

SOUTHERN  
MIDLANDS  
COUNCIL



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

---

Wednesday, 29<sup>th</sup> March 2017  
10.00 a.m.  
Woodsdale Hall

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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, 29<sup>th</sup> March 2017  
**Time:** 10.00 a.m.  
**Venue:** Woodsdale Hall

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:***

- Public Question Time has been scheduled for 12.30 p.m.

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

Nil.

## 4. APPLICATION FOR LEAVE OF ABSENCE

Nil.

## 5. MINUTES

### 5.1 Ordinary Council Minutes

The Minutes of the previous meeting of Council held on the 21<sup>st</sup> February 2017, as circulated, are submitted for confirmation.

### DECISION

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

### 5.3 Special Committee of Council Minutes

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

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

- Parattah Progress Association (previously Parattah Recreation Ground) Management Committee – 7 March 2017
- Woodsdale Hall Management Committee – 6<sup>th</sup> March 2017
- Lake Dulverton & Callington Park Management Committee – 27<sup>th</sup> February 2017
- Memorial Trees Committee – 20<sup>th</sup> February 2017

#### RECOMMENDATION

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

#### DECISION

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

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

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

- Parattah Progress Association (previously Parattah Recreation Ground) Management Committee – 7 March 2017
- Woodsdale Hall Management Committee – 6<sup>th</sup> March 2017
- Lake Dulverton & Callington Park Management Committee – 27<sup>th</sup> February 2017
- Memorial Trees Committee – 20<sup>th</sup> February 2017

#### RECOMMENDATION

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

#### DECISION

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

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

### **5.4.1 JOINT AUTHORITIES - RECEIPT OF MINUTES**

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

- **Southern Tasmanian Councils Authority – Nil.**

*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.*

### **DECISION NOT REQUIRED**

### **5.4.2 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 – December 2016.**

### **RECOMMENDATION**

**THAT the report 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 A R Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		



## 6. 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.

One workshop was held on the 20<sup>th</sup> March 2017 at the Council Chambers, Oatlands commencing at 9.30 a.m.

Attendance: Mayor A E Bisdee OAM, Deputy Mayor A O Green, Cllrs A Bantick, E Batt, R Campbell, D Fish & D Marshall

Also in Attendance: T Kirkwood & A Benson

The purpose of the workshop was to provide briefings and consider the following issues:

### 1. Colebrook History Room Property – use / access by motorhomes / campervans / campers etc.

This issue has been raised by a resident of Colebrook that adjoins the History Room property. A background paper (attached), prepared by A Benson, was presented to the meeting.

The following outcomes were noted:

- Council to proceed with preparation and lodgement of a Development Application to establish a roadside stopover facility at the Colebrook Recreation Ground (or adjoining Council owned property);
- Council to erect signage to advise that use of the property for camping / motorhome / campervan access is prohibited; and
- Check online promotional sites (e.g. CMCA and similar websites) to confirm that this property is not being promoted for such use.

Note: It was also noted that the remaining timber building (ex-canteen) is to be demolished on a voluntary basis with all materials being removed from the site.

### 2. Midlands Hotel – Potential Lessee

Council officers to meet with the potential lessee and seek documented submission for proposed activities and associated developments.

### 3. 'Blue Place' Community Facility (Council owned)

A basic expression of interest has been received which offers to purchase / lease the 'Blue Place' for development as a commercial premises.

The following outcomes were noted:

- Council to seek a more detailed proposal from the interested party regarding the intended use of the property, with a request that consideration be given to accommodating the various art related activities that currently take place in the building; and
- Council initiate a consultation process with the various key stakeholders (i.e. Green Ponds Progress Association; Greater Green Ponds Arts; Brighton / Green Ponds

RSL and the broader community) to gain an understanding of the community's position in terms of selling / leasing the building.

Note: It was also noted that a long-term lease of the property (i.e. exceeding five years) is not permissible given its status of being classified as public land and the restrictions contained within the *Local Government Act 1993*.

#### **4. Oatlands Aquatic Centre – Revised Concept Plan**

The revised concept plan, prepared by the Architect (R Bzowy) in consultation with the community based Pool Committee was presented to the workshop.

The following outcomes were noted:

- Council to commend the Pool Committee and the Architect for preparing the revised design concept;
- Council endorsed (unanimously) the design concept which will be presented to the community forum on 27<sup>th</sup> March 2017 – noting that the revised design is based on working to a capital investment ceiling of \$5.0M;
- The Site Plan should show the location of some adjoining buildings (e.g. Community Centre and Gay St Hall) which would provide a better understanding of the proposed layout of the site; and
- The front-office design and layout should not be finalised until such time that consideration is giving to the possible incorporation of other uses.

#### **5. Large Scale Accommodation Facility – Draft Prospectus**

Following a review and receipt of preliminary feedback and comments, it was agreed that the draft would be further considered 'in-house' and suggested amendments consolidated into a single document. It was also agreed to investigate the possibility of using video as part of the promotional package.

