amendments. The amendments took effect on 1 October 2010.

The purposes of the Act are contained in its long title. These are:

- to encourage and facilitate disclosures of improper conduct by public officers and public bodies;
- to protect persons making those disclosures, and others, from detrimental action;
- to provide for the matters disclosed to be properly investigated and dealt with; and
- to provide all parties involved in the disclosures with natural justice.

The public interest is served by providing an avenue for persons to report improper conduct and be protected for doing so.

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## How the Act works

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Briefly, the Act works in this way:

- it gives certain people – “public officers” and “contractors” – the right to make a disclosure about “improper conduct” or “detrimental action” to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s 6);<sup>1</sup>
- it provides certain statutory protections for protected disclosures (Part 3);
- it dictates how the recipient of the disclosure is to deal with it (Parts 4 to 8);
- it treats the Ombudsman as the oversight agency in relation to the operation of the Act, including the default investigator, monitor of investigations by public bodies, and setter of standards under the Act;
- where the disclosure is handled by the Ombudsman or a public body, it requires a preliminary determination as to whether the protected disclosure is a “public interest disclosure” (ss 30 and 33). In other words a disclosure which, in the case of decision-making by the Ombudsman, meets the requirements of s 30(2), or, in the case of decision-making by the public body, meets the requirements of s 33(2);
- subject to exceptions, it requires investigation by the Ombudsman or public body of any protected disclosure which is found to be a public interest disclosure (ss 39 and 63);

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<sup>1</sup> Note that s 7A of the Act permits a person to whom a disclosure may be made under Part 2 of the Act to treat a person who is not a public officer or contractor as a contractor for the purposes of the Act, if they consider that it would be in the public interest to do so. A disclosure by a contractor is not necessarily protected if made to a public body, so referral should be made to the Ombudsman or the Integrity Commission.

- it requires such investigation to be conducted as soon as practicable (ss 39A and 77A);
- it controls the manner in which a disclosure is investigated, and provides powers in this respect;
- in the case of investigation by the Ombudsman, it gives the Ombudsman the power to recommend that action be taken in light of the investigation (s 56); and
- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it obliges the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75).

A flow chart, which depicts the way in which a public body should deal with a disclosure made to it under the Act, is at Attachment I to this document. It is important to note that a person does not have to expressly reference the Act when making a disclosure in order to be eligible for protection, if all the requirements in the Act are otherwise met.

## Comparison with the Integrity Commission Act

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The Act and the *Integrity Commission Act 2009* (IC Act) work very differently.

Perhaps the most important difference is that the IC Act does not contain any provisions which protect a person who makes a complaint under that Act from detrimental action by way of reprisal. The provision of such protection is a key feature of the Act.

Other important differences are:

- the fact that anyone can make a complaint under the IC Act, whereas the right to make a disclosure under the Act is given only to a current public officer and a contractor;
- in the types of conduct to which the Act applies;<sup>2</sup> - the fact that a disclosure may be made under the Act about proposed conduct, whereas the IC Act only concerns past conduct;
- the fact that a disclosure under the Act may be oral, whereas a complaint under the IC Act must be in writing; and
- the different processes which each Act applies to a matter brought forward under it.

A person who is trying to decide which Act to proceed under should consider seeking legal advice on what is the best course for them to take.

It is possible for a disclosure which is made under the Act to be dealt with under the IC Act – see Part 4A of the Act.

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<sup>2</sup> The Act concerns “improper conduct”, which embraces “corrupt conduct”. The IC Act concerns “misconduct” only and it is unclear as to the extent to which corrupt conduct would be able to be investigated. The definitions of these expressions used in the two Acts do not align.



## Key terms

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### The right to make a disclosure

The right to make a disclosure under the Act is given by s 6 of the Act. That states:

6. *Disclosures about improper conduct or detrimental action*
  - (1) *A public officer who believes that another public officer or a public body –*
    - (a) *has engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer or public body; or*
    - (b) *has taken, is taking or proposes to take detrimental action in contravention of section 19 –*

*may disclose that improper conduct or detrimental action in accordance with this Part.*
  - (2) *A contractor who believes that the public body with which the contractor has entered into a contract –*
    - (a) *has engaged, is engaging or proposes to engage in improper conduct in its capacity as a public body; or*
    - (b) *has taken, is taking or proposes to take detrimental action in contravention of section 19 –*

*may disclose that improper conduct or detrimental action in accordance with this Part.*

As can be seen from the emphasis given to certain expressions in this version of s 6, the specific meanings given to a number of expressions are key to its operation. These are:

- “public officer”
- “public body”
- “contractor”
- “improper conduct”
- “detrimental action”

Because of the way that the expression “improper conduct” is defined in s 3 of the Act, a further expression is also very important. This is the expression “corrupt conduct”.

Each of these expressions is now explained.

### “Public officer” and “public body”

These expressions are defined in ss 3 and 4 of the Act, in this way:

3. *Interpretation*

*"public body" means a public body referred to in section 4;*

*"public officer" means a public officer referred to in section 4;*

4. *Public bodies and officers*

(1) *Subject to subsection (3), the following bodies and authorities are public bodies for the purposes of this Act:*

(a) *the Parliament of Tasmania;*

(b) *a State Service Agency;*

(c) *the Police Service;*

(d) *a council;*

(e) *a Government Business Enterprise;*

(f) *a State-owned Company;*

(g) *a council-owned company;*

(h) *a body or authority, whether incorporated or not, whose members or a majority of whose members are appointed by the Governor or a Minister;*

(i) *any other prescribed body or authority, whether incorporated or not –*

(i) *to which any money is paid by way of appropriation from the Public Account; or*

(ii) *over which the Government or a Minister exercises control.*

(2) *Subject to subsection (3), the following persons are public officers for the purposes of this Act:*

(a) *a Member of Parliament;*

(b) *a councillor;*

(c) *a member, officer or employee of a public body;*

(d) *a member of the governing body of a public body;*

(e) *an employee of a council;*

(f) *any person performing functions under the Parliamentary Privilege Act 1898;*

- (g) *a person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament whether in accordance with the State Service Act 2000, Parliamentary Privilege Act 1898 or otherwise;*
      - (h) *any person performing functions under the Governor of Tasmania Act 1982;*
      - (i) *a person appointed to an office by the Governor or a Minister under an Act*
- (3) *The following bodies are not public bodies for the purposes of this Act:*
  - (a) *a court;*
  - (b) *a tribunal;*
  - (c) *the Tasmanian Industrial Commission;*
  - (d) *the Integrity Commission;*
  - (e) *any other prescribed body.*
- (4) *The following persons are not public officers for the purposes of this Act:*
  - (a) *the Governor of Tasmania;*
  - (b) *a judge of the Supreme Court;*
  - (c) *the Associate Judge of the Supreme Court;*
  - (d) *a magistrate of the Magistrates Court;*
  - (e) *the Director of Public Prosecutions;*
  - (f) *any other prescribed person.*

The [NAME OF PUBLIC BODY] is a “public body”, as so defined.

Further, any member, officer or employee of [NAME OF PUBLIC BODY] is a “public officer”, as so defined.

Note that the right which s 6 of the Act gives to a public officer to make a disclosure must be exercised whilst the person is still a public officer. It is not a requirement that a public officer refer to the Act, or even have knowledge that the Act exists, to make a disclosure which may be protected under the Act.

## **“Contractor”**

This expression is defined in s 3 of the Act, in this way:

### *3. Interpretation*

"contractor" means –

- (a) a person who at any time has entered into a contract with a public body for the supply of goods or services to, or on behalf of, the public body; or
- (b) an employee of the contractor; or
- (c) a subcontractor engaged by the contractor to fulfil all or part of a contract with a public body for the supply of goods or services to, or on behalf of, the public body;

This definition has the effect that a person may exercise the right given to a contractor by s 6 of the Act even though the contract which they held with the public body is now over. Note that contractors cannot make a protected disclosure to a public body and should be referred to the Ombudsman or Integrity Commission.

### **“Improper conduct” and “corrupt conduct”**

These expressions are also defined in s 3 of the Act, in this way:

#### *3. Interpretation*

"improper conduct" means –

- (a) conduct that constitutes an illegal or unlawful activity; or
- (b) corrupt conduct; or
- (c) conduct that constitutes maladministration; or
- (d) conduct that constitutes professional misconduct; or
- (e) conduct that constitutes a waste of public resources; or
- (f) conduct that constitutes a danger to public health or safety or to both public health and safety; or
- (g) conduct that constitutes a danger to the environment; or
- (h) misconduct, including breaches of applicable codes of conduct; or
- (i) conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman;

Note that paragraph (b) leads to another definition in s 3, being that of “corrupt conduct” –

"corrupt conduct" means –

- (a) *conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or*
- (b) *conduct of a public officer that amounts to the performance of any of his or her functions as a public officer dishonestly or with inappropriate partiality; or*
- (c) *conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or*
- (d) *conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or*
- (e) *a conspiracy or attempt to engage in conduct referred to in paragraph (a), (b), (c) or (d);*

Note that, for the right of disclosure under s 6 to apply, the improper conduct (including corrupt conduct) must be serious or significant as determined in accordance with guidelines issued by the Ombudsman. The guidelines can be accessed at [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

### **Examples of “corrupt conduct”**

- A public officer takes a bribe in exchange for the discharge of a public duty;
- a public officer favours unmeritorious applications for jobs or permits by friends and relatives; and
- a public officer sells confidential information.

**[Note:** You may wish to replace with or include an example/s of relevance to your public body.]

### **Examples of other types of “improper conduct”**

- To avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste;
- an agricultural officer delays or declines imposing quarantine to allow a financially distressed farmer to sell diseased stock; and
- a building inspector tolerates poor practices and structural defects in the work of a leading local builder, giving rise to a risk to public health or safety.

**[Note:** You may wish to replace with or include an example/s of relevance to your public body.]

### **Detrimental action**

This expression is defined in s 3 of the Act, in this way:

*"detrimental action" includes –*

- (a) *action causing injury, loss or damage; and*
- (b) *Intimidation or harassment; and*
- (c) *discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and*
- (d) *threats of detrimental action;*

Note that the right to make a disclosure in relation to detrimental action under s 6 relates to detrimental action taken in contravention of s 19 of the Act. Section 19 is in these terms:

*19. Protection from reprisal*

- (1) *A person must not take detrimental action against a person in reprisal for a protected disclosure.*

*Penalty:*

*Fine not exceeding 240 penalty units or imprisonment for a term not exceeding 2 years, or both.*

- (2) *A person takes detrimental action in reprisal for a protected disclosure if –*
  - (a) *the person takes or threatens to take the action because –*
    - (i) *a person has made, or intends to make, a protected disclosure; or*
    - (ii) *the person believes that a person has made or intends to make the protected disclosure; or*
  - (b) *the person incites or permits another person to take or threaten to take the action for either of those reasons.*
- (3) *In determining whether a person takes detrimental action in reprisal, it is irrelevant whether or not a reason referred to in subsection (2) is the only or dominant reason as long as it is a substantial reason.*

The effect of s 19 is that reprisal must have been a substantial reason behind the detrimental action taken, though other reasons may exist.

Examples of detrimental action are:

- refusal of a deserved promotion;
- demotion, transfer, isolation in the workplace or changing a person's duties to their disadvantage;
- threats, abuse or other forms of harassment directly or indirectly against the discloser, his or her family or friends; and

- discrimination against the discloser or his or her family and associates in applications for jobs, permits or tenders.

[**Note:** You may wish to replace with or include an example/s of relevance to your public body.]

## The reporting system

### To whom a disclosure may be made – general principles

For the protections in the Act to apply, a disclosure must be made to the right person or body. Section 7 of the Act deals with this subject, and the following table summarises its effect:

<b>Officer or public body to which the disclosure relates</b>	<b>Person to whom the disclosure may be made</b>
a member, officer or employee of a public body other than the Police Service or a State Service Agency	that public body; or the Integrity Commission; or the Ombudsman
a member, officer or employee of a public body that is a State Service Agency	that State Service Agency; or the Integrity Commission; or the Ombudsman
the principal officer of a public body or State Service Agency	the Ombudsman; or the Integrity Commission
a member of the Police Service, other than the Commissioner of Police	the Commissioner of Police
the Commissioner of Police	the Ombudsman
a member of the Legislative Council	the President of the Legislative Council
a member of the House of Assembly	the Speaker of the House
a councillor, within the meaning of the <i>Local Government Act 1993</i>	the Ombudsman
a person employed under the provisions of the <i>Parliamentary Privilege Act 1898</i>	the Ombudsman; or the Integrity Commission
the Auditor-General	the chairman of the Public Accounts Committee
the Ombudsman	the Joint Standing Committee on Integrity
a person employed in an office of a Minister, Parliamentary Secretary or other Member of	the Ombudsman

Officer or public body to which the disclosure relates	Person to whom the disclosure may be made
Parliament	
in any other case, including if the disclosure is about a public body as opposed to an individual public officer	the Ombudsman; or the Integrity Commission

Hence, disclosures which relate to improper conduct or detrimental action by a member, officer or employee of [NAME OF PUBLIC BODY] must be made as explained in [parts 7.2 to 7.6](#). A contractor, or a member of the public under s7A of the Act, can only make a disclosure about a public body, so they must make it to the Ombudsman or the Integrity Commission.

### Disclosure to persons within the [NAME OF PUBLIC BODY]

Disclosures of improper conduct or detrimental action by a member, officer or employee of [NAME OF PUBLIC BODY] may be made to the following officers:

- the [TITLE OF PRINCIPAL OFFICER OF PUBLIC BODY] – who is the “Principal Officer” of the public body, within the terms of the Act; and
- a Public Interest Disclosure Officer.

Each person who holds or acts in any of the following positions within [NAME OF PUBLIC BODY] has been appointed by the Principal Officer to act as a Public Interest Disclosure Officer, and holds a delegation which enables them to receive public interest disclosures under the Act.

[SET OUT LIST – WHEN APPOINTING PUBLIC INTEREST DISCLOSURE OFFICERS CONSIDER WHICH POSITIONS WOULD LIKELY COME ACROSS MATTERS THAT MAY SATISFY THE REQUIREMENTS OF A DISCLOSURE. THIS MAY INCLUDE, FOR EXAMPLE, HR MANAGERS WHO DEAL WITH COMPLAINTS FROM PUBLIC OFFICERS ABOUT OTHER STAFF OR SUPERVISE CODE OF CONDUCT INVESTIGATIONS]

Where a person is contemplating making a disclosure and is concerned about approaching the Principal Officer or a Public Interest Disclosure Officer in the workplace, he or she can call the relevant officer and request a meeting in a discreet location away from the workplace.

It is not a requirement that the person contemplating making a disclosure refers to the Act, or is aware of the Act, to make a valid disclosure.

A disclosure about the Principal Officer or [NAME OF PUBLIC BODY] should be immediately referred to the Ombudsman or the Integrity Commission.



## Disclosure to the Ombudsman

A disclosure about improper conduct or detrimental action by [NAME OF PUBLIC BODY] or any of its members, officers or employees may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

The Ombudsman  
GPO Box 960  
HOBART TAS 7001

or at

Level 6, 86 Collins Street  
HOBART TAS 7000

Website: [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)

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

Phone: 1800 001 170 (Freecall, though charges for mobile phones may apply)

## Disclosure to the Integrity Commission

A disclosure about improper conduct or detrimental action by [NAME OF PUBLIC BODY] or any of its members, officers or employees may also be made directly to the Integrity Commission. The contact details for the Integrity Commission are:

Tasmanian Integrity Commission  
GPO Box 822  
HOBART TAS 7001

or at

Level 2  
Surrey House  
199 Macquarie Street  
HOBART TAS 7000

Website: [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)

Email: [integritycommission@integrity.tas.gov.au](mailto:integritycommission@integrity.tas.gov.au)

Phone: 1300 720 289

## To which entity should a disclosure be made?

As can be seen from [part 7.1](#) of these procedures, there are some situations in which a disclosure may only be made to a single entity. For instance, if the disclosure is about a councillor in a local council, it must be made to the Ombudsman. Where there is a choice of entities, those choices will include the Ombudsman and the Integrity Commission. Either of those entities will be able to give advice on the most suitable entity to receive the disclosure, but the Ombudsman has overall responsibility for the administration of the Act.

The considerations which might sensibly bear on the choice of entity to which the disclosure is made include:

- the nature of the normal functions (and therefore the skills and experience) of the different entities which might be chosen;
- the desirability of independent investigation of the disclosure – which might, for instance, lead away from making the disclosure to the public body; and
- the seriousness or otherwise of the disclosure.

Note that if the disclosure is about [NAME OF PUBLIC BODY] it can only be made to the Ombudsman or the Integrity Commission. Given the normal functions of the Integrity Commission focus on individual misconduct it is recommended that the Ombudsman be contacted in the first instance.

## Roles and responsibilities

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This part explains the roles and responsibilities of individuals within [NAME OF PUBLIC BODY] under the Act.

### Members, officers and employees

Members, officers and employees of [NAME OF PUBLIC BODY] are encouraged to report known or suspected incidences of improper conduct or detrimental action under the Act, in accordance with these procedures.

All members, officers and employees of the [NAME OF PUBLIC BODY] have an important role to play in supporting those who have made a legitimate disclosure. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

### Principal Officer

The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by the public body. Section 62A of the Act provides that the Principal Officer has responsibility for:

- preparing procedures for approval by the Ombudsman;
- receiving public interest disclosures and ensuring they are dealt with in accordance with the Act;
- ensuring the protection of witnesses;
- ensuring the application of natural justice in the public body's procedures;
- ensuring the promotion of the importance of public interest disclosures and general education about the Act to all staff, and ensuring easy access to information about the Act and the public body's procedures, and

- providing access to confidential employee assistance programs and appropriately trained internal support staff for those involved in the process.

The Principal Officer may delegate many of his or her functions to a Public Interest Disclosure Officer.

## **Public Interest Disclosure Officer**

A Public Interest Disclosure Officer is appointed by the Principal Officer under s 62A(2) of the Act, and holds a delegation from the Principal Officer which enables him or her to exercise the statutory powers and functions given to the Principal Officer by the Act which are listed in their instrument of delegation.

These procedures frequently give responsibilities or functions to a Public Interest Disclosure Officer. Not all of these are referable to specific statutory powers or functions bestowed on the Principal Officer by the Act, and so some of them represent things which the Public Interest Disclosure Officer is expected to do on a purely administrative basis.

Subject to the terms of their delegation, the responsibilities of a Public Interest Disclosure Officer generally include:

- acting as a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- making arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;
- receiving any disclosure made orally or in writing (from internal and external disclosers);
- recording in writing the details of any disclosure which is made orally;
- impartially assessing the allegation and determining whether it is a disclosure made in accordance with Part 2 of the Act (that is, “a protected disclosure”);
- impartially assessing under s 33 of the Act whether a disclosure is a “public interest disclosure”; and
- taking all necessary steps to ensure that the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential.

## **Investigator**

Where the [NAME OF PUBLIC BODY] has determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a disclosed matter to [NAME OF PUBLIC BODY] for investigation, the Principal Officer will appoint an investigator to investigate the matter in accordance with the Act. An investigator may be a person from within the public body or a consultant engaged for that purpose.

## Welfare manager

The welfare manager will be appointed by the Principal Officer or by a Public Interest Disclosure Officer, and is responsible for looking after the general welfare of the discloser. The welfare manager will:

- examine the immediate welfare and protection needs of a person who has made a disclosure, and seek to foster a supportive work environment;
- advise the discloser of the legislative and administrative protections available to him or her;<sup>3</sup>
- listen and respond to any concerns of harassment, intimidation, victimisation or other detrimental action which may be occurring in reprisal for making the disclosure; and
- so far as is practicable, protect the identity of the discloser in the course of carrying out these responsibilities.

A welfare manager may be a person from within the public body or a consultant engaged for that purpose.

## Confidentiality

The [NAME OF PUBLIC BODY] will take all reasonable steps to protect the identity of a discloser. Maintaining confidentiality is crucial in ensuring reprisals are not made against the discloser.

All reasonable care should also be taken to protect the privacy of witnesses and of the person against whom the disclosure has been made.

Section 23 of the Act requires any person who receives information due to the handling or investigation of a protected disclosure, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of this section constitutes an offence that is punishable by a maximum fine of 60 penalty units or six months imprisonment, or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising their functions or the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in proceedings for certain offences in the Act.

However, the Act prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the

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<sup>3</sup> See [part 12](#) below for details of the legislative protections.

identification of the person who is the subject of the disclosure in any particulars included in an annual report made in accordance with Part 9 of the Act.

It may be necessary to consider disclosing information where:

- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the disclosure; or
- the investigating body believes that the disclosure of the identifying information is necessary for the matter to be effectively investigated.

In both circumstances, the person who made the disclosure should be informed as to this step.

The [NAME OF PUBLIC BODY] will ensure that all relevant files, whether paper or electronic, are kept securely and can only be accessed by the Principal Officer, Public Interest Disclosure Officer/s, the investigator, and (in relation to welfare matters only) the welfare manager.

All printed material will be kept in files that are clearly marked as confidential, and all materials relevant to an investigation, such as tapes from interviews, will also be stored securely with the files.

Care should also be taken to ensure that all relevant phone calls and meetings are conducted in private.

Section 90 exempts documents from release under the *Right to Information Act 2009* to the extent that they contain information regarding a disclosure, or information that is likely to lead to the identification of the person who made the disclosure or the person who is the subject of the disclosure.

## Publishing statistics

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Section 86 of the Act requires [NAME OF PUBLIC BODY] to include in its annual report:

- the number and types of disclosures made to the [NAME OF PUBLIC BODY] during the year, and the number of disclosures determined to be a public interest disclosure;
- the number of disclosures determined by the [NAME OF PUBLIC BODY] to be public interest disclosures that it investigated during the year;
- the number and types of disclosed matters referred to the [NAME OF PUBLIC BODY] by the Ombudsman for investigation;
- the number and types of disclosures referred by the [NAME OF PUBLIC BODY] to the Ombudsman for investigation;
- the number and types of investigations taken over from the [NAME OF PUBLIC BODY] by the Ombudsman;

- the number and types of disclosed matters that the [NAME OF PUBLIC BODY] has declined to investigate;
- the number and types of disclosed matters that were substantiated upon investigation and the action taken on completion of the investigation, and
- any recommendations made by the Ombudsman that relate to the [NAME OF PUBLIC BODY].

## Preliminary issues

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### What should the recipient of the disclosure do upon receipt of the disclosure?

If the disclosure is oral, the recipient should make a file note as soon as possible, which records the time when the disclosure was made, the circumstances under which it was made and, so far as is possible, the exact words used by the discloser. The recipient should also ask the discloser to put the disclosure in writing as soon as possible.

Unless the recipient is the Principal Officer (or the disclosure is about the Principal Officer), the recipient should immediately inform the Principal Officer of the disclosure, and should provide the Principal Officer with a copy of the disclosure, or record of the disclosure, and of any accompanying documents.

If the disclosure is from a contractor, a member of the public or about the Principal Officer or [NAME OF PUBLIC BODY], it should be immediately referred to the Ombudsman or the Integrity Commission.

A file should be created for the disclosure, marked clearly as being a *Public Interest Disclosures Act 2002* matter – see [part 9](#) of these procedures (Confidentiality).

### Assessing the disclosure – is it a protected disclosure?

The protections provided by the Act to disclosers (contained in Part 4 of the Act) only apply where the disclosure made is a “protected disclosure”. This is defined in s14 as a disclosure made in accordance with Part 2 of the Act.

As soon as practicable after the receipt of a disclosure, the disclosure should therefore be assessed by the Principal Officer or a Public Interest Disclosure Officer to determine whether it has been made in accordance with Part 2 of the Act. The following questions need to be asked in carrying out this assessment:

- has the disclosure been made by a public officer or contractor? (See [parts 6.2](#) and [6.3](#) above.);
- does the disclosure concern improper conduct or detrimental action? (See [parts 6.4](#) and [6.5](#) above.)

- did the alleged conduct or action occur more than 3 years before the commencement of the Act – i.e. on or after 1 January 2001? (See s 10 of the Act.); and
- has the disclosure been made to the appropriate person? (See [part 7.1](#) above.)

As required by s 6 of the Act (see [part 6.1](#) above), one of the preconditions to a disclosure being a protected disclosure, and therefore attracting the protections in Part 3 of the Act, is that it is made by a public officer or a contractor. Note that disclosure by contractors must be made to the Ombudsman or Integrity Commission.

Note that an anonymous disclosure may be accepted if the person receiving it is satisfied that the disclosure is being made by a public officer or contractor (see s 8 of the Act). If the person is satisfied that an anonymous disclosure is from a contractor it should be referred to the Ombudsman.

The person who carries out the assessment should inform the discloser as soon as practicable of their conclusion as to whether the disclosure is a protected disclosure, and of their reasons for coming to that conclusion. This should be done in writing. If the disclosure has been assessed as being a protected disclosure, the discloser should be given a copy of Part 3 of the Act, which details the protections which the Act provides. These protections should be explained to the discloser if necessary. The discloser should also be informed of the process which will now be followed with respect to the disclosure.

A copy of the assessment should also be given to the Principal Officer without delay, where the person who carried out the assessment is not the Principal Officer.

If the disclosure is considered to be a protected disclosure, the Principal Officer or a Public Interest Disclosure Officer should immediately appoint a welfare manager to protect the interests of the discloser, and ensure that the discloser is advised of the name and contact details of that person (see [parts 8.5](#) and [15.1](#)).

Section 7A of the Act provides that a person to whom a disclosure may be made under Part 2 of the Act may, if the person considers that it would be in the public interest to do so, treat any other person who is not a public officer or a contractor as a contractor for the purposes of the Act. Only the Ombudsman or the Integrity Commission can accept disclosures from contractors, so the person will need to be advised to contact either of those bodies. If the Public Interest Disclosure Officer considers this is applicable, they should seek advice from the Ombudsman.

## **Should the disclosure be referred to another body?**

### ***Referral to the Ombudsman***

The [NAME OF PUBLIC BODY] may refer a public interest disclosure to the Ombudsman if it believes that it is not able to complete the investigation satisfactorily (see s 68 of the Act). The Act does not provide for other relevant circumstances in which a public body may refer a protected disclosure to the Ombudsman before commencing an investigation, but an alternative way of achieving the same result would for the public body to encourage the discloser to make their disclosure direct to the Ombudsman, such that there is no need for the public body to continue to investigate the matter.

### ***Referral to the Integrity Commission***

The [NAME OF PUBLIC BODY] may refer a protected disclosure to the Integrity Commission where it considers that the disclosure relates to misconduct as defined in s 4(1) of the IC Act.

The [NAME OF PUBLIC BODY] must notify the discloser of the referral within a reasonable time (unless the disclosure was made anonymously) under s 29D.

The Integrity Commission may deal with the disclosure under the IC Act, or it may refer the disclosure to the Ombudsman or a public body, as the case may require, for action by the Ombudsman or public body in accordance with the Act.

Matters which would bear on a decision as to whether a protected disclosure should be referred to the Integrity Commission are:

- the relevance of the disclosure to the normal functions of the Commission;
- the desirability of independent investigation by the Commission of the subject matter of the disclosure; and
- the views of the discloser as to whether referral should occur.

### ***Referral of criminal conduct to the Police***

It is possible that, before or during an investigation, facts are uncovered that reveal the possibility of a criminal offence. If this happens, the [NAME OF PUBLIC BODY] will not commence, or will suspend, the investigation and will consult with the Ombudsman as to the future of the matter. Under section 41 of the Act, the Ombudsman has the power to refer a disclosed matter to the Commissioner of Police for investigation.

If the Ombudsman is satisfied that the disclosed matter should be referred to Tasmania Police, the [NAME OF PUBLIC BODY] should consider whether the disclosure should be referred to the Ombudsman under s 68 of the Act.

Early referral of the matter may avoid interference with the evidentiary trail. Referral to the police through the Ombudsman will also avoid any question of a breach of confidentiality under s 23 of the Act. Once a disclosure is referred to the Commissioner of Police through the Ombudsman, the investigation under the Act ceases. However, there may still be administrative or operational issues which have been identified during the disclosure process or investigation that should be dealt with under other internal processes of the [NAME OF PUBLIC BODY]. The Principal Officer, or the Public Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

### **Further assessment - Is the disclosure a public interest disclosure?**

Where the Principal Officer or Public Interest Disclosure Officer has received a disclosure that has been assessed to be a protected disclosure, the Principal Officer or Public Interest Disclosure Officer must make a determination under s 33 of the Act as to whether the disclosure is a public interest disclosure. This assessment must be made within 45 days of the receipt of the disclosure.



For a disclosure to be a public interest disclosure, the public body must be satisfied that the disclosure shows or tends to show that the public officer to whom the disclosure relates –

- has engaged, is engaging or proposes to engage in improper conduct in his or her capacity as a public officer, or
- has taken, is taking or proposes to take detrimental action in reprisal for the making of the protected disclosure.

A disclosure must be more than a mere allegation without substantiation. A disclosure must include an indication of the existence of evidence that, if substantiated, would show or tend to show that the alleged conduct occurred.

Where the Principal Officer or Public Interest Disclosure Officer concludes that the disclosure amounts to a public interest disclosure, he or she must -

- advise the Principal Officer (if not the person receiving the disclosure);
- notify the Ombudsman within 14 days of the decision;
- notify the person making the disclosure within 14 days of the decision (unless it is an anonymous disclosure); and
- proceed to investigate the disclosed matter - see [part 12](#) (Investigations) below - see s 34.

If the Principal Officer or Public Interest Disclosure Officer concludes that the disclosure is not a public interest disclosure, he or she must -

- advise the Principal Officer (if not the person receiving the disclosure);
- notify the Ombudsman within 14 days of the decision; and
- notify the person making the disclosure within 14 days of the decision (unless it is an anonymous disclosure) – see s 35.

The Ombudsman must then review this decision under s 35(2).

If, on review of the matter, the Ombudsman decides that the disclosure is not a public interest disclosure, the matter does not need to be dealt with under the Act. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will then decide how the disclosure should be dealt with.

If the Ombudsman determines the disclosure is not a public interest disclosure, but could be a complaint under the *Ombudsman Act 1978* the Ombudsman must notify the discloser of his or her right to have the disclosure dealt with as a complaint under the *Ombudsman Act* if he or she wishes.

If the Ombudsman determines that the disclosure is in fact a public interest disclosure, the matter may be referred back to the public body under s 42 for investigation under the Act or the Ombudsman will deal with the disclosed matter.

## Protection

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### When does protection commence?

Where the [NAME OF PUBLIC BODY] receives a disclosure which complies with the requirements of Part 2 of the Act, the disclosure immediately attracts the protections set out in Part 3 of the Act. This is so whether or not the disclosure is factually correct (although one of the requirements of Part 2, as found in s 6, is that the discloser honestly believes that the alleged improper conduct or detrimental action in fact occurred).

The protection also extends to a person who intends to make a disclosure.

Note that, as provided in s 9, a disclosure can still be made where the discloser cannot identify the person or body to whom or to which the disclosure relates.

### What protection does the Act provide?

Part 3 of the Act gives various types of protection to a person who makes a protected disclosure. This part of these procedures only provides a summary of some elements of that Part of the Act.

A person who makes a protected disclosure:

- is not subject to any civil or criminal liability, or to any liability arising by way of administrative process, for making the protected disclosure (s 16);
- does not by doing so commit an offence under a provision of any other Act that imposes a duty to maintain confidentiality, or which imposes any other restriction on the disclosure of information (s 17(1)(a)); and
- does not by doing so breach an obligation by way of oath, or rule of law or practice, or under an agreement, which requires the discloser to maintain confidentiality or otherwise restricts the disclosure of information (s 17(1)(b)).

These last two protections do not apply, however, to a disclosure of information to a person other than the person to whom the protected disclosure was originally made, unless that further disclosure was made in accordance with the Act (see s 17(2) of the Act).

Part 3 also contains various provisions which are intended to protect a discloser from detrimental action by way of reprisal for a protected disclosure. By s 19, the Act makes it an offence to take such detrimental action. By s 20, it creates a liability to pay damages for such detrimental action. And by s 21, it gives a person who believes that detrimental action has been taken against him or her the right to apply to the Supreme Court for an order requiring the person who has taken the detrimental action to remedy that action, or for an injunction.

## Investigations

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### Introduction

The [NAME OF PUBLIC BODY] must investigate every disclosure referred to it for investigation by the Ombudsman under s 63(b).

Unless the matters set out in 13.2 below apply, or the matter is referred to the Ombudsman, the [NAME OF PUBLIC BODY] will investigate every disclosure that it receives and determines is a public interest disclosure under s 33 of the Act (see s 63(a) of the Act).

The Principal Officer will appoint an investigator to carry out the investigation. The investigator may be a person from within an organisation or a consultant engaged for that purpose.

The objectives of an investigation are:

- to collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
- to consider the information collected and to draw conclusions objectively and impartially; and
- to maintain procedural fairness in the treatment of witnesses and generally to all parties involved in the disclosure.

### Matters that do not have to be investigated

Before embarking on the investigation of a public interest disclosure, the Principal Officer or Public Interest Disclosure Officer must first consider whether the disclosed matter needs to be investigated. Section 64 specifies certain circumstances under which a public body may legitimately decide not to investigate. Those circumstances are if:

- in the opinion of the public body the disclosure is trivial, vexatious, misconceived or lacking in substance;
- the subject matter of the disclosure has already been adequately dealt with by the Ombudsman or a public body, statutory authority, Commonwealth statutory authority, commission, court or tribunal;
- the person making the disclosure has commenced proceedings in a commission, court or tribunal in relation to the same matter, and that commission, court or tribunal has power to order remedies similar to those available under this Act;
- the person making the disclosure had knowledge for more than 12 months of the disclosed matter before making the disclosure and failed to give a satisfactory explanation for the delay in making the disclosure;
- the disclosure relates solely to the personal interests of the person making the disclosure;

- the disclosure is based on false or misleading information; or
- the matter which is the subject of the disclosure has already been determined and the additional disclosure does not provide significant or substantial new information.

Any decision not to proceed with an investigation on a ground specified in s 64 must be made by the Principal Officer.

If the Principal Officer determines that the disclosed matter is not to be investigated, notice of this fact must be given within 14 days to both the Ombudsman and (except in the case of an anonymous disclosure) the person who made the disclosure. Reasons for the decision must accompany the notice.

The Ombudsman is required by s 65(2) to review such a decision. Following the review, the Ombudsman must notify the [NAME OF PUBLIC BODY] of his or her decision within a reasonable time. If the Ombudsman on review determines that the disclosure should not be investigated, the matter does not need to be dealt with under the Act. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will decide how the matter should be dealt with.

If the Ombudsman determines that the disclosure should be investigated, and the matter is not referred to the Ombudsman for a reason specified in s 68, the [NAME OF PUBLIC BODY] must proceed with the investigation.

## **Appointment of investigator and framing of terms of reference**

The Principal Officer – not a Public Interest Disclosure Officer - will determine who is to carry out the investigation. As earlier indicated, this may be an officer within the [NAME OF PUBLIC BODY] or an external consultant.

The investigator will be given formal terms of reference, signed by the Principal Officer.

The terms of reference will specify:

- the matters to be investigated;
- the date by which the investigation is to be concluded; and
- the resources available to the investigator for the purposes of the investigation.

The completion date should be as soon as practicable but, in any event, not more than 6 months from the date of the determination that the disclosure is a public interest disclosure under s 77A(1). If at any stage before or during the investigation it appears that the investigation cannot be completed within 6 months, the [NAME OF PUBLIC BODY] may apply to the Ombudsman for an extension of up to 6 months in which to complete the investigation under s 77A(2).

The terms of reference should require the investigator to make regular reports to the Principal Officer.

## Investigation plan

The investigator should prepare an investigation plan for approval by the Principal Officer. The plan should list the issues which are to be investigated and describe the steps which the investigator intends to take in investigating each of those issues.

The plan should be updated as necessary during the course of the investigation.

## Natural justice

The principles of natural justice must be carefully observed in the course of the investigation, with respect to all parties involved. These principles are sometimes referred to as “procedural fairness”.

The principles are a set of procedural standards which need to be met if the right of a person to a fair hearing can be accepted as having been satisfied.

The [NAME OF PUBLIC BODY] will comply with the following requirements in ensuring that procedural fairness is accorded to all parties involved.

No one is to be involved in the investigation:

- who is known to be biased against any person who is potentially subject to an adverse finding;
- who is known to hold any biases which are relevant to the subject-matter of the investigation; or
- in respect of whom there is reasonable ground for apprehending or suspecting bias.<sup>4</sup>

If the investigator is aware of any reason why they may be susceptible to an allegation of bias on the basis of these principles, they should immediately inform the Principal Officer.

Any person who is potentially subject to an adverse finding or comment must be told of:

- the allegations made against them, or which have arisen against them as a result of the investigation;
- all of the information which is adverse to their interests and which is, on an objective basis, credible, relevant and significant to the investigation; and
- the potential findings in view, and their possible consequences.

This must be done before any final conclusions are formed by the investigator.

Each such person must be given a reasonable time to respond to the material which is provided to them.

The investigator must maintain an open mind, and must fairly take into account all representations which such a person may make.

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<sup>4</sup> For apprehended bias, the test is whether a fair minded lay observer, taking into account all relevant circumstances, might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the questions that he or she is required to decide.

Note that there is no requirement to inform the person who is subject to the disclosure as soon as it is received, or as soon as the investigation has commenced. Note also that the name of the person making the disclosure or any particulars which might identify that person must not be revealed unless necessary, and with the discloser's knowledge.

The final investigation report should be drafted in a way that demonstrates that procedural fairness has been accorded. For instance, it should record and deal with all submissions and evidence which a person has put in their defence.

## **Conduct of the investigation**

A useful reference in planning and executing the investigation is the publication by the Australian Public Service Commission (albeit produced for a different purpose), *Handling misconduct: A human resource manager's guide* (Second Edition, 2015).<sup>5</sup>

The investigator should make contemporaneous notes of all discussions and phone calls, and consideration should be given to the desirability of audiotaping significant interviews with witnesses

All information gathered in the course of the investigation must be securely stored.

Interviews should be conducted in private, and the investigator should take all reasonable steps to protect the identity of the discloser. Where disclosure of the identity of the person cannot be avoided, due to the nature of the allegations, the investigator should warn the discloser and his or her welfare manager of this.

## **Referral of an investigation to the Ombudsman**

Under s 68 of the Act, a public body may refer the investigation of a disclosed matter to the Ombudsman where the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation.

Any decision as to whether the investigation should be referred to the Ombudsman will be taken by the Principal Officer.

See also [part 11.3.3](#), concerning referral of an investigation to the Ombudsman, with a view to referral by the Ombudsman to the Commissioner of Police of suspected criminal conduct.

## **Provision of information about the investigation**

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept regularly informed concerning the handling of a protected disclosure and an investigation.

The Principal Officer must report to the Ombudsman about the progress of an investigation.

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<sup>5</sup> Available online at <http://www.apsc.gov.au/publications-and-media/current-publications/handling-misconduct-a-human-resource-managers-guide-2015/part-i-framework-for-handling-misconduct> (current as at June 2017).

Section 74 of the Act requires a public body, at the request of the Ombudsman or the person who made the disclosure, to give the Ombudsman or that person reasonable information about the investigation. The information must be given within 28 days of the request.

However, as provided in s 74(3), such information does not have to be given to the discloser if:

- it has already been given to the person; or
- the giving of the information would endanger the safety of another or may prejudice the conduct of the investigation.

## Action taken after an investigation

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### Investigator's final report

At the conclusion of the investigation, the investigator must submit a written report of his or her findings to the Principal Officer. The report should contain:

- the allegation/s;
- a description of the manner in which the investigation was conducted, with sufficient detail to demonstrate that procedural fairness was observed;
- an account of all relevant information received;
- details of the evidence and submissions supplied by any person against whom an adverse finding is made, and the evaluation of that material by the investigator; and
- the findings made and conclusions reached, and the basis for them.

Note in particular that the report should not include any comment adverse to any person unless that person has been given an opportunity to be heard in the matter and their defence is fairly set out in the report (see [part 13.5](#) of these procedures).

With a view to potential action by the public body under s 75 of the Act, if the investigator has found that conduct disclosed by the discloser has occurred, the investigator may wish to include recommendations as to:

- any steps that need to be taken by the [NAME OF PUBLIC BODY] to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the [NAME OF PUBLIC BODY] to remedy any harm or loss arising from that conduct.

The steps to be taken may include bringing disciplinary proceedings against the person responsible for the conduct, and referring the matter to an appropriate authority for further consideration. For example, if the investigation has revealed conduct that may constitute a criminal offence, consideration should be given to whether the matter should be referred to Tasmania Police, unless this has previously occurred.