#### **6. Filming of “The Nightingale” in High Street, Oatlands**

The General Manager provided background information relating to this proposal. It is intended to conduct a community information session whereby the Producers will brief the community in relation to the project. The forum will provide an opportunity for questions and answers; and identify any areas of concern that may need to be addressed as part of the planning.

Date of forum to be confirmed, but likely Thursday 6<sup>th</sup> April 2017 (6.00 p.m. to 7.00 p.m.)

#### **7. Callington Mill Precinct – Strategic & Operational Review – Workshop**

It was confirmed that the workshop will be held on Monday 27<sup>th</sup> March 2017 at the Council Chambers, Oatlands commencing at 3.00 p.m.

The workshop concluded at 12.20 p.m.

## RECOMMENDATION

**THAT the information be received and the outcomes of the workshop noted and endorsed.**

## DECISION

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

## **7. 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.

2.

3.

4.

5.

## **8. 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*.

## 9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 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 A R Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		

## 10. 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.

### 10.1 Permission to Address Council

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

- Nil

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

### 11.1 POLICY – ‘UNBOUNDED LOCALITIES’ IN THE SOUTHERN MIDLANDS

Deputy Mayor A O Green has submitted the following Motion on Notice:

“That:

- a) Council adopt a policy regarding locality signage in the Southern Midlands; and
- b) Subject to (a), the following Policy be considered:

**Proposed Policy:** That new locality signage in the Southern Midlands municipal area be limited to those places listed in Schedule 5 of the *Rules for Place Names in Tasmania* as determined by the Nomenclature Board of Tasmania.

The following background comments have been provided by the Deputy Mayor:

#### *Policy Proposal*

Recently a request for new locality signage was raised with Council. This issue has arisen a number of times over recent years and could perhaps be addressed by adoption of a policy of Council.

The Nomenclature Board of Tasmania publishes the *Rules for Place Names in Tasmania*. This guide outlines rules for naming places and features in Tasmania, as well as defining different classifications of places and features.

According to the *Rules*, "unbounded locality" means an area of undefined extent, that includes a feature or an area of cultural or community interest.

A "suburb or locality" means listed areas in Schedule 5 of the *Rules* with defined boundaries that divide the State of Tasmania.

Examples of "unbounded localities" determined by the Nomenclature Board and situated in the Southern Midlands include Native Corners, Eldon, Brandy Bottom, Rekuna, Spring Hill Bottom, Hunting Ground, Lowdina, Nala, Yarlinton, Green Valley and Black Brush. All of these "unbounded localities" are in fact part of existing listed suburbs/localities. For example, the listed suburb/locality of Campania includes the "unbounded localities" of Native Corners, Rekuna and Lowdina. The listed suburb/locality of Bagdad includes the unbounded locality of Green Valley.

Localities that are currently signed within the Southern Midlands are usually categorised as towns or suburbs/localities and are listed in Schedule 5 of the *Rules*. Examples include Oatlands, Andover, Rhyndaston, Mangalore, Stonor and Stonehenge. A number of places listed as suburbs/localities by the Nomenclature Board but apparently without current signage include Lower Marshes and Woodsdale.



## DECISION

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

**11.2 DEPARTMENT OF STATE GROWTH - MIDLAND HIGHWAY UPGRADE – VICINITY OF ST PETER’S PASS PROPERTY & KENMORE ARMS**

*Deputy Mayor A O Green has submitted the following Motion on Notice:*

“That Council review the following decision made at the Council meeting on 21<sup>st</sup> February 2017:

*“THAT Council write to the Department of State Growth requesting that it consider alternative engineering design(s) for that section of the highway in the vicinity of ‘Kenmore Arms’ and St Peter’s Pass. The intent being to maintain the existing trees and hedge rows on the western side of the highway”.*

The following background comments have been provided by the Deputy Mayor:

This review is sought because:

1. The affected property owner has not been consulted in Council making its decision; and
2. The affected property owner should be consulted prior to Council determining a position in regard to this matter.

**DECISION**

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

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

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

### **12.1 DEVELOPMENT APPLICATIONS**

#### **12.1.1 DEVELOPMENT APPLICATION (SA 2016/12) FOR A SUBDIVISION (BOUNDARY REORGANISATION BETWEEN FOUR TITLES) AT CHURCH ROAD, BROADMARSH (CT232965/1, CT111196/1, CT223388/1 & CT208363/1), OWNED BY B J CAMPBELL**

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

**Date:** 22 MARCH 2017

#### **Enclosures:**

*Development Application documentation & Representations*

### **ISSUE**

#### **PROPOSAL**

The Applicant T.N. Woolford & Associates on behalf of B. J. Campbell has applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") for a reorganisation of boundaries between four existing titles off Church Road, Broadmarsh.