The report must be accompanied by:

- the transcript or other record of any oral evidence taken, including tape recordings; and
- all documents, statements or other exhibits received by the officer and accepted as evidence during the course of the investigation.

The report must not disclose particulars likely to lead to the identification of the discloser under s 23(2).

## Action to be taken

If the Principal Officer is satisfied that the conduct which was the subject of the investigation has occurred, he or she must consider the recommendations in the investigator's report and decide upon the steps which are to be taken to prevent the conduct from continuing or occurring in the future under s 75(1)(a). Again taking into consideration any recommendations in the investigator's report, the Principal Officer must also consider whether any action should be taken to remedy any harm or loss arising from the conduct under s 75(1)(b).

Where the Public Interest Disclosure Officer is responsible for the progress of the investigation and is satisfied that the disclosed conduct has occurred, he or she will recommend to the Principal Officer the action that must be taken.

The Principal Officer will provide a written report to [NAME OF THE MINISTER RESPONSIBLE FOR THE PUBLIC BODY, OR NAME OF COUNCIL WHERE DISCLOSURE RELATES TO EMPLOYEE OF A COUNCIL] and the Ombudsman, setting out the findings of the investigation and any remedial steps taken.

Where the investigation concludes that the disclosed conduct did not occur, the Principal Officer will report these findings to the Ombudsman and to the discloser.

As required by s 77 of the Act, the Principal Officer will also inform the discloser of the findings of the investigation, and of any steps taken under s 75 as a result of the findings made.

## Managing the welfare of the discloser

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### Commitment to protecting disclosers

The [NAME OF PUBLIC BODY] is committed to the protection of genuine disclosers against detrimental action taken in reprisal for the making of protected disclosures. The Principal Officer is responsible for ensuring that disclosers and witnesses are protected from detrimental action, and that the culture of the workplace is supportive of protected disclosures being made.

The Principal Officer or the Public Interest Disclosure Officer must appoint a welfare manager to support all persons who have made a protected disclosure. See [part 8.5](#) for the responsibilities of a welfare manager.



The welfare manager must also provide advice about what the discloser should do if they believe that a colleague/s or a relative/s is being subjected to detrimental action. The advice will include what level of information it is necessary for them to provide.

All employees will be advised that it is an offence for a person to take detrimental action in reprisal for a protected disclosure (s 19). The maximum penalty is a fine of 240 penalty units or two years imprisonment, or both. The taking of detrimental action in breach of this provision can also be grounds for making a disclosure under the Act and can result in an investigation.

See [part 6.5](#) for further details as to what constitutes detrimental action.

A discloser who believes that they are being subjected to detrimental action should report it to the Principal Officer or a Public Interest Disclosure Officer. If they believe that the reprisal is not being effectively dealt with by the [NAME OF PUBLIC BODY], they may report the matter to the Ombudsman. A report of detrimental action may qualify as a protected disclosure under the Act.

## **Keeping the discloser informed**

The Principal Officer or the Protected Interest Disclosure Officer must ensure that the discloser is kept informed of action taken in relation to his or her disclosure, and the time frames that apply. The discloser must be informed of the objectives of any investigation that takes place, the findings of the investigation, and the steps taken by the [NAME OF PUBLIC BODY] to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by the [NAME OF PUBLIC BODY] in relation to a disclosure. All communication with the discloser must be in plain English.

## **Occurrence of detrimental action**

If a discloser reports an incident of detrimental action allegedly taken in reprisal for the making of the disclosure, the welfare manager must:

- record details of the incident;
- advise the discloser of his or her rights under the Act; and
- advise the Principal Officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence against the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Public Interest Disclosure Officer or the Principal Officer will assess the report as a new disclosure under the Act, and it will be dealt with accordingly in accordance with these procedures.

## **Discloser implicated in improper conduct**

Where a person who makes a disclosure is implicated in misconduct, the [NAME OF PUBLIC BODY] will handle the disclosure and protect the discloser from reprisals in accordance with the Act, the Ombudsman's guidelines and these procedures. At the same time the [NAME OF PUBLIC BODY] acknowledges that the act of disclosing should not shield disclosers from the

reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for his or her own conduct is not affected by the person's disclosure of that conduct under the Act. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

The Principal Officer will make the final decision as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the person's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Principal Officer must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not causally connected to the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are good and sufficient grounds that would fully justify action against any non-discloser in the same circumstances; and
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Public Interest Disclosure Officer or Principal Officer will thoroughly document the process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The Public Interest Disclosure Officer or Principal Officer will clearly advise the discloser of the proposed action to be taken, and of any mitigating factors that have been taken into account.

## **Management of the person against whom a disclosure has been made**

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The [NAME OF PUBLIC BODY] recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. The [NAME OF PUBLIC BODY] will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where an investigation does not substantiate a disclosure, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Public Interest Disclosure Officer or Principal Officer will ensure that the person who is the subject of any disclosure investigated by or on behalf of the [NAME OF PUBLIC BODY] is accorded natural justice in accordance with [part 13.5](#) of these procedures.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or of the investigation, the Public Interest Disclosure Officer or Principal Officer will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

The [NAME OF PUBLIC BODY] will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Principal Officer of the [NAME OF PUBLIC BODY] will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

## Offences

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The [NAME OF PUBLIC BODY] will ensure officers appointed to handle protected disclosures and all other employees are aware of the following offences created by the Act:

- Section 19(1)

This provision makes it an offence for a person to take detrimental action against a person in reprisal for a protected disclosure being made. The section provides for a maximum penalty of a fine of 240 penalty units or two years imprisonment, or both.

- Section 23(1)

This provision makes it an offence for a person to disclose, except under specified circumstances, information which they have obtained or received in the course of or as a result of a protected disclosure or the investigation of a disclosed matter under the Act. The section provides for a maximum penalty of 60 penalty units or six months imprisonment, or both.

- Section 54

This section creates various offences relating to obstructing the work of the Ombudsman under the Act, including offences relating to misleading the Ombudsman. The section provides for a maximum penalty of 240 penalty units or two years imprisonment, or both.

- Section 87(1)

This provision makes it an offence for a person to knowingly provide false information under the Act to certain officers (including the Ombudsman) with the intention that it be acted on as a disclosed matter. The provision provides for a maximum penalty of 240 penalty units or two years imprisonment, or both.

- Section 87(2)

This section makes it an offence for a person to knowingly provide false information to a person conducting an investigation under the Act. The provision provides for a maximum penalty of 240 penalty units or two years imprisonment, or both.

The value of a penalty unit varies from time to time in accordance with movements in the Consumer Price Index. For more information, see the [Department of Justice website](#).<sup>6</sup>

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<sup>6</sup> [www.justice.tas.gov.au/about/legislation/value\\_of\\_indexed\\_units\\_in\\_legislation](http://www.justice.tas.gov.au/about/legislation/value_of_indexed_units_in_legislation)

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## Approval and review of these procedures

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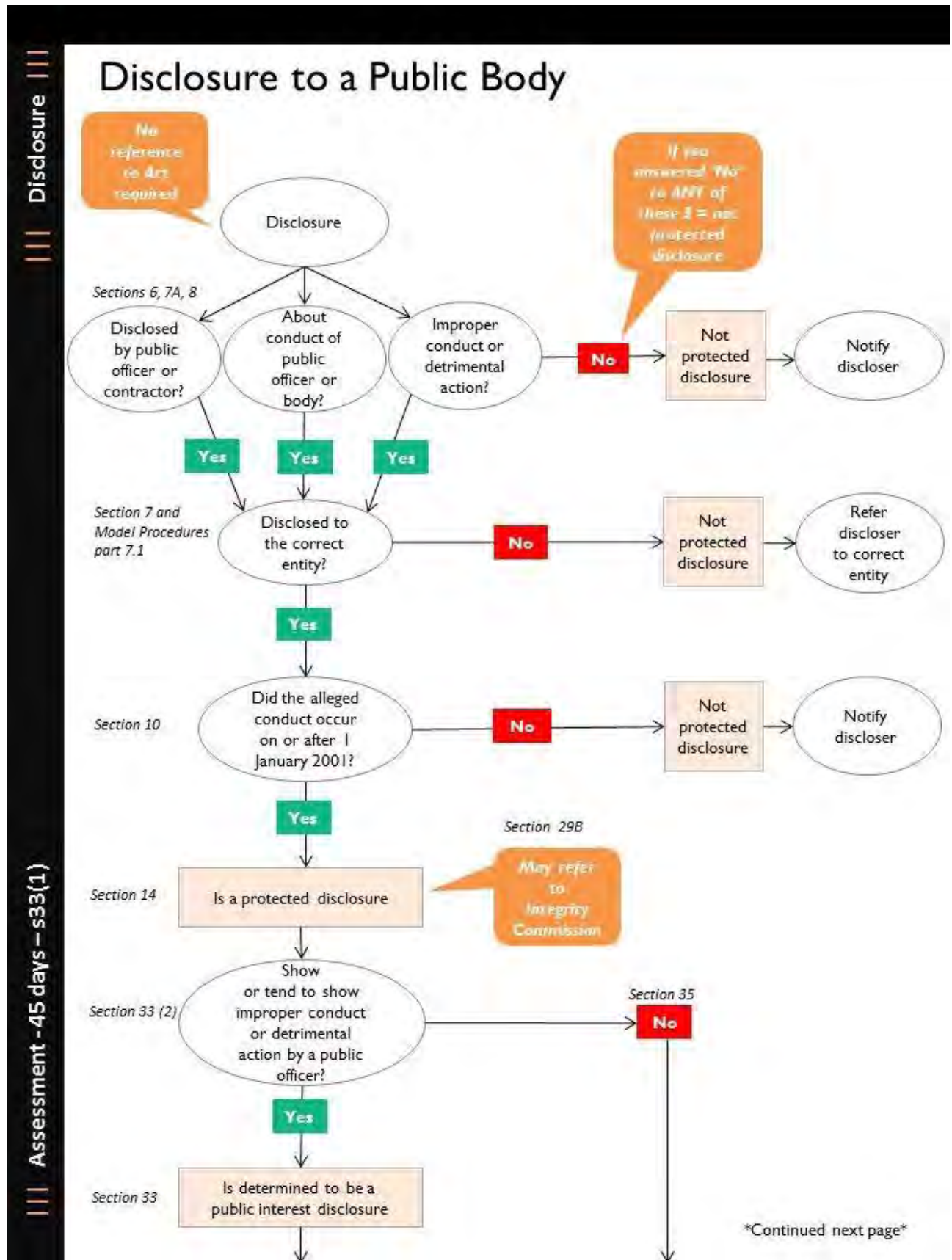
*[This is only relevant for a 'large public body', as defined in s60(4) of the Act. All other public bodies may delete this section.]*

These procedures were approved by the Ombudsman under s 60(3) of the Act on [DATE OF INITIAL APPROVAL].

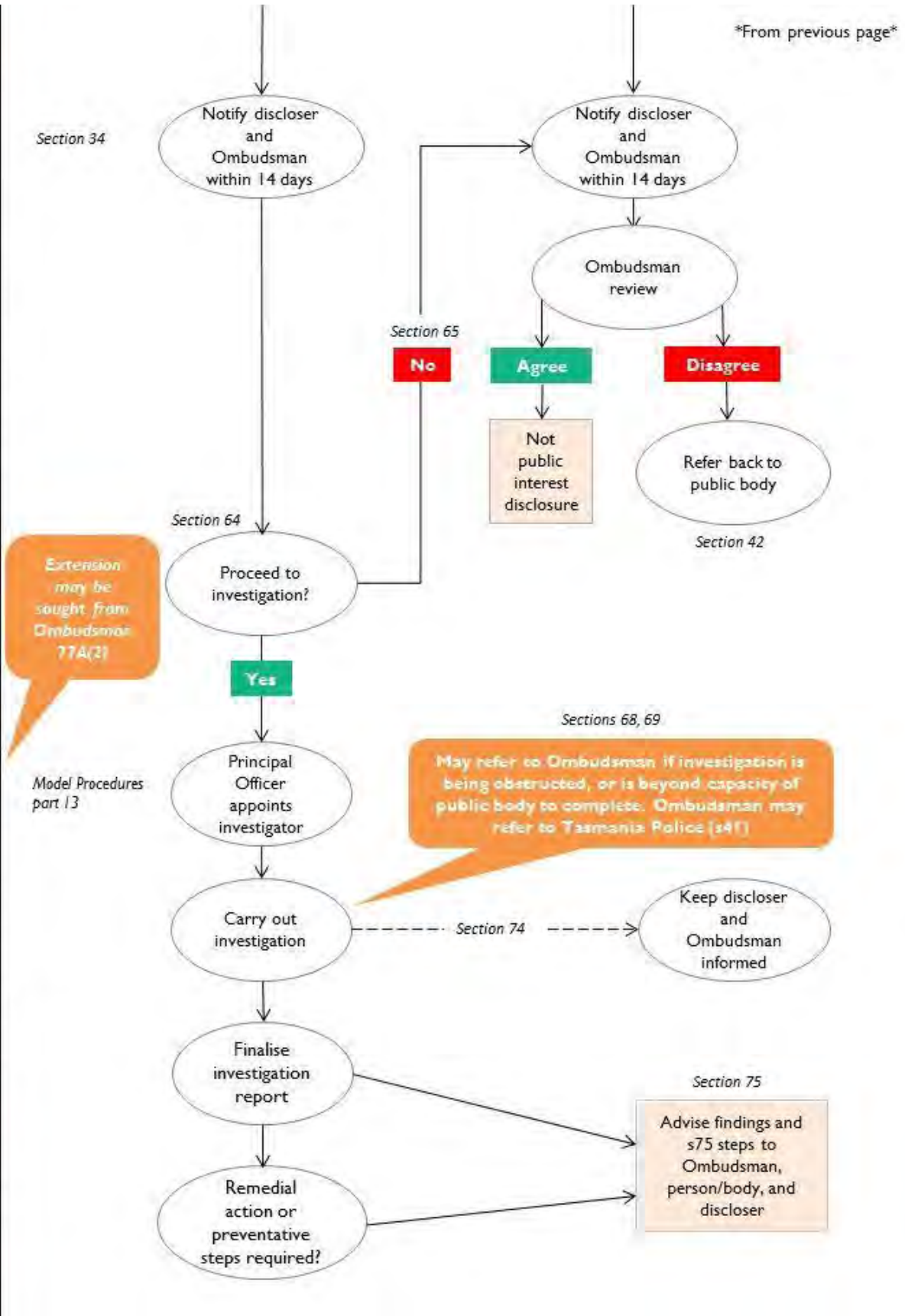
The procedures will be submitted to the Ombudsman for review at least once in each 3 year period to ensure they meet the objectives of the Act and accord with the Guidelines and Standards published by the Ombudsman under s 38(1)(c) of the Act.

The date by which the procedures must be submitted to the Ombudsman for review is [DATE].

# Attachment I: Flowchart



IIII Notification and Review  
 IIII Investigation - 6 months – s77A  
 IIII Result IIII





*Public Interest Disclosures Act 2002*

# **Guidelines and Standards for procedures to be followed by Public Bodies**

Date of first issue of Guideline and Standards: 28 March 2011

Revised: June 2017

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## **I Introduction**

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These Guidelines and Standards are published by the Ombudsman under s 38(1)(c) of the *Public Interest Disclosures Act 2002* (the Act).

That provision requires the Ombudsman to prepare and publish guidelines and standards for the procedures to be followed by public bodies in relation to a number of matters:

- disclosures under Part 2 of the Act;
- investigations under Part 7 of the Act;
- the protection of persons from reprisal because of the making of a protected disclosure; and
- the application of natural justice to all parties involved in an investigation of a public interest disclosure.

Section 60 of the Act requires each public body, as defined in the Act, to establish procedures which comply with these Guidelines and Standards.

For large public bodies (as defined in s 60(4) of the Act), the procedures established by the public body must be submitted to the Ombudsman for approval before they are finally adopted. They must then be submitted to the Ombudsman for renewed approval at least once in every subsequent 3-year period, following the initial approval. The procedures or implementation of the procedures of all public bodies may be reviewed by the Ombudsman at any time under section 62 of the Act.

Model Procedures which comply with these Guidelines and Standards are attached, as Appendix B. A public body may wish to adopt these Model Procedures, with necessary modifications to suit its circumstances, submitting the modified document for approval.

If a public body does not wish to adopt the Model Procedures, the procedures which it develops must comply with these Guidelines and Standards.

## **2 Replacement of former Guidelines**

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These Guidelines and Standards replace the Guidelines published by the Ombudsman under the Act in November 2003.

These new Guidelines and Standards have been prepared in light of amendments to the Act made by the *Public Interest Disclosures Amendment Act 2009*, which commenced on 1 October 2010.

## **3 Background**

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### **3.1 The purpose of this part**

This part of these Guidelines and Standards contains material which explains the context within which the specific guidelines and standards, which are set out in part 4, and the procedures set out in the Model Procedures in Appendix B, are intended to operate. Amongst other things, it explains:

- the purpose of the Act;
- in a general way, how the Act works ;
- important terms in the Act – see also Appendix A;
- what a "public body" is;
- who may receive disclosures under the Act;
- the obligations of a public body and its officers under the Act; and
- the procedures which a public body must follow under the Act.

### **3.2 The purpose of the Act**

The purposes of the Act are contained in its long title. These are:

- to encourage and facilitate disclosures of improper conduct by public officers and public bodies;
- to protect persons making those disclosures, and others, from reprisals;
- to provide for the matters disclosed to be properly investigated and dealt with; and
- to provide all parties involved in the disclosures with natural justice.

### **3.3 How the Act works**

This part of these Guidelines and Standards needs to be read with part 3.4 below

Briefly, the Act works in this way:

- it gives certain people – "public officers" and "contractors" – the right to make a disclosure about "improper conduct" or "detrimental action" to certain

integrity agencies, other persons and bodies (See Part 2 of the Act, particularly s 6);<sup>1 2</sup>

- a disclosure which is made in the exercise of this right is called a “protected disclosure”;
- it provides certain statutory protections for such protected disclosures (See Part 3);
- it dictates how the recipient of the disclosure is to deal with it (See Parts 4 to 8);
- it treats the Ombudsman as the oversight agency in relation to the operation of the Act, including the default investigator, monitor of investigations by public bodies, and setter of standards under the Act;
- where the disclosure is handled by the Ombudsman or a public body, it requires a preliminary determination as to whether the protected disclosure is a “public interest disclosure” (ss 30 and 33). This is a disclosure which, in the case of decision-making by the Ombudsman, meets the requirements of s 30(2), or, in the case of decision-making by the public body, meets the requirements of s 33(2);
- subject to exceptions, it requires investigation by the Ombudsman or public body of any protected disclosure which is found to be a public interest disclosure (ss 39 and 63);
- it requires such investigation to be conducted as soon as practicable (ss 39A and 77A);
- it controls the manner in which a disclosure is investigated, and provides powers in this respect;
- in the case of investigation by the Ombudsman, it gives the Ombudsman the power to recommend that action be taken in light of the investigation (s 56); and
- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it obliges the public body to take action to

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<sup>1</sup> Note that s 7A of the Act permits a person to whom a disclosure may be made under Part 2 of the Act to treat a person who is not a public officer or contractor as a contractor for the purposes of the Act, if they consider that it would be in the public interest to do so. Disclosures from these deemed contractors should be referred to the Ombudsman or Integrity Commission.

<sup>2</sup> Note that a public officer can make a disclosure about actions by a public officer or a public body, whereas a contractor can only make a disclosure about actions by a public body with which the contractor has entered into a contract (s 6). Disclosures about a public body may only be made to the Ombudsman or Integrity Commission to receive protection under the Act.

prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75);

### 3.4 Important terms

To properly understand the reach of the Act and how it operates, it is necessary to understand a number of fundamental expressions which the Act uses. These are principally defined in ss 3 and 4.

The significance of these expressions can be seen most directly in ss 6, 30(2) and 33(2). The first of these sections creates the right to make a disclosure which is protected by the Act. The other two sections bear upon the obligation to investigate.

These expressions, in particular, must be understood:

- “public officer” (see s 3(1) and ss 4(2) and (4));
- “public body” (see s 3(1) and ss 4(1) and (3));
- “improper conduct”, which itself leads to the expression “corrupt conduct” (see s 3(1));
- “detrimental action” (s 3(1));
- “contractor” (s 3(1));
- “protected disclosure” (ss 3(1) and 14); and
- “public interest disclosure” (ss 3(1), 30(1) and (2) and 33(1) and (2)).