The application seeks to rearrange the four (4) existing titles to create lots that have road frontage and are capable of being developed in the future with consideration of natural values and bushfire risks. Currently only one (1) of the titles (CT208363/1) has frontage to Church Road.

The proposed lots are described as follows (all areas exclude roads):

- Lot 1 – 3.1ha
- Lot 2 - 6.2ha
- Lot 3 - 5.1ha
- Lot 4 – 67.7ha

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

The land is zoned Rural Resource and is subject to several planning codes. The land is predominantly covered with native vegetation and all the titles are currently undeveloped other than access tracks.

Under the Planning Scheme subdivision is defined as development. The proposal is to be assessed against the development standards of the zone and the development

standards of the applicable Codes. These matters are described and assessed in this report.

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

The Council gave notice of the application for public comment on 6<sup>th</sup> March 2017 for 14 days. During the notification period two (2) representations were received.

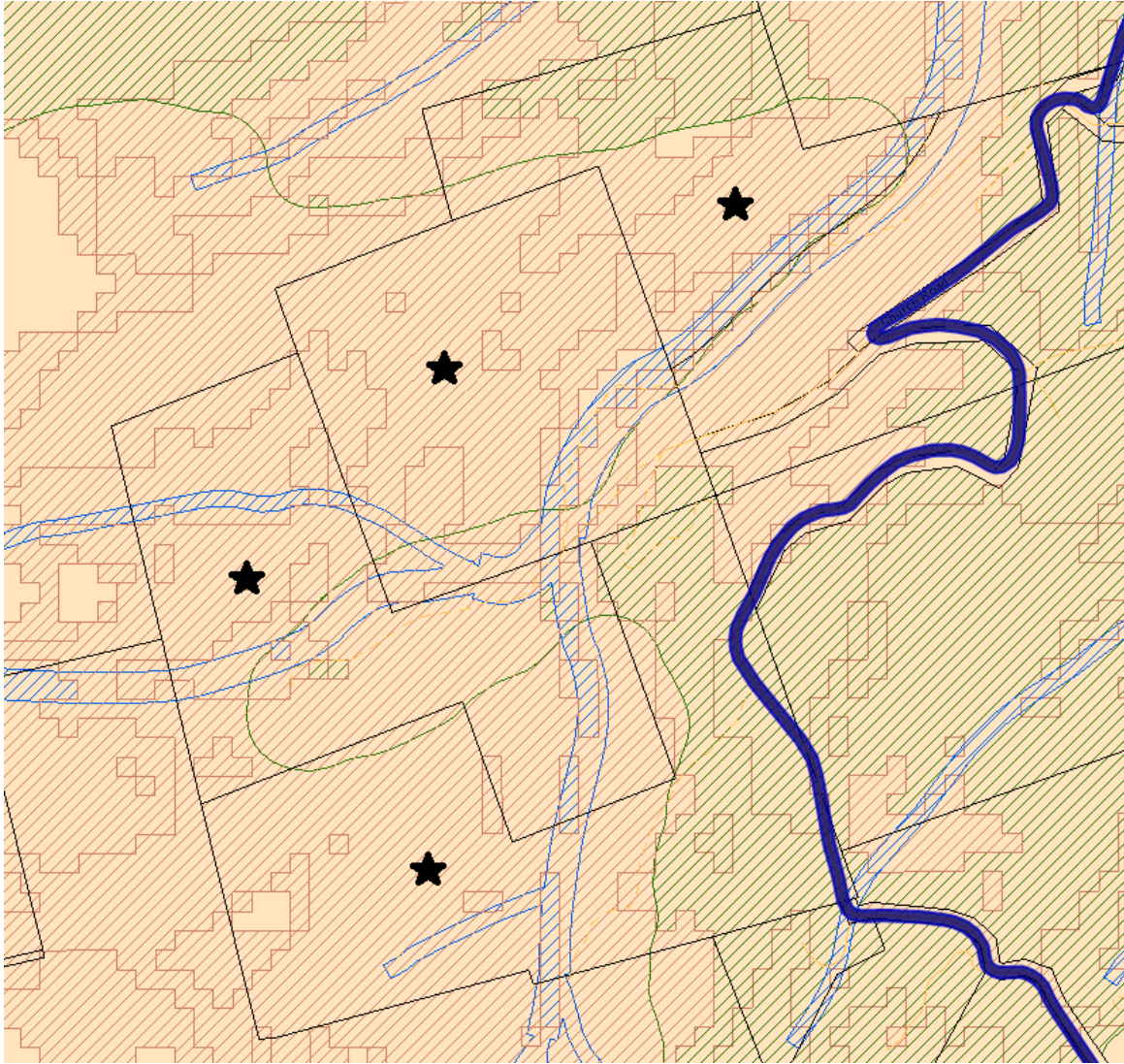
This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council approve the application and issue a permit subject to conditions.

## THE SITE

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



Map 1\_The subject land and surrounding properties are in the Rural Resource zone (cream colour). Church Road is marked by a blue line. The four subject titles are marked with stars.



*Map 2\_Large areas of the land is subject to planning scheme overlays including Landslide Hazard Areas (brown stripe), Waterway Protection Area (blue stripe) and Biodiversity Protection Area (green stripe). The four subject titles are marked with stars.*





Map 3 \_ Aerial image of the land. The aerial image is dated January 2011.

## **THE APPLICATION**

The Applicant has submitted the attached Subdivision Plan and additional reports addressing the relevant Codes, including an Ecological Assessment, Bushfire Risk Assessment and Geotechnical Assessment to accompany the Development Application form.

Council Officers have discussed the application with the Applicant, Owner and Representatives.

## **USE/DEVELOPMENT DEFINITION**

The proposal is defined, under the Planning Scheme, as development for Subdivision, which is discretionary in accordance with Clause 9.7.2.

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

The proposal is a discretionary use and development 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 or Council may refuse to grant a permit.

**PUBLIC NOTIFICATION AND REPRESENTATIONS**

The application was advertised on the 6<sup>th</sup> March 2017 for fourteen (14) days. During this period two (2) representations were received raising concerns, principally regarding a private water line that crosses one of the subject titles (CT208363/1) and associated access to the water source, as detailed in the table below.

<b>Representation 1</b>	<b>Council Officer Comment</b>
<p>General Manager,                      Dear Sir,</p> <p>I wish to object to this subdivision as I have an easement on the adjacent property owned by Thorn.</p> <p>I have a water pipe running under the reserved road on BJ Campbell's property which carries water to my property and another (<i>details removed</i>).</p> <p>This water line has been in use for over 30 years.</p> <p>I fear if this property is subdivided this water line may be removed.</p> <p>If this subdivision is approved it means there will be 4 new dwellings built, which means more traffic will be using this road and owing to Church Road being very narrow with steep drop offs, there's a likelihood of more accidents to happen.</p> <p>Does council have plans on an upgrade to this road?</p> <p>Also as this area is mainly thick forest there is a high risk of bushfires, owing to more people living in the new subdivision</p>	<p>Council Officers have conducted investigation and enquiries to establish the nature of the water line and associated easements and access.</p> <p>Land to the south of the titles subject to this application identified in CT32281/10 contains a natural spring. In an historic arrangement the properties owned by the two representors have a domestic water supply from this spring, licensed through DPIPWE.</p> <p>Pipeline easements have been created on CT32281/10 over the source of the water and over one representor's property where the pipe crosses it to the other.</p> <p>However, the pipeline also crosses CT208363/1 that is part of this subdivision. This title contains a reserved road owned by the Crown that runs from Church Road to the title containing the water source (CT32281/10). To further complicate the situation, the road is not constructed fully within the reservation as shown on the title plan. The pipeline is located under the road and as such it is also not entirely within the Crown reserve. The reserved road and the pipeline will be entirely contained on Lot 2 of the proposed subdivision.</p> <p>There is currently no easement, access licence or other legal arrangement granting the representors access across CT208363/1 or the reserved road.</p>

	<p>Regular access to maintain the water line has been allowed by verbal agreement. The owner intends to build their own house on Lot 2 and continue this arrangement in the current form, however it is preferred that access is made on foot rather than by vehicle.</p> <p>Council officers are of the view that the pipeline and associated access should be formalised through this subdivision and conditions to this effect are recommended.</p> <p>With regard to road safety, in excess of 20 residential properties already obtain access over the unsealed section of Church Road. 4 additional dwellings are unlikely to reduce the existing road safety and access points will be located to maximise sight distances.</p> <p>The area is bushfire prone and a Bushfire Risk Assessment and Bushfire Hazard Management Plan prepared by an Accredited Bushfire Practitioner (N. Creese, Lark &amp; Creese Pty Ltd) has been provided. Assessment against the Code provisions is presented in the body of the report, below.</p>
<p><b>Representation 2</b></p>	<p><b><i>Council Officer Comment</i></b></p>
<p>Dear Sir/Madam</p> <p>I am writing in regards to Application number SA2016/12.</p> <p>I ... expressed my husband's and my objection and concerns to this application going forward without further investigation.</p> <p>Ourselves and our neighbour have an water easement that we access by a reserve road that crosses the land that has been put forward for subdivision.</p> <p>We have accessed this land for the past 17 years as current land owners, and the previous owners before us for around 20+ years prior to us, to attend to the up keep, maintenance and daily running of our properties water supply from the</p>	<p>See comments above.</p>