For convenience, the definitions in the Act of these terms are set out in Appendix A.

Note:

- That the definition of “improper conduct” only covers conduct which “is serious or significant as determined in accordance with guidelines issued by the Ombudsman”. Guidelines on this subject have been published, and can be accessed at [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au). They are to be found in Guideline 1/2010.
- That a “protected disclosure” is one which is made in accordance with Part 2 of the Act.
- That the expression “public interest disclosure” is not defined in s 3(1) of the Act, but finds its explanation in ss 30 and 33. The expression denotes a disclosure which has resulted in a determination by the Ombudsman under s 30, or by a public body under s 33, under which the Ombudsman or public body is satisfied that the disclosure:

- a) *shows or tends to show that a public officer or public body –has engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer or public body; or*
- b) *has taken, is taking or proposes to take detrimental action in contravention of section 19.*

Importantly, only the Ombudsman can determine that a disclosure about a public body is a public interest disclosure. Although not defined in s 3(1) of the Act, the expression “public interest disclosure” is used throughout the Act, most importantly in ss 30, 32-35, 37-40, 42, 62A, 63, 77A, 79, and 81.

### **3.5 “Public body”**

For the purposes of the Guidelines and Standards, which apply to public bodies, it is important to identify which bodies this expression covers.

As stated in s 4(1) of the Act, the expression includes:

- a) *the Parliament of Tasmania;*
- b) *a State Service Agency;*
- c) *the Police Service;*
- d) *a council;*
- e) *a Government Business Enterprise;*
- f) *a State-owned Company;*
- g) *a council-owned company;*
- h) *a body or authority, whether incorporated or not, whose members or a majority of whose members are appointed by the Governor or a Minister;*
- i) *any other prescribed body or authority, whether incorporated or not –*
  - (i) to which any money is paid by way of appropriation from the Public Account; or*
  - (ii) over which the Government or a Minister exercises control.*

And, as stated in s 4(3), the expression does not include –

- a) *a court;*
- b) *a tribunal;*
- c) *the Tasmanian Industrial Commission;*

- d) *the Integrity Commission;*
- e) *any other prescribed body.*

### **3.6 “Public officer”**

It is also important to understand who is and who is not a “public officer”.

Aside from a contractor, only a person who is currently public officer may make a disclosure under the Act. Note also that a disclosure under the Act may only be made under the Act in relation to conduct or detrimental action by a public officer or public body.

As stated in s 4(2) of the Act, the following persons are public officers for the purposes of the Act:

- (a) *a Member of Parliament;*
- (b) *a councillor;*
- (c) *a member, officer or employee of a public body;*
- (d) *a member of the governing body of a public body;*
- (e) *an employee of a council;*
- (f) *any person performing functions under the Parliamentary Privilege Act 1898;*
- (g) *a person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament whether in accordance with the State Service Act 2000, Parliamentary Privilege Act 1898 or otherwise;*
- (h) *any person performing functions under the Governor of Tasmania Act 1982;*
- (i) *a person appointed to an office by the Governor or a Minister under an Act*

And, as stated in s 4(4) of the Act, the following persons are not public officers for the purposes of the Act –

- (a) *the Governor of Tasmania;*
- (b) *a judge of the Supreme Court;*
- (c) *the Associate Judge of the Supreme Court;*
- (d) *a magistrate of the Magistrates Court;*
- (e) *the Director of Public Prosecutions;*

(f) any other prescribed person.

No such person has been prescribed.

### 3.7 To whom a disclosure may be made

This is governed by s 7 of the Act, and is explained in the following table:

Officer or public body to which the disclosure relates	Person to whom the disclosure may be made
a member, officer or employee of a public body other than the Police Service or a State Service Agency	that public body; or the Integrity Commission; or the Ombudsman
a member, officer or employee of a public body that is a State Service Agency	that State Service Agency; or the Integrity Commission; or the Ombudsman
a member of the Police Service, other than the Commissioner of Police	the Commissioner of Police
the Commissioner of Police	the Ombudsman
a member of the Legislative Council	the President of the Legislative Council
a member of the House of Assembly	the Speaker of the House
a councillor, within the meaning of the <i>Local Government Act 1993</i>	the Ombudsman
a person employed under the provisions of the <i>Parliamentary Privilege Act 1898</i>	the Ombudsman; or the Integrity Commission
the Auditor-General	the chairman of the Public Accounts Committee
the Ombudsman	the Joint Standing Committee on Integrity
a person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament	the Ombudsman
in any other case, including if the disclosure is about a public body as opposed to an individual public officer	the Ombudsman; or the Integrity Commission



Hence, a public body may under the Act be the recipient of a disclosure made to it under the Act by a member, officer or employee. It may also be the recipient of a disclosure referred to it by the Ombudsman or the Integrity Commission, for investigation: ss 29C and 42. A contractor, or a member of the public under s7A, can only make a disclosure to the Ombudsman or the Integrity Commission.

A disclosure does not need to contain any reference to the Act in order for it to be a disclosure.

### **3.8 Obligations of a public body and its officers**

This part deals with the general obligations which the Act imposes on a public body, and in particular on its principal officer. The next part deals with the processes which a public body must follow when it receives a protected disclosure.

Section 60(1) of the Act requires a public body to establish procedures which comply with these Guidelines and Standards.

The procedures established by the public body must:

- include procedures for the protection and welfare of the person making the disclosure: s 60(2); and
- if the agency is a large public body, be submitted to the Ombudsman for initial approval and then be submitted at least once in each three year period: s 60(3).

The public body must ensure that a copy of the procedures is available to each member, officer and employee of the public body: s 61(1). It must also make the procedures available to the public in such manner it thinks fit: s 61(2)

As provided in s 62A(1)(a), responsibility for preparing the procedures for approval by the Ombudsman falls with the principal officer.

As defined in s 3(1) of the Act, the expression "principal officer" refers to -

- a) *the Secretary of a State Service Agency; or*
- b) *the general manager of a council, but only in relation to the employees of that council; or*
- c) *the chief executive officer of a State-owned company or council-owned company; or*
- d) *the chief executive officer of a Government Business Enterprise; or*
- e) *the principal administrative officer of a public body; or*
- f) *such other person as may be prescribed;*

The principal officer also has responsibility for receiving public interest disclosures and making sure that they are dealt with in accordance with the Act. Like all of the principal officer's responsibilities, these may be delegated to a public interest disclosure officer: s 62B. Indeed, the Act requires by s 62A(2) that the principal officer appoint one or more public interest disclosure officers. Before making such an appointment, the principal officer must ensure that the proposed appointee has the skills and knowledge needed to fulfil the role: s 62A(4).

The other obligations imposed on a principal officer by s 62A are:

- to ensure the protection of witnesses;
- to ensure the application of the principles of natural justice in the public body's procedures;
- to ensure the promotion of the importance of public interest disclosures, including general education of all staff about the legislation, and ensuring easy access to information about both the legislation and the public body's procedures;
- to provide access, for persons making a disclosure and others involved in the process of investigation, to confidential employee assistance programs; and
- to provide access, for persons making a disclosure and others involved in the process of investigation, to appropriately trained internal support staff.

### **3.9 Procedures to be followed by a public body**

A public body may receive disclosures in various ways.

A disclosure may be made directly to the public body under Part 2 of the Act. Alternatively, and as earlier indicated, a public body may receive a disclosure by way of referral from the Ombudsman under s 42, or from the Integrity Commission under s 29A(b).

Subject to the terms of Division 2 of Part 7 of the Act (ss 63 to 72), and as provided for in s 63, a public body must investigate:

- every disclosure about a public officer that it receives and determines is a public interest disclosure under s 33 – see part 3.9.1 below; and
- every disclosure that the Ombudsman has referred to the public body for investigation.

#### **3.9.1 Determining whether the disclosure is a public interest disclosure**

Where a public body has received a disclosure under Part 2 of the Act, it may choose to refer the disclosure to the Integrity Commission (s 29B). If it decides to refer in

this way, and unless the disclosure was anonymously made, the public body must within a reasonable time notify the person who made the disclosure: s29D.

Otherwise – and this applies also to disclosures referred to it by the Integrity Commission – the public body must within 45 days of receiving the disclosure make a determination as to whether the disclosure is a public interest disclosure: s 33(1). As earlier indicated, and as arises from the terms of s 33(2) of the Act, the issue here is whether the public body is satisfied that the disclosure –

*shows or tends to show that a public officer–*

- a) has engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer or public body; or*
- b) has taken, is taking or proposes to take detrimental action in contravention of section 19.*

See the definitions of “improper conduct” and “detrimental action” in Appendix A.

If the public body decides that the disclosure is a public interest disclosure, it must give notice of that determination to the person who made the disclosure (unless the disclosure was anonymous), and to the Ombudsman, doing so within 14 days of the making of the determination: s 34.

Similarly, if the public body decides that the disclosure is not a public interest disclosure, it must give notice of that determination to the person who made the disclosure (unless the disclosure was anonymous), and to the Ombudsman, within 14 days of the making of the determination: s 35. A determination to this effect must be reviewed by the Ombudsman: s 35(2).

### **3.9.2 Disclosures which do not need to be investigated**

As provided for in s 64 of the Act, the public body is not obliged to investigate a disclosure which it has received and determined under s 33 to be a public interest disclosure if:

- the public body is of the opinion that the disclosure is trivial, vexatious, misconceived or lacking in substance;
- the subject matter of the disclosure has already been dealt with by the Ombudsman or a public body, statutory authority (either State or Commonwealth), commission, court or tribunal;
- the person making the disclosure has commenced proceedings in a commission, court or tribunal in relation to the same matter, and that entity has power to order remedies similar to those available under the Act;
- the person making the disclosure had knowledge for more than 12 months of the disclosed matter before making the disclosure, and has failed to give a satisfactory explanation for the delay in making the disclosure;

- the disclosure relates solely to the personal interests of the person making the disclosure;
- the disclosure is based on false or misleading information; or
- the matter which is the subject of the disclosure has already been determined, and the additional disclosure does not provide significant or substantial new information.

In the event that the public body decides not to investigate the disclosure on any of these grounds, the body is required by s 65 of the Act to notify both the Ombudsman and (except in the case of an anonymous disclosure) the person who made the disclosure within 14 days. Reasons for the decision must be given to the person making the disclosure, and should also sensibly be given to the Ombudsman. The Ombudsman is required by s 65(2) to review such a decision.

### **3.9.3 Public body may refer the investigation to the Ombudsman, or the Ombudsman may take over the investigation**

A public body may refer the investigation of a disclosed matter to the Ombudsman if the public body considers that its own investigation is being obstructed, or that it is not otherwise within the capacity of the public body to complete the investigation: s 68. Where that happens, the public body must notify the person who made the disclosure, unless the disclosure was anonymously made: s 72(1).

The Ombudsman may also take over the investigation of a disclosed matter from a public body where the Ombudsman is not satisfied with the investigation: s 69.

If the Ombudsman commences or takes over an investigation of a disclosed matter that a public body was to investigate or has commenced investigating, the public body must give the Ombudsman in writing any information that it has, and any findings, preliminary or otherwise, that it has made, in respect of the matter: s 70.

Where the investigation of a disclosed matter has been referred to the Ombudsman, or the Ombudsman has taken over an investigation from a public body, one of the options available to the Ombudsman is to refer the matter back to the public body with recommendations about the future conduct of the investigation: s 71(1)(c).

If the investigation of a disclosed matter by a public body has been taken over by the Ombudsman, the Ombudsman may also enquire into the conduct of the investigation by the public body: s 71(2).

### **3.9.4 Investigation by the public body**

Various provisions within the Act impose obligations upon a public body in connection with the investigation of a disclosed matter.

A public body must:

- conduct the investigation in accordance with procedures established by the public body in accordance with these Guidelines and Standards - see s 73, read with ss 38(1)(c)(ii) and 60(1);
- subject to the exceptions set out in s 74(3), and if so requested by the Ombudsman or the person who made the disclosure, give the Ombudsman or that person (as the case requires), reasonable information about the investigation, doing so within 28 days of receiving the request: s 74;
- except where it decides not to investigate in accordance with s 64 (see part 3.9.2), complete the investigation as soon as practicable, but in any event not more than 6 months from the date of the determination that the disclosure is a public interest disclosure (subject to the possibility of an extension of time, as explained in the following paragraph): 77A(1);

The public body may apply to the Ombudsman for an extension of time of up to 6 months in which to complete the investigation: s 77A(2). The Ombudsman may grant an extension if he or she considers that reasonable progress has been made by the public body: s 77A(3).

If the investigation is not completed within the 6 month period provided for in s 77A(1), or any period of extension granted by the Ombudsman, the public body must refer the public interest disclosure to the Ombudsman within 14 days of the end of the period, together with all relevant information: s 77A(4).

### **3.9.5 Following the investigation**

If, on completing the investigation of a disclosed matter, the public body finds that the conduct which was the subject of the investigation occurred, the public body must, in accordance with s 75(1):

- take all reasonable steps to prevent the conduct from continuing or occurring in the future; and
- take action to remedy any harm or loss arising from the conduct.

As indicated in s 75(2), the steps to be taken may include:

- bringing disciplinary proceedings against the person responsible for the conduct; and
- referring the matter to the appropriate authority for investigation.

Referring the matter to the appropriate authority for investigation may include referring the matter to the police.

The public body must give written notice to the Ombudsman of the findings of the investigation and of any steps taken under s 75: s76(1). It must also give written notice

to the “relevant person” of any steps taken under s 75 - the relevant person being the council, where the disclosed matter relates to an employee of a council, or otherwise the relevant Minister: ss 76(1)(b) and (2).

As required by s 77, the public body must also within a reasonable time of completing its investigation and, unless the disclosure was anonymous, inform the person who made the disclosure of the findings of the investigation and of any steps taken under s 75.

## **4 Guidelines and Standards**

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This part of these Guidelines and Standards is best read in conjunction with the Model Procedures in Appendix B.

Any procedures developed by a public body for the purpose of s 60 of the Act must address the following topics:

### **4.1 Procedures to be followed in relation to disclosures under Part 2**

- To whom a disclosure should be made;
- how the disclosure is to be received and recorded;
- assessing under s 33 whether the disclosure is a public interest disclosure – how this is to be done and who is to do it;
- assessing whether the matter deserves to be investigated (s 64) – how this is to be done and who is to do it;
- what is to be done if the decision is made not to investigate (s 65), and who is to do it;
- when a matter is to be referred to the Ombudsman, and who is to do it (s 68); and
- how referral to the police should occur, if required.

### **4.2 Procedures to be followed in relation to investigations under Part 7**

- The appointment of the investigator;
- terms of reference, and who is to issue them;
- the need for an investigation plan, and what it should address;

- how the investigation should be conducted;
- referral to the Ombudsman – when this may be necessary, and who should decide;
- maintenance of contact with the discloser and the Ombudsman; and
- action to be taken after the investigation – who is to do what (Part 7, Division 4).

#### **4.3 Protection from reprisal**

- Steps that must be taken to support, and protect the welfare of, the discloser and witnesses, and who has responsibility for these; and
- to whom reports of detrimental action should be made, and what should be done on receipt of such a report.

#### **4.4 Natural justice**

- An explanation of the principles of natural justice; and
- the procedures to be followed to make sure that the principles are observed.

#### **4.5 Other**

- Steps to be taken to protect the welfare of the person against whom the disclosure is made, and who has responsibility for these.

### **5 Model Procedures**

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As indicated, a public body may choose to adopt the Model Procedures in Appendix B, adapting these as may be necessary to match its internal administrative arrangements and systems.

### **6 Submitting procedures to the Ombudsman for approval**

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Large public bodies are required to establish procedures that comply with these guidelines and submit them to the Ombudsman for approval: s60. The procedures then need to be submitted at least once every three years following the initial approval for review.

A large public body includes:

- a State Service Agency;
- a council within the meaning of the Local Government Act 1993;
- a GBE; and
- a State-owned company.

The procedures must include procedures for the protection of the welfare of a person making a disclosure: s 60(2).

If the procedures prepared by the large public body depart from the Model Procedures in Appendix B (other than in completing the fields left blank for agency specific information), the procedures should be accompanied by a document which explains why the public body has departed from the Model Procedures and summarises the changes.

**Richard Connock**  
**Ombudsman**



## Appendix A

### Fundamental expressions used in the Act

As indicated in part 3.4 of these Guidelines and Standards, there are a number of expressions which are critical to understanding how the Act operates. These are –

- “public officer” (see s 3(1) and ss 4(2) and (4));
- “public body” (see s 3(1) and ss 4(1) and (3));
- “improper conduct”, which itself leads to the expression “corrupt conduct” (see s 3(1));
- “detrimental action” (s 3(1));
- “contractor” (s 3(1));
- “protected disclosure” (ss 3(1) and 14); and
- “public interest disclosure” (ss 3(1), 30(1) and (2) and 33(1) and (2)).

The first five of these expressions are to be found in s 6 of the Act. Section 6 is therefore set out below, followed by the provisions which are essential to understanding these expressions.

#### 6. Disclosures about improper conduct or detrimental action

(1) A *public officer* who believes that another *public officer* or a *public body* –

- (a) has engaged, is engaging or proposes to engage in *improper conduct* in their capacity as a *public officer* or *public body*; or
- (b) has taken, is taking or proposes to take *detrimental action* in contravention of section 19 –

may disclose that *improper conduct* or *detrimental action* in accordance with this Part.

(2) A *contractor* who believes that the *public body* with which the *contractor* has entered into a contract –

- (a) has engaged, is engaging or proposes to engage in *improper conduct* in its capacity as a *public body*; or
- (b) has taken, is taking or proposes to take *detrimental action* in contravention of section 19 –

may disclose that *improper conduct* or *detrimental action* in accordance with this Part.

[Emphasis added.]

*Meaning of "public officer" and "public body"*

**3. Interpretation**

"**public body**" means a public body referred to in section 4;

"**public officer**" means a public officer referred to in section 4;

**4. Public bodies and officers**

(1) Subject to subsection (3), the following bodies and authorities are public bodies for the purposes of this Act:

- (a) the Parliament of Tasmania;
- (b) a State Service Agency;
- (c) the Police Service;
- (d) a council;
- (e) a Government Business Enterprise;
- (f) a State-owned Company;
- (g) a council-owned company;
- (h) a body or authority, whether incorporated or not, whose members or a majority of whose members are appointed by the Governor or a Minister;
- (i) any other prescribed body or authority, whether incorporated or not –
  - (i) to which any money is paid by way of appropriation from the Public Account; or
  - (ii) over which the Government or a Minister exercises control.

(2) Subject to subsection (3), the following persons are public officers for the purposes of this Act:

- (a) a Member of Parliament;
- (b) a councillor;
- (c) a member, officer or employee of a public body;
- (d) a member of the governing body of a public body;
- (e) an employee of a council;

- (f) any person performing functions under the Parliamentary Privilege Act 1898;
- (g) a person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament whether in accordance with the State Service Act 2000, Parliamentary Privilege Act 1898 or otherwise;
- (h) any person performing functions under the Governor of Tasmania Act 1982;
- (i) a person appointed to an office by the Governor or a Minister under an Act.

(3) The following bodies are not public bodies for the purposes of this Act:

- (a) a court;
- (b) a tribunal;
- (c) the Tasmanian Industrial Commission;
- (d) the Integrity Commission;
- (e) any other prescribed body.

(4) The following persons are not public officers for the purposes of this Act:

- (a) the Governor of Tasmania;
- (b) a judge of the Supreme Court;
- (c) the Associate Judge of the Supreme Court;
- (d) a magistrate of the Magistrates Court;
- (e) the Director of Public Prosecutions;
- (f) any other prescribed person.

Meaning of "improper conduct"

**3. Interpretation**

"improper conduct" means –

- (a) conduct that constitutes an illegal or unlawful activity; or
- (b) corrupt conduct; or
- (c) conduct that constitutes maladministration; or
- (d) conduct that constitutes professional misconduct; or

- (e) conduct that constitutes a waste of public resources; or
- (f) conduct that constitutes a danger to public health or safety or to both public health and safety; or
- (g) conduct that constitutes a danger to the environment; or
- (h) misconduct, including breaches of applicable codes of conduct; or
- (i) conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman;

The Ombudsman has published Guidelines for the purpose of this provision. See Guideline 1/2010 at [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

Note that paragraph (b) leads to another definition in s 3, being that of "corrupt conduct" –

"corrupt conduct" means –

- (a) conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or
- (b) conduct of a public officer that amounts to the performance of any of his or her functions as a public officer dishonestly or with inappropriate partiality; or
- (c) conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or
- (d) conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or
- (e) a conspiracy or attempt to engage in conduct referred to in paragraph (a), (b), (c) or (d);

Meaning of "detrimental action"

### 3. Interpretation

"detrimental action" includes –

action causing injury, loss or damage; and  
intimidation or harassment; and

discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and

threats of detrimental action;

Meaning of "contractor"

**3. Interpretation**

"contractor" means –

- (a) a person who at any time has entered into a contract with a public body for the supply of goods or services to, or on behalf of, the public body; or
- (b) an employee of the contractor; or
- (c) a subcontractor engaged by the contractor to fulfil all or part of a contract with a public body for the supply of goods or services to, or on behalf of, the public body;

Meaning of "protected disclosure"

**3. Interpretation**

"protected disclosure" has the meaning given to it by section 14.

**14. Protected disclosure**

A protected disclosure is a disclosure made in accordance with Part 2.

Part 2 of the Act comprises ss 6 to 12 of the Act. Section 6 has been set out above.

Meaning of "public interest disclosure"

This expression is not defined in s 3 of the Act, and the meaning of it is apparent from ss 30(1) and (2), relating to the Ombudsman, and ss 33(1) and (2), relating to public bodies. Ss 30(2) and 33(2) state those things of which the Ombudsman or public body must be satisfied if a determination is to be made that the disclosure is a public interest disclosure.

Sections 30(1) and (2) and ss 33(1) and (2) are set out below.

**30. Determination by Ombudsman of disclosure as public interest disclosure**

(1) If a person makes a disclosure to the Ombudsman in accordance with Part 2, the Ombudsman must, within a reasonable time after receiving the disclosure, determine whether the disclosure is a public interest disclosure.

(2) In making a determination under subsection (1), the Ombudsman must be satisfied that the disclosure shows or tends to show that a *public officer or public body* –

(a) has engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer or public body; or

(b) has taken, is taking or proposes to take detrimental action in contravention of section 19.

**33. Determination by public body of disclosure as public interest disclosure**

(1) If a person makes a disclosure to a public body in accordance with Part 2, the public body must, within 45 days after receiving the disclosure, determine whether the disclosure is a public interest disclosure.

(2) In making a determination under subsection (1), the public body must be satisfied that the disclosure shows or tends to show that the *public officer* to whom the disclosure relates –

(a) has engaged, is engaging or proposes to engage in improper conduct in his or her capacity as a public officer; or

(b) has taken, is taking or proposes to take detrimental action in contravention of section 19.

[Emphasis added.]

Note that only the Ombudsman can make a determination about a public officer and a public body: s30(2). A public body can only make a determination about a public officer: s33(2).

## **Appendix B**

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### ***Public Interest Disclosures Act 2002***

# **Model Procedures to be followed by Public Bodies**

Revised: June 2017

## 17.2.5 SOUTHERN MIDLANDS COUNCIL – RATES AND CHARGES POLICY (REVIEW)

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 19 JUNE 2017

**Attachment:**

*Draft Rates and Charges Policy (as amended)*

### ISSUE

Review of the Rates and Charges Policy, adopted in accordance with section 86B of the *Local Government Act 1993*.

### BACKGROUND

The existing Policy was adopted in August 2012 and is due for review by end of June 2017.

For information, the following extract from the *Local Government Act 1993* relates to the 'Rates and Charges Policy':

**Section 86B states:**

***86B. Rating and charging policies to be made available to public***

*(1) A council must adopt a rates and charges policy by 31 August 2012.*

*(2) A council's rates and charges policy must contain –*

*(a) a statement of the policy that the council intends to apply in exercising its powers, or performing its functions, under this Part; and*

*(b) a statement of policy in respect of prescribed matters, if any.*

*(3) A council's rates and charges policy in relation to the making or varying of a rate must take into account the principles referred to in section 86A(1).*

*(4) A council must review its rates and charges policy –*

*(a) by the end of each successive 4-year period after 31 August 2012; and*

*(b) at the same time as, or before, making a type of rate, charge or averaged area rate in respect of a financial year, if a rate, charge or averaged area rate of that type was not made in respect of the previous financial year; and*

*(c) at the same time as, or before, making under section 107 a variation of a rate or charge in respect of a financial year, if such a variation of that rate or charge was not made in respect of the previous financial year; and*

*(d) at the same time as, or before, setting a minimum amount under this Part; and*

*(e) at the same time as, or before, altering the circumstances in which a rate, charge or averaged area rate, or a variation of a rate or charge, is to apply to rateable land.*



*(5) A council, as soon as reasonably practicable after adopting or altering its rates and charges policy, must make copies of the policy as so adopted or altered available to the public –*

*(a) in paper form, on payment of a reasonable charge; and*

*(b) in electronic form, at a website of the council, free of charge.*

*(6) A rate, averaged area rate or charge is not invalid by reason only that it does not conform to the council's rates and charges policy.*

## DETAIL

Council, at its workshop held 31<sup>st</sup> May 2017, reviewed and amended the existing Policy to reflect current practices and circumstances.

The Policy is submitted for adoption.

**Human Resources & Financial Implications – N/A**

**Community Consultation & Public Relations Implications –** A copy of the Policy is available to the public and is to be included on the Council website.

**Policy Implications –** Policy position.

**Priority - Implementation Time Frame –** Immediate.

## RECOMMENDATION

**THAT, in accordance with section 86B of the *Local Government Act 1993*, Council adopt the Rates and Charges Policy (as amended).**

## DECISION

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



Council Policy  
**RATES AND CHARGES POLICY**

Approved by: Council  
Approved date: xxxx  
Review date: xxxxx

## 1. PURPOSE

Part 9 of the *Local Government Act 1993* (the Act) provides Council with the legislative power to raise rates and charges.

Section 86B of the Act provides that each Council must adopt a rates and charges policy consistent with the provisions of the Act.

## 2. OBJECTIVE

Section 86B of the Act provides that each Council must adopt a rates and charges policy, which must be reviewed by the end of each successive 4-year period after adoption, or alternatively, at the same time as, or before, making a significant change in how it applies rates and charges.

The purpose of the Council's rates and charges policy is to:

- Comply with the requirements of the *Local Government Act 1993*;
- Inform the community; and
- Outline Council's approach to levying and collecting rates from its community.

The Act specifically requires Council's policy to take account of the following matters:

- The rates constitute taxation for the purposes of local government, rather than a fee for service.
- The value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.

## 3. SCOPE

This policy provides clear principles and direction to guide Councils decision making process in making rates and charges. It provides a high level framework, however does not represent the making of specific decisions with respect to property rating. Such decisions will be made annually, or as required, in accordance with relevant legislative requirements.

## 4. POLICY

In response to the purpose of the policy and legislative requirements under which it is bound, Council determines the following policy details:

### 1. *General Rates*

General rates will be levied on all rateable properties, regardless of the extent to which Council services are used by the owners or residents of those properties. This is consistent with the principle of rates being a form of taxation (as determined by S86A(1) of the *Local Government Act 1993*).



Council Policy  
**RATES AND CHARGES POLICY**

Approved by:	Council
Approved date:	xxxx
Review date:	xxxx

*Valuation Methodology:*

Council has adopted the assessed annual value (AAV) as the basis for levying rates as it considers this method provides the fairest method of distributing the rate burden across all ratepayers as property rental value is a relatively good indicator of capacity to pay (or wealth).

A general revaluation of the Municipality was undertaken by the Valuer-General effective 1st July, 2015. The next general revaluation is due in 2021. Assessed annual values for each property are provided as part of this process, and adjustment factors are provided by the Valuer-General bi-annually. The adjustment factors are applied to existing valuations in between the revaluation cycle in an attempt to minimise large fluctuations in valuations that can occur following the completion of a general revaluation.

Supplementary valuation adjustments are provided on an ongoing basis where the status of a property changes, e.g. subdivision, construction of a dwelling.

The general rate will recover the cost of services for which specific users cannot readily be identified, or for which a regime of full cost recovery through user charges has not been established by Council.

A minimum amount will be levied in respect of the general rate in recognition that each rateable property should bear a reasonable portion of the total rate burden.

*2. Fire Service Levy*

The *Fire Service Act 1979* requires Council to collect a fire service contribution payable to the State Government. The contributions will be levied in accordance with notifications provided by the State Fire Commission under relevant legislation.

*3. Household Garbage and Recycling Collection Service*

Council will levy a service charge in respect of household garbage and recycling service. This will be based on an amount per property which reflects the level of service.

*4. Waste Management Charge*

Council will levy a service charge in respect of general waste management which primarily relates to the cost of operating the waste disposal transfer sites.



Council Policy  
**RATES AND CHARGES POLICY**

Approved by: Council  
Approved date: xxxx  
Review date: xxxxx

#### 5. *Variations*

Variations to rates will be applied, in accordance with the Local Government Act 1993, in circumstances where Council determines there is a reasonable basis for charging differentiation to occur.

- In respect of the Household Garbage and Recycling Collection Service Charge, a variation is made to recognise the level of service provided including bin size and/or frequency of service.
- In respect of the Waste Management Charge, a variation is made according to whether there are any dwellings constructed on the land, and secondly, the number of dwellings on the rateable land (capable of being occupied).
- In respect of the Fire Service Contribution, a variation is made in accordance with the statutory notice provided to Council by the State Fire Commission.

#### ***Pensioner Remissions***

The *Local Government (Rates and Charges Remissions) Act 1991* provides that eligible pensioners as at 1 July each year are entitled to a State Government rate remission of 30 per cent up to a specified maximum. Eligible pensioners are also entitled to an additional remission of 20 per cent of the fire levy.

An eligible pensioner is a person who holds a;

- Pensioner Concession Card; or
- Veterans Affairs Gold Card endorsed with TPI or War Widow; or
- Health Care Card (excludes Seniors Health Card).

Note: The cardholder must be legally responsible for the rates and the property must be their principal place of residence as at 1<sup>st</sup> July.

Remission applications are verified and approved by the State Government each year and for previously verified pensioners, the remission is deducted from the rates account prior to issue. New pensioners or any pensioner who believes they should be eligible for a rate remission are required to complete an application form with Council for verification.

#### ***Payments***

Rates and charges are payable by four equal instalments, the first payable 30 days after the issue of the rates notices, the second at the end of November, the third at the end of January and the fourth by the end of March. The actual payment due date will appear on the rates notice.



Council Policy  
**RATES AND CHARGES POLICY**

Approved by:	Council
Approved date:	XXXX
Review date:	XXXX

Where a ratepayer elects to enter into an arrangement to pay the current rates and charges by monthly, fortnightly, or weekly instalments via one of the electronic payment options (including direct debit), then the instalment amounts will be calculated to settle the debt by the end of the applicable financial year. Penalty and interest will not be applied on any of the current rates and charges at the relevant date, provided that the instalment arrangements are adhered to. In the event of default, penalty and interest is to be calculated on the outstanding amounts.

**Late Payments**

**Penalty:** A penalty of 5% applies to any rate or charge that is not paid on or before the date it falls due.

**Interest:** In addition to the penalty, interest under section 128 of the *Local Government Act 1993* will be charged at the adopted rate per annum.

**Discount**

A discount rate is adopted each year and is applied to all rates and charges paid in full within 30 days after the date of issue. This discount is not applicable to rates and charges which are paid in instalments. The rationale for the discount is that the benefits to Council (being the earlier access to the funds and reduced processing costs of subsequent instalments) is greater than the cost of the discount.

**Payment Methods**

The following payment methods are available:

- By mail to PO Box 21, Oatlands Tas 7120
- In person at Council offices, 71 High Street, Oatlands or 85 Main Street, Kempton
- Direct debit
- By phone 1300 886 451
- Australia Post (at any post office or POSTBillpay phone and internet)
- Councils website [www.southernmidlands.las.gov.au](http://www.southernmidlands.las.gov.au)
- BPay - telephone and internet banking

**Recovery of Rates**

Council will issue a final notice if any instalments remain outstanding. A ratepayer who is having difficulty in paying rates should contact council at the earliest opportunity to arrange a payment schedule. This is essential to avoid council taking legal action to recover the outstanding rates.

If a ratepayer does not pay the rates on his or her property, a council may commence legal action against the ratepayer to recover the outstanding amount. If council takes such legal action the ratepayer may also be liable for the councils legal costs associated with the action.



Council Policy  
**RATES AND CHARGES POLICY**

Approved by:	Council
Approved date:	xxxx
Review date:	xxxx

***Postponement of Payment***

A ratepayer may apply to the Council for a postponement of payment of rates on the grounds of financial hardship. Applications are to be in writing and lodged with the general manager. Council will then determine the application and determine appropriate conditions of postponement.

Council does have the right to revoke a postponement arrangement by giving sixty (60) days' notice.

***Remission of Rates***

A ratepayer may apply to the Council for remission of all or part of any rates payable, including any penalty and interest imposed. Applications are to be in writing and lodged with the general manager. Council may grant a remission, noting that any decision requires an absolute majority.

***Sale of Land for Non-Payment of Rates***

Section 137 of the Act provides that a Council may sell any property where the rates have been in arrears for three (3) years or more. Council is required to notify the owner of the land of its intention to sell the land, provide the owner with details of the outstanding amounts, and advise the owner of its intention to sell the land if payment of the outstanding amount is not received within one month.

***Objections***

Section 123 of the Local Government Act 1993 provides that a person may object to a rates notice on the ground that:-

- a) the land specified in the rates notice is exempt from the payment of those rates; or
- b) the amount of those rates is not correctly calculated having regard to the relevant factors; or
- c) the basis on which those rates are calculated does not apply; or
- d) he or she is not liable for the payment of the rates specified in the rates notice; or
- e) he or she is not liable to pay those rates for the period specified in the rates notice.

An objection must be in writing to the General Manager, and be made within 28 days after receipt of the rates notice. The General Manager may amend the rates notice if considered appropriate or refuse to amend the rates notice.

A person may appeal to the Magistrates Court (Administrative Appeals Division) for a review if the General Manager;

- a) fails to amend the rates notice within 30 days after lodging the objection; or
- b) refuses to amend the rates notice.



Council Policy  
**RATES AND CHARGES POLICY**

Approved by:	Council
Approved date:	XXXX
Review date:	XXXX

If a ratepayer has enquiries related to their property valuation or is dissatisfied with a property valuation then an objection may be made to the Office of the Valuer-General by contacting:-

Office of the Valuer-General  
GPO Box 44  
Hobart Tas 7001  
Phone: 03 6165 4444  
E-mail: [ovg.enquiries@dpipwe.tas.gov.au](mailto:ovg.enquiries@dpipwe.tas.gov.au)

**Disclaimer**

A rate cannot be challenged on the basis of non-compliance with this policy and must be paid in accordance with the required payment provisions. If a ratepayer believes that the Council has failed to properly apply this policy they should advise the General Manager.

**Availability of Policy**

This policy is available from the Council offices during ordinary working hours or is available to download from Council's website [www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au)

**5. DOCUMENT ADMINISTRATION / REVIEW**

This policy is a managed document and is to be reviewed every four years or when Council makes a significant change in how it applies rates and charges, whichever is the earlier.

This policy is Version 1.1 effective XX-XX-XXXX. The document is maintained by the Manager, Corporate Services, for the Southern Midlands Council.

## 17.3 FINANCES

### Strategic Plan Reference – Page 34 & 35

- |       |   |
|-------|---|
| 6.3.1 | Communities finances will be managed responsibly to enhance the wellbeing of residence.   |
| 6.3.2 | Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation.        |
| 6.3.3 | Council's finance position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses. |
| 6.3.4 | Resources will be allocated to those activities that generate community benefit.  |

### 17.3.1 MONTHLY FINANCIAL STATEMENT (MAY 2017)

**Author:** FINANCE OFFICER (COURTNEY PENNICOTT)

**Date:** 21 JUNE 2017

#### ISSUE

Refer enclosed Report incorporating the following: -

- Statement of Comprehensive Income – 1<sup>st</sup> July 2016 to 31<sup>st</sup> May 2017 (including Notes)
- Current Expenditure Estimates
- Capital Expenditure Estimates (*refer to enclosed report detailing the individual capital projects*)
- Rates & Charges Summary – as at 13<sup>th</sup> June 2017
- Cash Flow Statement – May 2017

*Note: Expenditure figures provided are for the period 1<sup>st</sup> July 2016 to 31<sup>st</sup> May 2017 – approximately 92% of the period.*

#### CURRENT EXPENDITURE ESTIMATES (OPERATING BUDGET)

##### **Strategic Theme – Growth**

**Sub-Program – Business** - expenditure to date (\$237,699 – 101.05%). Costs relate to the Stornoway Contract where works are undertaken on a recharge basis, and the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The cost of the project is to be shared between the six (6) Councils with revenue coming back to Southern Midlands.

##### **Strategic Theme – Lifestyle**

**Sub-Program – Public Health** – expenditure to date (\$17,395 – 217.18%). Expenditure of \$12,840 relates to GP Services Kempton from the 3<sup>rd</sup> October to 11<sup>th</sup> November.

##### **Strategic Theme –Community**



**Sub-Program – Capacity** – expenditure to date (\$52,456 – 154.17%). Expenditure includes \$7,000 Donation to MILE, Ten Days in the Island \$3,000, Melton Mowbray Community Association \$2,000, Bagdad Community Club Oval Re-Stabilisation \$4,700 and funds for the kitchen extension at the Tunbridge Community Club \$11,000.

***Strategic Theme –Organisation***

**Sub-Program – Sustainability** - expenditure to date (\$2,045,206 – 95.78%). Expenditure includes annual costs associated with computer software maintenance (GIS/NAV) and licensing \$63,023, audit fees \$18,300, LGAT Subscriptions \$30,657 and annual insurance payments of \$59,785.