<p>easement.</p> <p>We also pay an annual water licence fee to the Dept. Primary Industries, Parks, Water and Environment.</p> <p>As this Reserve Road through this property is the only access we have to the easement you can understand our concerns and why have objected at this stage to this going forward. This is the only water supply we have to our property for residential purposes and cannot be without the access to the easement.</p> <p>We have also contacted the crown lands department and notified them of the situation also, and they are helping us with our enquiries at the moment.</p>	
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**ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME**

***Rural Resource Zone***

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

<b>Reorganisation of Boundaries</b>		
To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p> <p>A lot is for public open space, a riparian or littoral reserve or utilities.</p>	<p>P1</p> <p>The reorganisation of boundaries must satisfy all of the following:</p> <p>(a) all existing lots are adjoining or separated only by a road;</p> <p>(b) no existing lot was formally a crown reserved road or other reserved land;</p> <p>(c) provide for the sustainable commercial operation of the land by either:</p>	<p><i>The proposal does not comply with the Acceptable Solution and must be assessed against the Performance Criteria.</i></p> <p><i>(a) Complies - the four existing lots are adjoining.</i></p> <p><i>(b) Complies – none of the existing lots was formally a crown reserved road or other reserved land.</i></p> <p><i>(c) The land is predominantly vegetated with native bush and is not currently</i></p>

	<p>(i) encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot', as demonstrated by a whole farm management plan,</p> <p>(ii) encompassing an existing or proposed non-agricultural rural resource use in one lot;</p> <p>(d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 26.4.2;</p> <p>(e) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;</p> <p>(f) a new vacant lot must:</p> <p>(i) contain land surplus to rural resource requirements of the primary agricultural lot;</p> <p>(ii) contain a building area capable of accommodating residential development satisfying clauses 26.4.2 and 26.4.3.</p> <p>(iii) not result in a significant increase in demand for public infrastructure or services;</p>	<p><i>used for agriculture other rural resource use. However, the proposal will consolidate the majority of the land into Lot 4 which is considered to be consistent with the intent of this clause.</i></p> <p>(d) <i>There are no existing dwellings on the land.</i></p> <p>(e) <i>There are no existing dwellings on the land.</i></p> <p>(f) (i) <i>As stated above, the land is not currently used for agriculture, however the proposal will consolidate the majority of the land into one lot.</i></p> <p>(ii) <i>Each of the proposed lots contains a building area that is capable of satisfying the relevant development standards. Additionally, the building areas are located to avoid significant natural values and minimise landslide and bushfire hazard risk.</i></p> <p>(iii) <i>The proposed lots will have road frontage and can be provided with electricity. The area is not serviced with reticulated water or sewer and any future development on the lots will require onsite facilities.</i></p> <p>(g)</p>
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	<p>(g) all new lots must comply the following:</p> <p>(i) be no less than 1ha in size;</p> <p>(ii) have a frontage of no less than 6m;</p> <p>(iii) be serviced by safe vehicular access arrangements;</p> <p>(h) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.</p>	<p>(i) <i>Complies - the smallest of the proposed lots is 3.1ha.</i></p> <p>(ii) <i>Lots 1-3 each have well over 6m of frontage to Church Road as shown on the subdivision plan. Lot 4 currently does not have frontage to the road. The owner intended to purchase the section of reserved road that connects from Church Road to the lot, however this has not been successful. Therefore, it will be necessary for the lot arrangement to be altered to provide 6m of frontage for Lot 4. A condition to this effect is included in the recommendation below.</i></p> <p>(iii) <i>Each of the lots can be provided with safe vehicular access. Lots 1 and 2 will each be provided with a new access directly from Church Road. Lots 3 and 4 will be accessed over an existing driveway via the reserved road off the northern section of Church Road. Right of ways will be created to facilitate this. Access over the reserved road will need to be formalised by a crown licence.</i></p> <p>(h) <i>There are no Local Area Objectives or Desired Future Character Statements provided for this zone.</i></p>
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### ***Bushfire Prone Areas Code***

The Bushfire Prone Areas Code applies to subdivision of land that is located in a bushfire prone area. A Bushfire Risk Assessment and Bushfire Hazard Management Plan prepared by an Accredited Bushfire Practitioner (N. Creese, Lark & Creese Pty Ltd) has been provided.

All of the lots are capable of achieving a bushfire attack level of BAL-19. Any future dwellings on these lots will need to be constructed to this level or greater as well as establishing and maintaining the specified Hazard Management Areas

Access to the lots will need to be constructed in accordance with the requirements of E1.6.1.2 and Table E4 of the Code.

No reticulated water is available to the land, so each lot will be required to provide a static water supply of at least 10,000 litres and appropriate hardstand area when it is developed.

### ***Landslide Code***

The Landslide Code applies as the land is subject to Low and Medium Landslide Hazard areas as defined by the overlay maps of the planning scheme. Lots 1 and 2 contain a Low Landslide Hazard Area and Lots 3 and 4 contain a Medium Landslide Hazard Area. A Geotechnical Assessment assessing the landslide risk of the subdivision has been prepared by a qualified person (Peter Hofto, Rock Solid Geotechnics Pty Ltd) to accompany the application.