**RECOMMENDATION**

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

**DECISION**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		

STATEMENT OF COMPREHENSIVE INCOME				
FOR THE PERIOD				
1st JULY 2016 to 31st MAY 2017				
	Annual Budget	Year to Date as at 31st MAY	%	Comments
<b>Income</b>				
General rates	\$ 4,870,842	\$ 4,902,221	100.6%	Budget includes Interest & Penalties to be imposed to end of June 2017
User Fees (refer Note 1)	\$ 933,626	\$ 982,725	105.3%	
Interest	\$ 145,000	\$ 113,385	78.2%	
Government Subsidies	\$ 15,600	\$ 11,751	75.3%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 238,000	\$ 137,799	57.9%	
<b>Sub-Total</b>	<b>\$ 6,203,068</b>	<b>\$ 6,147,881</b>	<b>99.1%</b>	
Grants - Operating	\$ 3,280,756	\$ 3,228,175	98.4%	FAGS \$3,202,440 Court House \$540 Tunbridge Lanscape \$9522 Aus Day \$3000 Chauncy Vale \$5,000 Mens Shed \$4,964. Communities For Children \$2,709
<b>Total Income</b>	<b>\$ 9,483,824</b>	<b>\$ 9,376,057</b>	<b>98.9%</b>	
<b>Expenses</b>				
Employee benefits	\$ (3,915,055)	\$ (3,035,650)	77.5%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (2,982,446)	\$ (3,105,961)	104.1%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,719,500)	\$ (2,501,940)	92.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (49,436)	\$ (32,505)	65.8%	
Contributions	\$ (197,903)	\$ (148,427)	75.0%	Fire Service Levies
Other	\$ (163,261)	\$ (211,612)	129.6%	Incls Rate Discounts \$23,698(annual cost)
<b>Total expenses</b>	<b>\$ (10,027,601)</b>	<b>\$ (9,036,096)</b>	<b>90.1%</b>	
<b>Surplus (deficit) from operations</b>	<b>\$ (543,777)</b>	<b>\$ 339,961</b>	<b>-62.5%</b>	
Grants - Capital (refer Note 3)	\$ 1,448,681	\$ 1,204,329	83.1%	
Sale Proceeds (Plant & Machinery)	\$ 0	\$ 201,618	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ 0	\$ 0	0.0%	
<b>Surplus / (Deficit)</b>	<b>\$ 904,904</b>	<b>\$ 1,745,908</b>	<b>192.9%</b>	

<b>NOTES</b>				
<b>1. Income - User Fees (Budget \$658,662) includes:</b>				
- All other Programs	\$ 358,406	\$ 417,798	116.6%	Actual Income Received (i.e. excluding Debtors)
- Private Works	\$ 251,220	\$ 265,424	105.7%	
- Callington Mill	\$ 324,000	\$ 299,503	92.4%	
	<b>\$ 933,626</b>	<b>\$ 982,725</b>		
<b>2. Income - Other (Budget \$355,854) includes:</b>				
- Tas Water Distributions	\$ 228,000	\$ 137,103	60.13%	
- HBS Dividend	\$ 10,000	\$ -	0.0%	
- Other	\$ -	\$ 696	100.0%	
	<b>\$ 238,000</b>	<b>\$ 137,799</b>	<b>57.9%</b>	
<b>3. Grant - Capital (Budget \$877,860) includes:</b>				
- Black Spot Funding	\$ -	\$ -	0.0%	
- Commissariat	\$ -	\$ 92,850	0.0%	
- Toilet Block	\$ -	\$ 50,000	100.0%	
- Dulverton Lake Walking Track Safety Upgrade	\$ -	\$ 15,482	100.0%	
- Roads To Recovery Grant	\$ 1,448,681	\$ 1,045,997	72.2%	To be claimed in March 2017
	<b>\$ 1,448,681</b>	<b>\$ 1,204,329</b>	<b>83.1%</b>	
<b>Note:</b>				
<b>Operating Grants</b>				
- Court House	\$ -	\$ 540		
- Chauncy Vale Upgrade	\$ -	\$ 5,000		
- Mens Shed	\$ -	-\$ 4,964		
- Tunbridge Landscaping	\$ -	\$ 9,522		
- Australia Day	\$ -	\$ 3,000		
- Communities For Children	\$ -	\$ 2,709		
		<b>\$ 15,807</b>		

**SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2016/17  
SUMMARY SHEET**

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 31ST MAY 2017 92%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
<b>INFRASTRUCTURE</b>					
Roads	3,069,775	3,069,775	2,821,350	248,425	91.91%
Bridges	350,787	350,787	314,214	36,573	89.57%
Walkways	212,810	212,810	178,447	34,363	83.85%
Lighting	85,680	85,680	73,465	12,215	85.74%
Irrigation	0	0	0	0	0.00%
Drainage	105,123	105,123	73,730	31,393	70.14%
Waste	626,104	626,104	577,142	48,961	92.18%
Public Toilets	57,603	57,603	48,554	9,049	84.29%
Communications	0	0	510	-510	0.00%
Signage	9,400	9,400	5,253	4,147	55.88%
<b>INFRASTRUCTURE TOTAL:</b>	<b>4,517,282</b>	<b>4,517,282</b>	<b>4,092,665</b>	<b>424,617</b>	<b>90.60%</b>
<b>GROWTH</b>					
Residential	0	0	0	0	0.00%
Tourism	254,602	254,602	180,651	73,952	70.95%
Business	985,226	235,226	237,699	-2,473	101.05%
Agriculture	0	0	400	-400	0.00%
Mill Operations	502,735	502,735	468,358	34,377	93.16%
Integration	7,500	7,500	0	7,500	0.00%
<b>GROWTH TOTAL:</b>	<b>1,750,064</b>	<b>1,000,064</b>	<b>887,108</b>	<b>112,956</b>	<b>88.71%</b>
<b>LANDSCAPES</b>					
Heritage	265,140	265,140	213,364	51,776	80.47%
Natural	141,498	141,498	114,609	26,889	81.00%
Cultural	10,500	10,500	0	10,500	0.00%
Regulatory	785,355	785,355	738,652	46,704	94.05%
Climate Change	16,221	16,221	301	15,920	1.85%
<b>LANDSCAPES TOTAL:</b>	<b>1,218,714</b>	<b>1,218,714</b>	<b>1,066,925</b>	<b>151,789</b>	<b>87.55%</b>
<b>LIFESTYLE</b>					
Youth	221,481	221,481	96,465	125,017	43.55%
Aged	2,500	2,500	1,265	1,235	50.62%
Childcare	7,500	7,500	5,000	2,500	66.67%
Volunteers	40,000	40,000	31,003	8,997	77.51%
Access	0	0	0	0	0.00%
Public Health	8,010	8,010	17,395	-9,386	217.18%
Recreation	435,855	435,855	379,489	56,366	87.07%
Animals	73,819	73,819	64,256	9,563	87.05%
Education	0	0	0	0	0.00%
<b>LIFESTYLE TOTAL:</b>	<b>789,165</b>	<b>789,165</b>	<b>594,873</b>	<b>194,291</b>	<b>75.38%</b>
<b>COMMUNITY</b>					
Retention	0	0	0	0	0.00%
Capacity	34,025	34,025	52,456	-18,431	154.17%
Safety	56,650	56,650	37,924	18,726	66.95%
Consultation	7,300	7,300	4,684	2,616	64.16%
Communication	12,125	12,125	8,492	3,633	70.04%
<b>COMMUNITY TOTAL:</b>	<b>110,100</b>	<b>110,100</b>	<b>103,557</b>	<b>6,543</b>	<b>94.06%</b>
<b>ORGANISATION</b>					
Improvement	8,750	8,750	64	8,686	0.73%
Sustainability	2,135,394	2,135,394	2,045,206	90,188	95.78%
Finances	263,133	263,133	217,903	45,230	82.81%
<b>ORGANISATION TOTAL:</b>	<b>2,407,277</b>	<b>2,407,277</b>	<b>2,263,173</b>	<b>144,104</b>	<b>94.01%</b>
<b>TOTALS</b>	<b>10,792,601</b>	<b>10,042,601</b>	<b>9,008,301</b>	<b>1,034,300</b>	<b>89.70%</b>

CAPITAL EXPENDITURE PROGRAM 2016-17						
AS AT 31 MAY 2017						
INFRASTRUCTURE			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	<b>ROAD ASSETS</b>					
	Resheeting Program	Roads Resheeting	\$ 500,000	\$ 503,422	\$ (78,845)	Budget Reduced as per Council Meeting October 2016
		C1020053 Bluff Road		\$ 47,255		RTR
		C1020054 Inglewood Road		\$ 28,168		RTR
	Reseal Program	Roads Resealing (as per agreed program)	\$ 700,000	\$ -	\$ 583,311	Budget Reduced as per Council Meeting October 2016
		C1010025 Union Street		\$ 1,453		
		C1010063 Eldon Road 330m		\$ 28,933		
		C1010064 Rekuna Road		\$ 12,730		
		C1010065 Marlborough Sreet		\$ 17,645		
		C1010066 Glenelg Street		\$ 19,171		
		C1010068 Lemont Road		\$ 5,780		
		C1010069 Ellesmere Road		\$ 6,150		
		C1010070 Tinpot Road		\$ 6,696		
		C1010048 Oatlands & Kempton Reseal		\$ 18,131		
	Reconstruct & Seal	C1010002 Green Valley Road (approx 500 metres - area widened)	\$ 158,000	\$ 66,931	\$ 91,069	WIP 30/6/16 \$66,931 - Budget includes \$83K c/wd
		C1010054 Inglewood Road (final seal of prev. reconstructed section)	\$ 21,600	\$ 14,795	\$ 6,805	
		C1020055 Yarlington Road (Smarts Hill - 150 metres)	\$ 22,500	\$ 4,000	\$ 18,500	Budget c/wd
		C1010032 Green Valley Road (approx 1.35 kilometres - 3 Sections)		\$ 159,231	\$ (159,231)	RTR
		C1010006 Stonor Road (near railway line- 530 metres)		\$ 67,273	\$ (67,273)	RTR
		C1010058 Woodsdale Road (final seal New Country Marsh Rd)		\$ 30,893	\$ (30,893)	RTR
		C1010062 Ely Street		\$ 5,749	\$ (5,749)	
		C1010067 Woodsdale Road (near 'glue pot' - final seal)	\$ 11,880	\$ 11,080	\$ 800	
	Construct & Seal (Unsealed Roads)	C1020052 Eldon Road (areas between Bridge & Reynolds Rd junction)	\$ 169,000	\$ 109,108	\$ 59,892	
	Incls. widening component	C1020051 Lower Marshes Road, Jericho (approx. 600 metres)	\$ 90,000	\$ 89,396	\$ 604	
		C1020025 Shene Road	\$ -	\$ 2,095	\$ (2,095)	
		Station Street, Tea Tree	\$ 19,500	\$ -	\$ 19,500	Budget c/wd
	Minor Seals (New)	Brownwood Estate (junction plus setback)	\$ 12,000	\$ -	\$ 12,000	
		Weavers Lane (junction plus setback)	\$ 12,000	\$ -	\$ 12,000	
		Church Road (Brighton Council end)	\$ 10,000	\$ -	\$ 10,000	Budget c/wd
		C1020032 Hasting Street Junction	\$ 15,000	\$ 959	\$ 14,041	Budget c/wd
	Unsealed - Road Widening	Estate Road (vicinity of Mallow)	\$ 30,000	\$ -	\$ 30,000	
		C1020037 Hall Lane, Bagdad - widening	\$ 15,000	\$ 1,032	\$ 13,968	Budget c/wd
		Chauncy Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000	Budget c/wd
	Junction / Road Realignment / Other	C1010037 Campania - Reeve St / Clime Street (includes Footpath)	\$ 140,000	\$ 89,879	\$ 50,121	WIP 30/6/16 \$16,779 - Budget includes \$40K c/wd
		C1010027 Stonor Road - Benching (vicinity of Halls)	\$ 15,000	\$ 24,887	\$ (9,887)	
		C1020050 Sugarloaf / Cliftonvale Road Junction (Black Spot Investigation)	\$ 35,000	\$ 16,884	\$ 18,116	WIP 30/6/16 \$2,810
		C1020033 Yarlington Road - Realignment	\$ 240,000	\$ 143,858	\$ 96,142	WIP 30/6/16 \$11,023
		C1010056 High Street / Esplanade - Junction Improvements	\$ 35,000	\$ 31,296	\$ 3,704	WIP 30/6/16 \$12,536 - Budget includes \$25K c/wd
		C1020047 Lovely Banks Road (junction with Colebrook)	\$ 210,000	\$ 65,380	\$ 144,620	WIP 30/6/16 \$5,755 - Budget includes \$40K c/wd
		Reeve St - Hall Street to Rec Ground (K&G) - 70 metres	\$ 8,800	\$ -	\$ 8,800	Budget c/wd
		Campania - Reeve St / Hall Street (K&G)	\$ 5,000	\$ -	\$ 5,000	Budget c/wd
		C1010028 Woodsdale Road - Landslip Area (vicinity Scott's Quarry)	\$ 15,000	\$ -	\$ 15,000	Budget c/wd
		C1010039 Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ 198	\$ 9,502	Budget c/wd
		York Plains Road (Camber adjustment)	\$ 5,000	\$ -	\$ 5,000	Budget c/wd
			\$ 2,524,980	\$ 1,630,458	\$ 894,522	

<b>BRIDGE ASSETS</b>	C1030012	Sandy Lane (B4193)	\$ -	\$ 841	\$ (841)	Retention Monies Released	
	C1030023	Swanston Road (B1716)	\$ -	\$ 2,981	\$ (2,981)		
	C1030006	Fields Road Bridge (B1851)	\$ -	\$ 1,469	\$ (1,469)	WIP 30/6/15	
	C1030040	Jones Road (B5083)	\$ -	\$ 3,237	\$ (3,237)		
	C1030044	Grahams Creek Road (Grahams Creek B2510)	\$ 81,740	\$ 2,403	\$ 79,337	WIP 30/6/16 RTR	
	C1030046	Kheme Road (Biralee Creek T468)	\$ -	\$ 8,550	\$ (8,550)		
	C1030048	Muddy Plains Rd (Summerfield Creek)	\$ -	\$ 963	\$ (963)	Retention Monies Released	
	C1030049	Inglewood Road (Tin Dish Rivulet B42)	\$ -	\$ 28,313	\$ (28,313)		
	C1030050	Nala's Road - (Kitty's Rivulet B4275)	\$ -	\$ 841	\$ (841)	Retention Monies Released	
	C1030051	Old Tier Road (B4490)	\$ -	\$ 7,984	\$ (7,984)		
	C1030054	Bellevale Road (B2723)	\$ -	\$ 13,993	\$ (13,993)	RTR	
	C1030055	Link Road (Craigbourne Creek B3820)	\$ 91,960	\$ 3,071	\$ 88,889	RTR	
			Hardings Road (White Kangaroo Rivulet B1096)	\$ 163,550	\$ -	\$ 163,550	
	C1030056	Noyes Road (Limekiln Creek T268.00051)	\$ 41,270	\$ 4,363	\$ 36,907		
	C1030057	Reynolds Road (Burns Creek B5301)	\$ -	\$ 2,562	\$ (2,562)	RTR	
			<b>\$ 378,520</b>	<b>\$ 81,571</b>	<b>\$ 296,949</b>		
<b>WALKWAYS</b>	C1040011	Footpaths - General (Program to be confirmed)	\$ 30,000	\$ 344	\$ 29,656	Street Furniture	
		Bagdad Township					
		- Swan Street (Blackport Rd to Green Valley Rd)	\$ 109,557	\$ 2,687	\$ 106,870	WIP 30/6/16 \$2,687 - Budget c/fwd	
		- Midland Highway (Bus Shelter)	\$ 5,000	\$ -	\$ 5,000		
		Campania Township					
	C1040005	- Reeve Street - 500 metres	\$ 71,614	\$ 78,006	\$ (6,392)	WIP 30/6/16 \$8,386 - Budget c/fwd	
		- Review Management Plan (Site Plan) / Walking Tracks (Bush F	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd	
		Colebrook Township					
		- K&G Renewal (Richmond St -southern end)	\$ 30,000	\$ -	\$ 30,000		
		- Streetscape Plan Development & Implementation (Part)	\$ 60,000	\$ 91	\$ 59,909		
		Oatlands Township					
		- Church Street (K&G renewal)	\$ 15,000	\$ 12,671	\$ 2,329		
		- Wellington Street	\$ -	\$ -	\$ -		
		Tunbridge Township					
		- Tunbridge Main Road (Renew Kerb & Gutter)	\$ 15,000	\$ 8,002	\$ 6,998		
			<b>\$ 341,171</b>	<b>\$ 101,801</b>	<b>\$ 239,370</b>		
<b>DRAINAGE</b>		Bagdad					
		- Midland Hwy/Swan St Drainage (McShane property)	\$ 22,500	\$ -	\$ 22,500	Budget c/fwd	
		Campania			\$ -		
		- Estate Road (School Farm - Easement)	\$ 10,000	\$ -	\$ 10,000		
		- Reeve Street Open Drain (north of Telephone Box)	\$ 35,000	\$ 4,124	\$ 30,876	WIP 30/6/16 \$3,750 - Budget c/fwd	
		Oatlands					
		- Barrack Street (towards Mason Street)	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd	
		- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd	
			<b>\$ 82,500</b>	<b>\$ 4,124</b>	<b>\$ 78,376</b>		

	<b>WASTE</b>		Oatlands WTS - Concrete Pad(s)	\$ 5,000	\$ -	\$ 5,000	
			Wheelie Bins & Crates	\$ 7,500	\$ 5,450	\$ 2,050	
				<b>\$ 12,500</b>	<b>\$ 5,450</b>	<b>\$ 7,050</b>	
	<b>PUBLIC TOILETS</b>		Campania - Urinal / Plumbing / External Shower Head	\$ 10,000	\$ -	\$ 10,000	Budget includes \$4K cfwd
			Lake Dulverton (New facilities - design & approvals)	\$ 12,000	\$ -	\$ 12,000	
				<b>\$ 22,000</b>	<b>\$ -</b>	<b>\$ 22,000</b>	
	<b>SIGNAGE</b>		Oatlands Signage (Info Bays) - Town Maps etc. - 2 Small & 2 Large	\$ 10,000	\$ 718	\$ 9,282	Budget cfwd
		C1130001	Highway Signage (State Growth proposal) - Graphic Design	\$ 2,000	\$ 1,920	\$ 80	WIP 30/6/16 \$1,920 - Budget cfwd
				<b>\$ 12,000</b>	<b>\$ 2,638</b>	<b>\$ 9,362</b>	
	<b>CAPACITY</b>	C2020003	Community Garden- Mill Precinct	\$ 8,200	\$ 12,083	\$ (3,883)	WIP 30/6/16 \$3,924 - Budget cfwd
				<b>\$ 8,200</b>	<b>\$ 12,083</b>	<b>\$ (3,883)</b>	
<b>GROWTH</b>	<b>TOURISM</b>		Building (Wool Press Cover)	\$ 9,170	\$ -	\$ 9,170	
			Lake Dulverton (Aquatic Club Fit-Out) - Shower / Toilet Facility	\$ 18,000	\$ -	\$ 18,000	
			Kempton Roadside Stopover - Electrical Upgrade	\$ 2,500	\$ -	\$ 2,500	
				<b>\$ 29,670</b>	<b>\$ -</b>	<b>\$ 29,670</b>	
	<b>HERITAGE</b>	C3010003	Callington Mill (Precinct Master Plan Implementation)	\$ 12,500	\$ 6,501	\$ 5,999	Budget cfwd
		C3010010	Community Blacksmith Program	\$ 6,200	\$ 10,638	\$ (4,438)	WIP 30/6/16 \$5,422 - Budget cfwd
	2016-17		Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ -	\$ 6,500	Budget cfwd
		G3010010	Commissariat (79 High Street)	\$ 384,250	\$ 175,127	\$ 209,123	WIP 30/6/16 \$14,010 - Budget includes \$125,490 cfwd
	Wood Stove (Women's Kitchen)		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 5,000	\$ -	\$ 5,000	Budget cfwd
		C3010002	Oatlands Gaol - Minor Capital Works	\$ 7,000	\$ 1,238	\$ 5,762	Budget cfwd
		C3010011	Roche Hall (Building - Urgent Asset Upgrade / Renewal)	\$ 40,000	\$ -	\$ 40,000	
			Roche Hall - Forecourt (Interps - Planning Condition of Approval)	\$ 35,000	\$ 31,708	\$ 3,292	WIP 30/6/16 \$4,750 - Budget includes \$5K cfwd
			Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500	Budget cfwd
			Parattah Railway Station - Guttering & Fascia	\$ 9,600	\$ -	\$ 9,600	Budget includes \$2.6K cfwd
				<b>\$ 513,550</b>	<b>\$ 225,212</b>	<b>\$ 288,338</b>	
	<b>NATURAL</b>		Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ -	\$ 5,000	Budget cfwd
			Chauncy Vale - Interps Hut Repairs	\$ -	\$ -	\$ -	
	G3020006	G3020010	Dulverton Walkway Safety Upgrade	\$ -	\$ 13,533	\$ (13,533)	Grant \$15,482
		C3020006	Tunbridge Circle Landscaping	\$ -	\$ 11,071	\$ (11,071)	WIP 30/6/16 \$111
				<b>\$ 5,000</b>	<b>\$ 24,603</b>	<b>\$ (19,603)</b>	
	<b>REGULATORY</b>		Kempton Council Chambers - Building & Office Improvements	\$ 23,704	\$ -	\$ 23,704	Budget includes \$13,704 cfwd
			Kempton Council Chambers - External repainting (Windows etc.)	\$ 7,500	\$ -	\$ 7,500	Budget cfwd
			Kempton Council Chambers - Office Furniture & Equipment	\$ 3,000	\$ -	\$ 3,000	
				<b>\$ 34,204</b>	<b>\$ -</b>	<b>\$ 34,204</b>	

LIFESTYLE	ACCESS		All Buildings (Priority Approach - Year 1 of 5)	\$ 50,000	\$ -	\$ 50,000	
				<b>\$ 50,000</b>	<b>\$ -</b>	<b>\$ 50,000</b>	
	RECREATION						
		C4070005	Recreation Committee	\$ 20,000	\$ 9,176	\$ 10,824	
			Blue Place - external repainting	\$ 20,000	\$ -	\$ 20,000	
			Colebrook Hall - Heating	\$ 3,000	\$ -	\$ 3,000	Budget c/wd
			Kempton Hall - external repainting	\$ 20,000	\$ -	\$ 20,000	
			Parks - Playspace Strategy	\$ -	\$ -	\$ -	Budget c/wd
			- Alexander Circle & Lyndon Road (Stage 2)	\$ 8,000	\$ 11,990	\$ (3,990)	
			Playground Equipment	\$ -	\$ -	\$ -	
			Swimming Pool	\$ 8,000	\$ 27,056	\$ (19,056)	
			Rec Ground - Campania (Stormwater - eastern side)	\$ 3,000	\$ -	\$ 3,000	
		C4070016	Rec Ground - Colebrook Recreation Ground (Amenities)	\$ 45,000	\$ 80,584	\$ (35,584)	WIP 30/6/16 \$22,337 - Budget includes \$35K c/wd
			Rec Ground - Colebrook Recreation Ground (U/Ground Power)	\$ -	\$ 11,048	\$ (11,048)	Aurora Electrical Supply (Jones Electrician)
			Rec Ground - Colebrook Recreation Ground (Bore Installation)	\$ -	\$ 8,642	\$ (8,642)	
		C4070033	Oatlands Aquatic Club Building	\$ 18,000	\$ 18,729	\$ (729)	WIP 30/6/16 \$18,729 - Budget includes \$18K c/wd
			Rec Ground - Mt Pleasant (Upgrade Toilets)	\$ 13,000	\$ -	\$ 13,000	Budget c/wd
		C4070001	Rec Ground - Parattah (Facility Development)	\$ 14,000	\$ 407	\$ 13,593	Budget c/wd
		G4070015	Stables & Carriage Shed	\$ -	\$ 724	\$ (724)	
			Tunbridge Park - Perimeter Fence (Safety)	\$ 7,500	\$ -	\$ 7,500	
COMMUNITY				<b>\$ 179,500</b>	<b>\$ 168,356</b>	<b>\$ 11,144</b>	
	ANIMALS						
		C9990002	Animal Control - Microchip Reader	\$ -	\$ 715	\$ (715)	
				<b>\$ -</b>	<b>\$ 715</b>	<b>\$ (715)</b>	
	CAPACITY						
		C5020001	Levendale Community Centre	\$ 10,000	\$ 1,996	\$ 8,004	
				<b>\$ 10,000</b>	<b>\$ 1,996</b>	<b>\$ 8,004</b>	
	SAFETY						
			Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
ORGANISATION				<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>	
	SUSTAINABILITY						
			Council Chambers - Building Improvements	\$ 7,500	\$ -	\$ 7,500	Budget includes \$1,500 c/wd
			Photo Reframing	\$ 3,000	\$ -	\$ 3,000	Budget c/wd
			Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	
			Council Chambers - Server Room (Fireproofing)	\$ 10,000	\$ -	\$ 10,000	
		C6020009	Computer System (Hardware / Software)	\$ 40,000	\$ 50,098	\$ (10,098)	
			Telephone / Comms System	\$ -	\$ -	\$ -	
		C4070011	Town Hall (General - Incl. Office Equip/Furniture)	\$ 8,000	\$ 14,730	\$ (6,730)	
		C6020010	Municipal Revaluation	\$ -	\$ 7,000	\$ (7,000)	Retention released
		G6030001	Australia Day Grant	\$ -	\$ 2,986	\$ (2,986)	
				<b>\$ 83,500</b>	<b>\$ 74,814</b>	<b>\$ 8,686</b>	



WORKS					Budget c/fwd
	Kempton Depot - External Painting	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
	Depot Relocation (Site / Concept Plans etc.)	\$ 5,000	\$ -	\$ 5,000	
				\$ -	
	Minor Plant Purchases	\$ 9,500	\$ 1,601	\$ 7,899	
	Radio System	\$ 2,000	\$ -	\$ 2,000	
				\$ -	
	<b>Plant Replacement Program</b>			\$ -	
	Refer separate Schedule (Gross)	\$ 660,000	\$ 215,421	\$ 444,579	
	Light Vehicles (Gross)	\$ 320,000	\$ 71,897	\$ 248,103	
	(Trade Allowance - \$180K)			\$ -	
	St Peters Pass Quarry Rehabilitation	\$ -	\$ 49,406	\$ (49,406)	
	Mini Excavator & Trailer (1.7 tonne)	\$ 45,000	\$ 44,925	\$ 75	
		<b>\$ 1,051,500</b>	<b>\$ 383,251</b>	<b>\$ 668,249</b>	
	<b>GRAND TOTALS</b>	<b>\$ 5,341,795</b>	<b>\$ 2,717,072</b>	<b>\$ 2,624,723</b>	

<b>SOUTHERN MIDLANDS COUNCIL</b>				
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year		Last Financial Year	
	13th June 2017		13th June 2016	
Arrears brought forward as at July 1		\$ 415,003.63		\$ 369,292.54
ADD current rates and charges levied		\$ 4,822,762.74		\$ 4,597,407.55
ADD current interest and penalty		\$ 83,206.40		\$ 74,804.85
<b>TOTAL rates and charges demanded</b>	100.00%	\$ 5,320,972.77	100.00%	\$ 5,041,504.94
LESS rates and charges collected	86.91%	\$ 4,624,382.70	86.20%	\$ 4,345,806.18
LESS pensioner remissions	4.12%	\$ 219,215.09	4.35%	\$ 219,448.33
LESS other remissions and refunds	0.33%	\$ 17,402.07	-0.06%	-\$ 3,262.69
LESS discounts	0.45%	\$ 23,698.85	0.47%	\$ 23,779.48
<b>TOTAL rates and charges collected and remitted</b>	91.80%	\$ 4,884,698.71	90.96%	\$ 4,585,771.30
<b>UNPAID RATES AND CHARGES</b>	8.20%	\$ 436,274.06	9.04%	\$ 455,733.64

INFLOWS (OUTFLOWS) (August 2016)	INFLOWS (OUTFLOWS) (September 2016)	INFLOWS (OUTFLOWS) (October 2016)	INFLOWS (OUTFLOWS) (November 2016)	INFLOWS (OUTFLOWS) (December 2016)	INFLOWS (OUTFLOWS) (January 2017)	INFLOWS (OUTFLOWS) (February 2017)	INFLOWS (OUTFLOWS) (March 2017)	INFLOWS (OUTFLOWS) (April 2017)	INFLOWS (OUTFLOWS) (May 2017)	INFLOWS (OUTFLOWS) (Year to Date)
- 276,435.39	- 262,136.01	- 382,344.53	- 266,182.42	- 285,072.83	- 206,180.87	- 267,280.77	- 288,866.95	- 359,117.62	- 250,776.92	- 3,116,716.62
- 350,244.61	- 376,434.79	- 305,429.52	- 329,988.88	- 403,284.36	- 237,049.10	- 294,514.08	- 130,902.49	- 68,871.50	- 353,093.28	- 3,556,840.83
-	-	-	- 4,541.52	- 18,717.66	-	-	-	-	- 4,295.78	- 32,505.45
- 18,385.77	- 54,132.59	- 105,849.00	- 35,966.48	- 22,436.43	- 78,638.23	- 18,141.66	- 25,100.25	- 82,469.41	- 25,853.47	- 483,295.55
- 645,065.77	- 692,703.39	- 793,623.05	- 636,679.30	- 729,511.28	- 521,868.20	- 579,936.51	- 444,869.69	- 510,458.53	- 634,019.45	- 7,189,358.45
452,517.01	1,715,223.75	234,210.92	405,159.02	330,302.60	395,221.13	326,076.19	456,459.94	282,150.16	120,773.92	4,803,306.02
53,919.90	65,676.88	96,628.51	72,301.37	67,987.54	- 8,089.24	223,086.23	90,718.40	60,842.19	78,754.73	891,182.86
10,668.37	10,059.41	10,166.27	10,704.87	10,311.60	10,392.78	9,844.32	9,516.31	10,242.09	10,244.69	113,385.08
-	-	-	-	-	11,751.00	-	-	-	-	11,751.00
-	9,522.25	15,482.00	-	-	92,850.00	800,610.00	556,969.00	-	1,346,320.24	2,821,793.49
5,053.27	28,304.37	115,358.80	- 835.21	94,700.28	- 842.45	- 13,328.54	57,978.54	21,623.40	113,979.29	538,766.60
1,329,259.55	1,828,786.66	471,846.50	487,330.05	503,302.02	501,283.22	1,346,288.20	1,171,642.19	374,857.84	1,670,072.87	9,180,185.05
684,193.78	1,136,083.27	- 321,776.55	- 149,349.25	- 226,209.26	- 20,584.98	766,351.69	726,772.50	- 135,600.69	1,036,053.42	1,990,826.60
-	-	-	-	-	-	-	-	-	-	-
- 84,798.06	- 113,616.45	- 23,797.92	- 154,225.90	- 103,920.90	- 275,734.66	- 405,099.93	- 276,196.65	- 124,392.67	- 328,222.51	- 1,913,058.83
17,417.27	18,181.82	-	-	-	57,272.73	1,444.64	-	-	-	201,618.25
807,101.00	-	-	803,610.00	-	-	-	-	-	-	1,610,711.00
-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-
- 67,380.79	- 95,434.63	- 23,797.92	649,384.10	- 103,920.90	- 218,461.93	- 403,655.29	- 276,196.65	- 124,392.67	- 328,222.51	- 100,729.58
-	-	-	-	-	-	-	-	-	-	-
-	-	-	- 13,002.20	- 25,456.48	-	-	-	-	- 13,247.94	- 57,964.71
-	-	-	-	-	-	-	-	-	-	-
-	-	-	- 13,002.20	- 25,456.48	-	-	-	-	- 13,247.94	- 57,964.71
616,812.99	1,040,648.64	- 345,574.47	487,032.65	- 355,586.64	- 239,046.91	362,696.40	450,575.85	- 259,993.36	694,582.97	1,832,132.31
7,966,317.80	8,583,130.79	9,623,779.43	9,278,204.96	9,765,237.61	9,409,650.97	9,170,604.06	9,533,300.46	9,983,876.31	9,723,882.95	8,586,333.61
8,583,130.79	9,623,779.43	9,278,204.96	9,765,237.61	9,409,650.97	9,170,604.06	9,533,300.46	9,983,876.31	9,723,882.95	10,418,465.92	10,418,465.92

## 17.3.2 2017 / 2018 ANNUAL PLAN & BUDGETS (OPERATING & CAPITAL)

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 23 JUNE 2017

### Enclosures:

1. 2017/18 Annual Plan & Operating Budget
2. 2017/18 Capital Works Program Budget
3. 2017/18 Fees & Charges Schedule

### ISSUE

Formal adoption of the 2017 / 2018 Annual Plan and Budget (Operating and Capital) and the 2017/18 Schedule of Fees.

### BACKGROUND

Under section 71 of the *Local Government Act 1993*, Council is required to have an annual plan.

Section 82 of the *Local Government Act 1993* (the Act) requires the General Manager to prepare estimates of the Council's revenue and expenditure for each financial year. The Council's 2017/18 Budget estimates have been prepared in accordance with the Act.

### DETAIL

The following documents have been updated following the workshops held 22<sup>nd</sup> May, 31<sup>st</sup> May, 7<sup>th</sup> June and 22<sup>nd</sup> June 2017.

1. Annual Plan and Program Budget Operating
2. Estimates Worksheets for Current Expenditure (Operating)
3. Capital Expenditure Estimates – Source of Funds Analysis
4. Schedule of Fees and Charges

The documents are submitted for formal endorsement and approval at this meeting.

### RECOMMENDATION

**THAT Council formally approve:**

- a) **The 2017 / 2018 Annual Plan and Budget – Operating and Capital; and**
- b) **The 2017/18 Schedule of Fees and Charges.**

### DECISION

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

### **17.3.3 ADOPTION OF THE 2017 / 2018 RATES AND CHARGES RESOLUTION**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 23 JUNE 2017

#### **ISSUE**

Formal adoption of the 2017 / 2018 Rates and Charges Resolution under the *Local Government Act 1993* and the *Fire Service Act 1979*.

#### **DETAIL**

The following Rates & Charges Resolution (draft) has been based on the outcome of discussions through the budget workshops.

#### **2017/2018 RATES AND CHARGES RESOLUTION - SOUTHERN MIDLANDS COUNCIL**

THAT under the *Local Government Act 1993* and the *Fire Service Act 1979*, the Southern Midlands Council has made the following rates and charges upon rateable land within the municipal area of Southern Midlands (“the municipal area”):

##### **1. General Rates**

Under section 90 (3) (c) of the *Local Government Act 1993* (“the Act”) Council makes a general rate of 8.1691 cents in each dollar of Assessed Annual Value for all rateable land within the municipal area shown on the valuation list prepared under the *Valuation of Land Act 2001* (“the valuation list”), subject to a minimum amount of \$310.00

##### **2. Waste Management Charge**

Under section 94 (1) of the Act Council makes a separate services charge in respect of the service of waste management called the Waste Management Charge upon all rateable land, which is capable of use for residential purposes, and Council declares that the charge is to be calculated in accordance with the following formulae:

- a) or rateable land upon which a dwelling or dwellings are constructed:

Waste Management Charge = \$144 x D, where D is the number of dwellings on the rateable land, capable of being occupied.

- b) for rateable land upon which no dwelling is constructed:

Waste Management Charge = \$48.00

### **3. Garbage Removal Charge**

- a) Under section 94 (1) of the Act Council makes a separate services charge of \$150.00 in respect of the service of waste management called the Garbage Removal Charge upon all rateable land.
- b) Under section 107 (1) (c) and section 94 (3A) of the Act the Council declares that the Garbage Removal Charge is varied according to the locality of the land and the level of service provided as follows:
  - (i) for the land identified by Property Identification Number 7462339 the charge is \$3,150.00;
  - (ii) for land in the Broadmarsh / Elderslie areas to which the Council provides a fortnightly garbage removal service (utilising wheelie bins) and kerbside recycling service, the charge is \$200.00.
  - (iii) for land in the Tunbridge area to which the Council provides a fortnightly garbage removal service (utilising wheelie bins) and kerbside recycling service, the charge is \$200.00.
  - (iv) for land to which the Council does not provide either a weekly garbage removal service and kerbside recycling service, or a fortnightly garbage removal service (utilising wheelie bins) and kerbside recycling service, the charge is zero.

### **4. Fire Service Contributions**

For the Council's contribution to the State Fire Commission:-

- (a) for land within the Oatlands & Kempton Volunteer Brigade Rating District an amount of 0.4139 cents in the dollar on the assessed annual value of all rateable land subject to a minimum amount of \$39.00;
- (b) for all other land in the municipal area an amount of 0.350919 cents in the dollar on the assessed annual value of the land subject to a minimum amount of \$39.00.

### **5. Instalments**

These rates and charges are for the year commencing 1st July, 2017 and ending 30th June 2018 and are payable by 4 equal instalments, the first payable 30 days after the issue of the rates notices, the second by 4.30 p.m. on 30<sup>th</sup> November 2017, the third by 4.30 p.m. on 31<sup>st</sup> January 2018 and the fourth by 4.30 p.m. on 30<sup>th</sup> March 2018.

Where a ratepayer elects to enter into an arrangement to pay the current rates and charges by monthly, fortnightly, or weekly instalments via one of the electronic payment options (including direct debit), then the instalment amounts will be calculated to settle the debt by 30<sup>th</sup> June 2018. Penalty and interest will not be applied on any of the 2017-18 rates and charges at the relevant date, provided that the instalment arrangements are adhered to. In the event of default, penalty and interest is to be calculated on the outstanding amounts.

## 6. Late Payments

- a) Penalty: A penalty of 5% applies to any rate or charge that is not paid on or before the date it falls due.
- b) Interest: In addition to the penalty, interest under section 128 of the *Local Government Act 1993* will be charged at the rate of 7.5% per annum.

## 7. Discount

A discount of 1.7% will apply to all rates and charges paid in full within 30 days after the date of issue. This discount is not applicable to rates and charges which are paid in instalments. The payment due date will appear on the rates notice.

## RECOMMENDATION

**THAT Council adopt the 2017-2018 Rates and Charges resolution as presented.**

## DECISION

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

## **18. MUNICIPAL SEAL**

### **18.1 COMMUNITY INFRASTRUCTURE FUND MINOR GRANTS PROGRAM – FORMAL SIGNING/SEALING OF THE DEEDS OF AGREEMENT**

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

**Date:** 22 JUNE 2017

**Attachment:**

*Grant Deed of Agreement - example*

#### **ISSUE**

Council are required to enter into a formal Grant Deed for each of the four Community Infrastructure Fund Minor Grants that Council were successful in being awarded, ie Oatlands Toilet Block, Chauncey Vale Track Work, Memorial Ave Reflection Shelter and the Mangalore Recreation Ground Storage Facility.

#### **DETAIL**

Council is aware of the recent success of the four Community Infrastructure Fund Minor Grants. The process for Grant funds being received is the signing and sealing of the relevant Grant Deeds.

The Deed of Agreement was required to be signed and returned to the Department of Premier & Cabinet by the 13<sup>th</sup> June 2017. Given the urgency, this report seeks the formal ratification of, along with the signing and sealing of the Grant Deeds.

The following is specific to these four projects;

#### **Grant Body**

Department of Premier & Cabinet  
Community Infrastructure Fund Minor Grants Program

#### **1. Approved Purpose**

**TOILET FACILITY UPGRADE ON THE LAKE DULVERTON FORESHORE - CIF  
MN00100**

#### **Grant Amount**

\$50,000 (excl GST) paid up front to Council

#### **SMC Project Manager**

Maria Weeding, Manager Natural Resource Management

#### **2. Approved Purpose**

**TRACK WORK AND HUT DEVELOPMENT AT CHAUNCEY VALE – CIF MN00169**

#### **Grant Amount**

\$23,500 (excl GST) paid up front to Council

#### **SMC Project Manager**

Graham Green, Senior Project Officer



**3. *Approved Purpose***

**MEMORIAL AVE REFLECTIVE RETREAT, KEMPTON – CIF MN00208**

***Grant Amount***

\$29,628 (excl GST) paid up front to Council

***SMC Project Manager***

Andrew Benson, Deputy General Manager

**4. *Approved Purpose***

**MANGALORE RECREATION GROUND STORAGE FACILITY – CIF MN00205**

***Grant Amount***

\$12,090 (excl GST) paid up front to Council

***SMC Project Manager***

Andrew Benson, Deputy General Manager

**Human Resources & Financial Implications** - As detailed within the grant applications.

**Community Consultation & Public Relations Implications** - Limited consultation has been undertaken with all of these projects.

**Website Implications** - Brief project outline to be prepared for the SMC website.

**Policy Implications** - NA

**RECOMMENDATION**

**THAT Council Sign and Seal the Grant Deeds of Agreement under the Community Infrastructure Fund Minor Grants Program from Department of Premier & Cabinet for:-**

- 1. Toilet facility upgrade on the Lake Dulverton foreshore - CIF MN00100;**
- 2. Track work and hut development at Chauncy Vale – CIF MN00169;**
- 3. Memorial Ave Reflective Retreat, Kempton – CIF MN00208; and**
- 4. Mangalore Recreation Ground Storage Facility – CIF MN00205.**

**DECISION**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		

**Attachment**

Department of State Growth

22 Elizabeth Street, Hobart TAS 7000  
GPO Box 536, Hobart TAS 7001 Australia  
Ph 1800 030 688 Fax (03) 6233 5800  
Email [info@stategrowth.tas.gov.au](mailto:info@stategrowth.tas.gov.au) Web [www.stategrowth.tas.gov.au](http://www.stategrowth.tas.gov.au)  
Your Ref: / Our Ref:

SOUTHERN MIDLANDS COUNCIL

Rec'd - 1 JUN 2017

File no \_\_\_\_\_

File ref: \_\_\_\_\_



**SCANNED**

31 May 2017

Dear Grant Recipient

Following the approval of your application for the Community Infrastructure Fund minor grant, please find attached two (2) copies of the Grant Agreement. Please read, understand and let the authorised person sign on the last page of the Agreement as indicated.

Kindly return both documents through the enclosed postage-paid reply envelope by **Tuesday, 13 June 2017** if possible. Please also ensure that you have completed and submitted online the Client Information and Disclosure Consent Form, along with the other documents required with it.

We will endeavour to process the grant payment within 14 business days of receipt of the above requirements.

For any enquiries, please email [cif@stategrowth.tas.gov.au](mailto:cif@stategrowth.tas.gov.au) or call Business Tasmania on 1800 440 026.