The report assesses the landslide risk of the nominated building areas and access for each of the proposed lots. The report states that the subject land and general area does not have a history of instability and is currently stable.

Lots 1 and 2 are in areas of Very Low Risk and can be developed without further consideration of landslide risk. Lot 3 is in an area of Low to Moderate Risk and Lot 4 is in an area of Moderate to High Risk, mainly due to the higher slope of the building areas on these lots. Detailed investigation and implementation of treatment options will be required when these lots are developed.

The report concludes that there is no geotechnical reason that the subdivision should not proceed as the risks can be managed to a tolerable level as required by the Code.

### ***Road and Railway Assets Code***

The Road and Railway Assets Code is applicable to the proposed subdivision because two new access points to Church Road are required for Lots 1 and 2. These lots will each be provided with a single access point at locations that maximise the sight distances as required by the Code.

### ***Biodiversity Code***

The Biodiversity Code applies to part of the subject land, including the nominated building areas and accesses. An Ecological Assessment prepared by a qualified person (Mark Wapstra, ECOtas) has been provided with the application to demonstrate compliance with the Code requirements.

The report states that the TASVEG 3.0 mapping indicated three vegetation types on the subject land, being *Eucalyptus obliqua* wet forest (TASVEG code: WOU), *Eucalyptus tenuiramis* forest and woodland on sediments (TASVEG code: DTO) and *Eucalyptus globulus* dry forest and woodland (TASVEG code: DGL). However, the on site assessment confirmed that the actual vegetation types found on the property are:

Lot 1: Eucalyptus obliqua dry forest (TASVEG code: DOB);

Lot 2 Eucalyptus obliqua dry forest (TASVEG code: DOB);

Lot 3: Eucalyptus obliqua dry forest (TASVEG code: DOB) in the building envelope and some *Eucalyptus tenuiramis* forest and woodland on sediments (TASVEG code: DTO) on other parts of the lot; and

Lot 4 Eucalyptus obliqua forest with broad-leaf shrubs (TASVEG code: WOB) transitioning to Eucalyptus obliqua dry forest (TASVEG code: DOB) on the edge of the building envelope.

None of the vegetation types that occur within the building areas or access tracks are classified as threatened under Schedule 3A of the Tasmanian *Nature Conservation Act 2002* or represent a threatened ecological community under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. The

Further, the report did not identify any impact on threatened flora or fauna species.

Overall the report concludes that the subdivision design including placement of lots and access meet the requirements of the Code as they are positioned to avoid any high priority biodiversity values and are mainly within pre-disturbed vegetation and accessed by existing tracks.

#### ***Waterway and Coastal Protection Code***

The Waterway and Coastal Protection Code applies to waterways and surrounding areas, as identified by the overlay maps of the planning scheme. In this case the building areas have been located to avoid the Waterway Protection Areas on the property and therefore assessment against the Code is not required.

#### **CONCLUSION**

The report has assessed a Development Application for a reorganisation of boundaries between four existing titles off Church Road, Broadmarsh, owned by B J Campbell.

The application intends to rearrange the four (4) existing titles to create lots that have road frontage are capable of being developed in the future.

Two (2) representations were lodged with Council, mainly expressing concerns regarding access to a private water line that crosses part of the subject property. To address these concerns Council Officers have recommended that a condition be placed on the permit requiring all existing roads and services to be surveyed and marked by appropriate easements.

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

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

## RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for Subdivision (boundary reorganisation between four titles) at Church Road, Broadmarsh (CT232965/1, CT111196/1, CT223388/1 & CT208363/1), owned by B J Campbell, Applicant T.N. Woolford & Associates and that a permit be issued with the following conditions:

## CONDITIONS

### *General*

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

### *Amended plan of survey required*

2. This permit shall not take effect and must not be acted on until an amended plan of survey have been submitted to and approved by the Council's Manager Development and Environment Services. This amended plan of survey must:
  - *Provide Lot 4 with a minimum of 6m frontage to a Council maintained road (Church Road).*
  - *Delineate the location of an easement over the private water supply (pipeline) within Lot 2*

Once approved, the amended plan of survey shall become part of the endorsed documents of this permit.

### *Easements*

3. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer.

### *Advice*

*An easement must be included over the existing pipeline located within Lot 2 to serve CT48474/1 and CT38485/1.*

### *Endorsements*

4. The final plan of survey must be noted that Council cannot or will not provide a means of drainage to all lots shown on the plan of survey.

### *Covenants*

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

### **Roads**

6. All roads must be surveyed and shown as “Road” on the final plan of survey and transferred to the Southern Midlands Council by Memorandum of Transfer submitted with the final plan.