Yours sincerely

Community Infrastructure Fund Team

THE CROWN IN RIGHT OF TASMANIA  
(Represented by the Department of State Growth)

Grant agreement



This grant agreement comprises the following parts:

- Part A: Grant agreement overview
- Part B: Information Table
- Part C: Glossary of terms
- Part D: Terms and conditions of grant
- Part E: Signing

OCS APPROVED TEMPLATE  
Grant Docs-Grant agreement (basic grant) template-1-  
2014-AU  
(June 2014)

REFERENCE AND CONTACT DETAILS  
Department: Department of State Growth  
Contact officer: Grants Program Manager – Community  
Infrastructure Fund  
Telephone: 1800 440 026  
Email: [cis@stategrowth.tas.gov.au](mailto:cis@stategrowth.tas.gov.au)

Part A: Grant agreement overview

This agreement is made between the Crown in Right of Tasmania (called the **Grantor**) and the person named in Item 2 of the Information Table (called the **Recipient**).

Pursuant to this agreement the Grantor agrees to provide a monetary grant to the Recipient, and the Recipient agrees to accept the grant.

The terms and conditions of applicable to the grant are out in Part B and Part D.

The agreement is made on the date shown in Part E.

**Important Information:**

**Instruction:** The Recipient must sign this agreement before it is signed on behalf of the Grantor. The Recipient will not be entitled to receive the grant until this agreement has been signed and dated on behalf of the Grantor.

**Warning:** If the Recipient is not an incorporated body, clause 11 in Part D makes the person signing this agreement (on behalf of the Recipient) personally responsible for performing the Recipient's obligations under this agreement.

Part B: Information Table

Item 1: Grant program or reference
Community Infrastructure Fund, application reference CIF-MN00169.

<b>Item 2: Recipient's details</b>	
Name:	Southern Midlands Council
ABN:	68653459589
Address:	71 High Street Oatlands TAS 7120
Email:	mail@southernmidlands.tas.gov.au
Attention:	Mr Graham Green Special Projects Manager

<b>Item 3: Grant amount (excluding GST)</b>
\$23,500.00

<b>Item 4: Approved Purpose for which the Grant is provided</b>
<p>Funding is approved for the purpose as outlined in the Expression of Interest application submitted by the grantor for the project named Safety Upgrades to Important Community Infrastructure at Chauncy Vale, Bagdad with a project description:</p> <p><i>This project will enable long overdue upgrades to be made to the Chauncy Vale Meeting Hut and the popular walking track leading to nearby Brown's Caves.</i></p> <p><i>The Meeting Hut has been central to many activities that occur at Chauncy Vale, particularly as a place to shelter, meet and to gather information. The hut has been extended and improved in an ad-hoc manner, but not all elements were completed.</i></p> <p><i>The key component of the Brown's Caves track upgrade is replacement of a treated pine bridge with a more robust and aesthetically appropriate stone bridge crafted from local stone.</i></p>

<b>Item 5: Grant payment method</b>
<p>The Grant is to be paid to the Recipient within 14 business days, of the latest of the following to occur:</p> <ul style="list-style-type: none"><li>(a) the date of this agreement;</li><li>(b) where the Project Start Date has passed, the approval by the Grantor of a date for the substantial commencement of the Approved Purpose;</li><li>(c) the Grantor receiving a correctly rendered invoice from the Recipient; and</li><li>(d) the Recipient completing to the Grantor's satisfaction the Client Information and Disclosure Consent Form.</li></ul> <p>Subject to the above, the Grant will be paid by electronic funds transfer to the account nominated by the Recipient in the Client Information and Disclosure Consent Form.</p>

**Item 6: Reporting requirements related to use and expenditure of the Grant**

No later than one month after the completion of the Approved Purpose (or as otherwise required by the Grantor from time to time), the Recipient must provide to the Grantor:

- (a) a final Acquittal Report;
- (b) a report showing the receipt, use and expenditure of the Grant. The report is to include copies of bank statements and tax invoices (as applicable) showing the receipt, use and expenditure of the Grant; and
- (c) copies of all certificates of completion evidencing that any works comprising the Approved Purpose have been completed in accordance with all relevant legislation including but not limited to the *Building Act 2016* (Tas).

**Item 7: Grantor's address details**

Address:	GPO Box 536 Hobart Tasmania 7001
Email:	<a href="mailto:cis@stategrowth.tas.gov.au">cis@stategrowth.tas.gov.au</a>
Attention:	Grants Program Manager

**Item 8: Special terms and conditions**

The following special terms and conditions apply:

**1. Further definitions:**

**Acquittal Report** means the online form available from <https://stategrowth.smartygrants.com.au/applicant>, or as advised by the Grantor from time to time.

**Agreed Period** means the length of time calculated as the difference between the Project Start Date and the Project End Date.

**Application** means the expression of interest application submitted by the Recipient in respect of the Grant program described in Item 1, which has been approved by the Grantor.

**Approvals** means all necessary development approvals, licences, permits and approvals as may be required from time to time by a Government Body for or in respect of the Recipient undertaking the Approved Purpose.

**Australian Standard** means any standard published by Standards Australia Limited (known as 'Standards Australia') current as at the date of this agreement and includes any further standards introduced by Standards Australia Limited.

**Client Information and Disclosure Consent Form** means the online form available from <https://stategrowth.smartygrants.com.au/applicant> or as advised by the Grantor from time to time.

**Good Design and Construction Practice** means work, materials, practices, methods and systems which accord with the following:

- (a) a proper and workmanlike manner;
- (b) with due care and skill in applying nationally accepted design, building design, engineering, construction, testing and management procedures;
- (c) relevant quality assurance systems;
- (d) all applicable state, national and international codes and standards including

any standards issued by Australian Standards and all Laws;

- (e) use of materials of merchantable quality which are fit for purpose and fit for their intended use;
- (f) use of suitably qualified, accredited and experienced personnel; and
- (g) use of appropriate plant and equipment.**

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

**Law** means:

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

**Project End Date** means the date in the Application under the heading 'Project end date'.

**Project Start Date** means the date in the Application under the heading 'Project start date'.

**2. Date for substantial commencement of Approved Purpose**

The date for substantial commencement of the Approved Purpose to the satisfaction of the Grantor is 24/04/2017, or such later date, if any, approved in writing by the Grantor.

Without affecting the Recipient's obligations above in respect of the date for substantial commencement of the Approved Purpose, where the above date has passed, the Recipient must submit to the Grantor for approval by the Grantor (at the Grantor's discretion) a new date for the substantial commencement of the Approved Purpose. Any new date proposed for the substantial commencement of the Approved Purpose by the Recipient must be a date which occurs within 12 months of the date of this agreement.

**3. Date for completion of Approved Purpose**

The Recipient must complete the Approved Purpose within the Agreed Period, commencing from the date for substantial commencement of the Approved Purpose set out in clause 2 of this Item 8, or such later date, if any, approved in writing by the Grantor.

**4. Approved Purpose comprising works**

- (a) Where the Approved Purpose comprises works, the Recipient must carry out the works in accordance with:
  - (i) Good Design and Construction Practice;
  - (ii) all Laws;
  - (iii) all Approvals issued in relation to the works;
  - (iv) all requirements of the Building Code of Australia; and
  - (v) any relevant Australian Standards.

**5. Carrying out activity**

If the Approved Purpose requires the carrying out of any activity, the Recipient must carry out that activity, or ensure that the activity is carried out by others, in a proper and workmanlike manner in accordance with all applicable Laws.

The Recipient must ensure that its personnel involved in carrying out the Approved Purpose, and contractors engaged by the Recipient to undertake any task related to the carrying out of the Approved Purpose, are appropriately qualified and experienced.

**6. Contractors**

The Recipient is not relieved of any of its obligations or liabilities under this agreement as a result of the Recipient's engagement of any contractor to undertake any task related to the performance of any of those obligations.

Upon request by the Grantor, the Recipient must provide to the Grantor details of all contractors engaged by the Recipient to perform any task related to the performance by the Recipient of any of its obligations under this agreement.

**7. Indemnities**

The Recipient indemnifies, and must keep indemnified, the Grantor from and against all actions, claims, demands, losses, damages, costs and expenses for which the Grantor becomes liable:

- (a) in connection with or arising out of:
  - (i) personal injury to, or death of, any person;
  - (ii) loss or damage to the property of any person; and
  - (iii) financial loss of a third party,arising from, or attributable to, the Recipient carrying out the Approved Purpose or performing its obligations under this agreement, to the extent that the injury, death, loss or damage is not caused by a wrongful (including negligent) act or omission of the Grantor;
- (b) in connection with or arising out of the use by the Grantor of any report or other document provided by the Recipient in accordance with this agreement, including any claims regarding the ownership or right to use intellectual property or moral rights (as defined in the *Copyright Act 1968* (Cwlth)) in such reports or documents.

The indemnities in this clause 7 of Item 8:

- (a) are continuing obligations of the Recipient;
- (c) separate and independent from any other obligations of the Recipient; and
- (d) survive the expiration or termination of this agreement.

**8. Insurance**

- (e) The Recipient must for at least the Relevant Period hold and keep current a contract of insurance with a reputable insurer, lawfully carrying on insurance business in Australia, indemnifying the Recipient's liability for:
  - (i) personal injury to, or death of, any person; and
  - (ii) loss or damage to the property of any person,for at least \$20,000,000.00 for each individual claim or series of claims arising out of a single occurrence, or for such other sum as the Grantor reasonably determines from time to time and notifies to the Recipient.
- (b) The liability to be insured against under clause 8(a) of this Item 8 is liability arising from, or attributable to, the Recipient carrying out the Approved Purpose to the extent that the injury, death, damage or loss is caused by a negligent act or omission of the Recipient or the Recipient's employees or agents.
- (c) In this clause, **Relevant Period** means the period commencing on the date of this agreement and ending on the date on or by which all of the Recipient's obligations under this agreement related to the carrying out of the Approved Purpose have been performed.
- (d) The insurance contract required by clause 8(a) of this Item 8 must name the Grantor as a principal in respect of the Recipient for the purpose of indemnifying the Grantor for any vicarious or other legal liability (if any) it may have in respect of any injury, death, damage or loss caused by a negligent act or omission of the Recipient or the Recipient's employees or agents.

- (e) The Recipient must notify the Grantor in writing as soon as practicable if:
- (i) the insurance contract required by clause 8(a) of this Item 8 lapses, is cancelled or is materially altered; or
  - (ii) the Recipient claims, or becomes entitled to claim, under the insurance contract for something related to the carrying out of the Approved Purpose or this agreement.
- (f) The Recipient must:
- (i) comply with the insurance contract required by clause 8(a) of this Item 8;
  - (ii) not do anything which may result in the cancellation of the insurance contract, the refusal by the insurer to renew the insurance contract, or the loss of any right to claim under the insurance contract;
  - (iii) not without the prior written consent of the Grantor vary, rescind, cancel or terminate the insurance contract.
- (g) The Recipient must give to the Grantor:
- (i) when requested by the Grantor, a copy of the insurance contract required by clause 8(a) of this Item 8 and evidence of the currency of that insurance contract; and
  - (ii) a copy of each document issued to the Recipient by the insurer in relation to that insurance contract.
- 9. Interest**  
Any interest earned on the Grant (or any part thereof) will be taken to form part of the Grant, and must be used only for the Approved Purpose.
- 10. Recipient to participate in evaluation**  
The Recipient agrees to participate in any funding / evaluation that may be undertaken by the Grantor.

### Part C: Glossary of terms

In this agreement, unless the context otherwise requires:

**Approved Purpose** means the purpose for which the Grant is provided as set out in Item 4 of the Information Table.

**Grantor** means the Crown in Right of Tasmania.

**Grant** means the grant paid or to be paid by the Grantor to the Recipient pursuant to clause 2 in Part D.

**GST** has the meaning in the *A New Tax System (Goods and Services) Act 1999* (Cwlth). Expressions defined in the GST Act have the same meaning when used in this agreement.

**Information Table** means the table in Part B.

**Recipient** means the person named in Item 2 of the Information Table as the Recipient.

**Relevant Matter** means any matter or thing related to any of the following: the performance by the Recipient of its obligations under this agreement; the receipt, use or expenditure of the Grant; the carrying out of the Approved Purpose; any report provided, or to be provided, by the Recipient to the Grantor in accordance with this agreement; any information provided by the Recipient to the Grantor in connection with any application for the Grant.



## Part D: Terms and conditions of grant

### 1 Interpretation

In this agreement, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa;
- (b) words importing a gender include all genders;
- (c) other grammatical forms of a defined term have a corresponding meaning;
- (d) a reference to a thing (including property or an amount) is a reference to the whole and each part of the thing;
- (e) a reference to any legislation or legislative provision includes subordinate legislation made under it and any amendment to, or replacement for, any of them.
- (f) a reference to a 'person' includes a natural person, a partnership, a body corporate, a corporation sole, an association, a government body, or any other entity;
- (g) a reference to a party includes that party's executor's administrators, successors and permitted assigns and substitutes; and
- (h) mentioning any thing after the words 'includes' 'included' or 'including' does not limit the meaning of any thing mentioned before those words.

Headings do not affect the interpretation of this agreement.

A reference to the Grantor includes any person lawfully acting on behalf of the Grantor.

### 2 Agreement to provide Grant

Subject to the terms of this agreement, the Grantor will provide to the Recipient a grant in the amount set out in Item 3 of the Information Table for use by the Recipient

for the Approved Purpose in accordance with this agreement.

The Recipient acknowledges and agrees that:

- (a) the Grantor's financial assistance to the Recipient in respect of the Approved Purpose is limited to the Grant; and
- (c) the Grantor is not responsible for any liabilities incurred by the Recipient, or any obligations entered into by the Recipient, as a result of or arising out of, the Recipient's obligations under this agreement or in respect of the Approved Purpose.

### 3 Payment of Grant

If the Grant is subject to GST, the Grantor is not required to pay the Grant until the Grantor has received from the Recipient a correctly rendered tax invoice in accordance with clause 15.

The Grantor will pay the Grant to the Recipient in the manner specified in Item 5 of the Information Table. If no method of payment is specified in Item 5 of the Information Table, the method of payment will be as determined by the Grantor.

### 4 Application of Grant and related matters

The Recipient must only use the Grant to undertake the Approved Purpose.

The Recipient must not change the Approved Purpose without the prior written approval of the Grantor, which approval may be given or withheld in the Grantor's absolute discretion.

The Recipient must undertake the Approved Purpose exercising reasonable skill, care and attention.

The Recipient must comply with all applicable laws in expending the Grant and in carrying out the Approved Purpose.

#### **5 Financial records**

The Recipient must keep and maintain proper accounts, records and financial statements, showing the receipt, use and expenditure of the Grant.

The Recipient must allow the Auditor-General of Tasmania (or his or her nominee) to audit, inspect, and to take copies of, the Recipient's accounts, records and financial statements relating to the receipt, use and expenditure of the Grant.

#### **6 Review, monitoring or audit of Relevant Matters**

The Grantor may from time to time review, monitor or audit any Relevant Matter. The Recipient must in connection with any such review, monitoring or audit by the Grantor comply with any reasonable directions of the Grantor.

#### **7 Reporting**

The Recipient must provide to the Grantor the reports and other documents (if any) specified in Item 6 of the Information Table.

The Recipient must provide to the Grantor such other reports and documents as required by the Grantor from time to time in connection with any Relevant Matter.

Unless otherwise stated in Item 6 of the Information Table, nothing in that Item limits the reports or frequency of reports that the Grantor may require under this clause.

#### **8 Publicity concerning Grant and Approved Purpose**

The Recipient must comply with any reasonable instructions given by the Grantor concerning publicity by the Recipient regarding the Grant and the Approved Purpose.

#### **9 Repayment obligations**

The Recipient must repay to the Grantor on demand in writing by the Grantor:

- (a) any part of the Grant that is not required by the Recipient to carry out the Approved Purpose;
- (b) any part of the Grant that is used by the Recipient for a purpose that is not the Approved Purpose;
- (c) the Grant – if the Recipient does not promptly complete the carrying out of the Approved Purpose in accordance with this agreement; and
- (d) the Grant – if any information given, or statement made, to the Grantor by the Recipient or its agents concerning any application for the Grant, is shown to be untrue, incorrect or misleading in any way.

#### **10 No reliance by the Recipient**

The Recipient acknowledges that it has not entered into this agreement in reliance on any representation, warranty, promise, statement or undertaking made by the Grantor or any person on behalf of the Grantor.

#### **11 Responsible person**

If the Recipient is not an incorporated body, the person signing this agreement for the Recipient is personally responsible for performing all of the Recipient's obligations under this agreement.

#### **12 Confidentiality in relation to this agreement**

Despite any confidentiality or intellectual property rights subsisting in this agreement, either party may publish, without reference to the other, all or any part of this agreement.

Nothing in this clause derogates from a party's obligations under the *Personal Information Protection Act 2004 (Tas)* or the *Privacy Act 1988 (Cwlth)*.

#### **13 Notices**

The addresses, facsimile numbers and email addresses of the parties for the receipt of any Notice are:

- (a) in the case of the Grantor, as set out in Item 7 of the Information Table or as

subsequently notified by the Grantor to the Recipient; and

- (b) in the case of the Recipient, as set out in Item 2 of the Information Table or as subsequently notified by the Recipient to the Grantor.

A Notice may be served by: delivering it by hand to the party; leaving it at the party's address; sending it by prepaid ordinary post to the party's address; sending it by facsimile transmission to the party's facsimile number; or sending it by email to the party's email address.

In this clause, **Notice** means a notice or other communication for the purpose of this agreement.

#### 14 Governing law

This agreement is governed by the law of Tasmania.

#### 15 GST

If GST is imposed on any supply made by a party under this agreement, the recipient of the supply must pay to the person making the supply, in addition to any consideration payable, or to be provided by, the recipient under this agreement for that supply, an additional amount equal to the GST payable by the person making the supply for that supply.

The additional amount is to be paid at the same time and in the same manner as the supply to which the GST relates.

#### 16 Special conditions

The special terms and conditions in Item 8 of the Information Table form part of this agreement.

If there is any inconsistency between the special terms and conditions in Item 8 of the Information Table and any another provision of this agreement, the special terms and conditions override the other provision to the extent of the inconsistency.

A special term or condition in Item 8 of the Information Table is taken not to be inconsistent with another provision of this agreement if the special term or condition and the other provision are both capable of being complied with.

#### 17 Miscellaneous

The Recipient must not assign any of its Rights or obligations under this agreement except with the prior written consent of the Grantor.

An obligation or liability on the part of two or more persons binds them jointly and severally.

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

Nothing in this agreement:

- (a) constitutes a party to be the partner, agent or legal representative of another party for any purpose; or
- (b) creates, a partnership or joint venture between the parties.

The non-exercise of, or delay in exercising, any Right does not operate as a waiver of that Right. A single exercise of a Right does not preclude any other exercise of that Right or the exercise of any other Right. A Right may only be waived in writing, signed by the party to be bound by the waiver. A waiver of a Right is effective only in the specific instance and for the specific purpose for which it was given.

Each Right of the Grantor provided in this agreement is exclusive and independent of each other Right of the Grantor in this agreement, and all other Rights of the Grantor at law or in equity.

In this clause, **Right** includes a right, power, remedy, authority and discretion.

**Part E: Signing**

Date:   
(Date only to be inserted at time of signing by the Grantor)

**Signing by Grantor**  
Signed on behalf of the Grantor by the person named below in the presence of the witness named below:

Signature: →	<input type="text"/>	Witness' signature: →	<input type="text"/>
A person authorised to sign this agreement on behalf of the Grantor			
*Print name:	<b>ROBERT RUTHERFORD</b>	*Witness print name:	<b>PHILLIP DALWOOD</b>
*Use BLOCK LETTERS.		*Witness print address	C/- 22 Elizabeth Street HOBART TAS 7000

**Signing by Recipient that is a council**

The common seal of \_\_\_\_\_ Council has been hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ pursuant to a resolution of Council delegating authority to the General Manager to affix the Council's Seal:

General Manager's signature: →	<input type="text"/>	Seal: →	<input type="text"/>
Print Name*	<input type="text"/>		

\*Use BLOCK LETTERS

## 19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

*Council to address urgent business items previously accepted onto the agenda.*

### RECOMMENDATION

**THAT the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting.**

### DECISION

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

## **CLOSED COUNCIL AGENDA**

### **20. BUSINESS IN “CLOSED SESSION”**

*Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.*

*The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.1 CLOSED COUNCIL MINUTES**

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

#### **20.2 APPLICATION FOR LEAVE OF ABSENCE**

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

#### **20.3 PROPERTY MATTER - KEMPTON**

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

## RECOMMENDATION

**THAT Council move out of “Closed Session”.**

## DECISION

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



## **OPEN COUNCIL MINUTES**

### **21. CLOSURE**