### **Final plan**

7. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
8. A fee of \$180.00, or as otherwise determined in accordance with Council’s adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
9. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Southern Midlands Council. The security must be in accordance with section 86(3) of the *Local Government (Building & Miscellaneous Provisions) Council 1993*. The amount of the security shall be determined by the Council’s Municipal Engineer.
10. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider’s responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
11. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

### **Property Services**

12. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council’s Municipal Engineer or responsible authority.

### **Telecommunications, electrical and gas reticulation**

13. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and the satisfaction of Council’s Municipal Engineer.

### **Access**

14. Access must be provided for each lot. The accesses must be located and constructed in accordance with the requirements of Table E4, E1.6.12 Bushfire Prone Areas Code and the standards shown on standard drawings SD-1009 *Rural Roads - Typical Standard Access* and SD-1012 *Intersection and Domestic Access Sight Distance Requirements* prepared by the IPWE Aust. (Tasmania Division) (attached) and the satisfaction of Council’s Municipal Engineer.
15. Access over Crown land (Lots 3 and 4) is to be formalised by a licence agreement with Crown Land Services and to the satisfaction of Council’s Municipal Engineer.

**Construction amenity**

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

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

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit.
- D. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the *Environmental Protection and Biodiversity Protection Act 1999* (Commonwealth). The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Tourism, Arts and the Environment or the Commonwealth Minister for a permit.
- E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal



of a planning approval for that development shall be treated as a new application.

**DECISION**

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

**12.2 SUBDIVISIONS**

Nil.

**12.3 MUNICIPAL SEAL (Planning Authority)**

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

Nil.

## **12.4 PLANNING (OTHER)**

### **12.4.1 PROGRESS OF PLANNING SCHEME REFORM: UPDATE ON THE PROGRESS OF THE TASMANIA PLANNING SCHEME**

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

**Date:** 22 MARCH 2017

**Attachment:**

*Statement of Reasons, Minister for Planning and Local Government dated 22nd February 2017*

**Enclosure:**

*Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, Tasmanian Planning Commission dated 9<sup>th</sup> December 2016*

## **ISSUE**

This report will provide Council with both an overview and update on the progress of the Tasmania Planning Scheme and the preparation of the Local Provisions Schedule.

## **BACKGROUND**

As Council will recall, the Tasmanian Parliament enacted amendments to the *Land Use Planning and Approvals Act 1993* (the Act) in December 2015, that provide for a single planning scheme for Tasmania, known as the Tasmanian Planning Scheme.

The Tasmanian Planning Scheme will consist of State Planning Provisions (SPPs) and Local Provisions Schedules (LPSs) for each municipal area.

The Minister for Planning and Local Government (Peter Gutwein MP) approved draft State Planning Provisions (SPPs) for public exhibition in March 2016.

The Tasmanian Planning Commission (TPC) then exhibited the draft SPPs for a 60 day period, during which representations were invited. Southern Midlands Council made a submission in relation to the provisions dated 18<sup>th</sup> May 2016. The TPC's role was to undertake an independent assessment of the draft SPPs and to provide advice to the Minister.

The TPC received a total 294 representations during the exhibition period and a further nine late representations were accepted. A copy of these representations is available online at <http://iplan.tas.gov.au/Pages/XC.Track.Assessment/SearchAssessment.aspx?id=347>

The TPC then held a series of hearings addressing various matters raised in representations in Burnie, Launceston and Hobart between July and October 2016.

Council were represented at the hearings by the Manager of Development and Environmental Services.

The TPC then submitted the report *Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993* to the Minister on 9 December 2016. A full copy of the report is provided as an attachment and is also available online at <http://iplan.tas.gov.au/Pages/XC.Track.Assessment/SearchAssessment.aspx?id=347>

### **Declaration of State Planning Provisions**

The Minister considered the report by the TPC along with further advice from the Planning Policy Unit and the Planning Reform Taskforce and declared the State Planning Provisions (SPPs) with some modifications on the 22 February 2017. The Ministers report titled *Statement of Reasons* dated 22<sup>nd</sup> February 2017 is attached.

The Minister decided that the modifications do not constitute a substantial change to the exhibited draft and therefore do not require re-exhibition.

The State Planning Provisions, the TPC report and the Ministers Statement of Reasons can be accessed online at [http://www.justice.tas.gov.au/tasmanian\\_planning\\_reform](http://www.justice.tas.gov.au/tasmanian_planning_reform).

### **Southern Midlands submission (Council Specific Matters)**

A brief overview of issues raised by the Southern Midlands Council in the submission dated 18<sup>th</sup> May 2016 and how they have been addressed in the declared SPPs is provided in the table below. Council will recall that many of the issues raised in the submission were common to other rural councils in the region.

<b>Issue</b>	<b>Council Position in Summary</b>	<b>Final SPPs</b>
Exemption - Vegetation removal around powerlines and fence lines	Increase exemption areas	Unchanged – 2m for powerlines, 3m for fencelines
Exemption - Water tanks in Rural and Agriculture zones	Increase size or make all tanks exempt	Changed – exemptions for rural zones
Village zone – Use table qualifications such as ‘only on Main St’	Not clear if they would be allowed	Guidelines will establish if this is possible. This could be however be achievable through site specific qualifications or local area plan or specific area plan
Mapping of Rural zone	Seek guidance and resources	Guidelines should assist with this
Subdivision – Rural and Agriculture zone	Split zone subdivision in rural areas should be possible	Unclear - guidelines will establish if this is possible.
Seasonal workers accomodation	Council requested explicit allowance for this i.e. explicit details on such a use	Multiple dwellings are allowable in the Agricultural zone only.  The definition for “seasonal workers accomodation” is

		not in the template.
Part 5 agreements for shared access arrangements created through subdivision of land	This is a private property rights matter	This has been removed
Part 5 agreements for the prevention of dwellings on the balance of subdivided lots in the rural and agriculture zone	Council oppose completed limitations on large viable rural lots i.e. there should be discretion to allow dwellings where they support a rural/agricultural land use	Unchanged
Natural Assets Code	<p>Council sought a policy position from Government.</p> <p>Council highlighted the difficulties faced by smaller Councils to map overlays for priority vegetation without further resourcing from the State Government or clear direction on the applicability of the overlay.</p>	<p>The TPC concluded in their report that the Code was not ready to be enacted due to issues with mapping etc.</p> <p>However the Minister directed that the Code be included as it is with minor changes.</p> <p>It is not clear if Councils must include all aspects of the priority vegetation overlay in its entirety and is thus expected to survey and identify/ground truth all threatened species etc – this will be asked at the meeting with TPC.</p> <p>Guidance will be sought for mapping and application of the Code if it must be included.</p>

### **Local Provisions Schedule**

Councils will now need to prepare their Local Provisions Schedules (LPSs). The LPS will be comprised of the zone and overlay maps, local area objectives, lists relevant to codes, particular purpose zones, specific area plans, and any site specific qualifications for specific circumstances. A timeframe to complete this component of the Planning Scheme has not been set.

The TPC together with the Planning Policy Unit (PPU) is expected to provide guidelines to assist Councils with this task. Some limited funding may also be made available to regions to assist with preparation of Local Provisions Schedules (LPSs). It is anticipated, at this stage, that these funds will mainly be directed to GIS mapping refinements. The details of which will need to be confirmed.

### ***Process for submission and notification of LPS***

The southern region Technical Reference Group (TRG) has a meeting scheduled with the TPC at the end of March to discuss outstanding matters. The TRG has been active in discussing these matters and has referred a series of questions to the TPC and PPU for consideration.

It is anticipated that subsequent to the satisfactory release of guidelines and responses to questions from the TRG that Council's in the South will be in a position to commence work on the Local Provisions Schedules (LPSs). Workshops will be scheduled with Councillors in due course.

Once Council have endorsed a draft LPS then they must submit the information to the TPC for consideration under Division 2 of the Act. Once satisfied the LPS meets the requirements of Division 2 then the TPC will direct Council to exhibit the LPS for a 60 day period.

The Act provides that any person can make a representation on the draft LPS within that period. The council will then report to the Commission on the representations it has received. The TPC will then consider the report and undertake public hearings into the LPS's. The process is likened to the Planning Scheme amendment process.

The Tasmanian Planning Scheme will come into effect in each council area when the LPS which applies the SPPs in that area is finalised.

### ***Community and Stakeholder Engagement***

As mentioned in this report, the community alongside the Councils were given the opportunity to make representations in relation to the SPPs during the statutory public exhibition period. Over 300 representations were submitted. Many of these matters were further considered at the hearings held by the TPC and considered in the body of the TPC's report to the Minister. However, as indicated in this report, and stated in the TPC's report there are still matters that have not been adequately addressed due to the complex nature of the issue and the short timeframes provided.

This in turn will likely generate significant interest in the Council's LPS's.

As mentioned also, the public will be given opportunity to make formal representations in relation to the LPS's during the 60 day public notification process and during the subsequent public hearings held by the TPC.

Council Officers will provide workshops to the Council in the coming months. Officers will be seeking to address issues raised during the previous interim scheme hearing process and other issues that have been either identified by Officers or raised by the Community during the life of the current Interim Planning Scheme.

There may also be opportunity for Council's to conduct informal public consultation in drafting the LPS's.

## RECOMMENDATION

**THAT the information be received.**

## DECISION

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

## Statement of Reasons

**Modifications to the provisions of the draft State Planning Provisions in accordance with s.28(1)(b) and s.28(1)(c) of the *Land Use Planning and Approvals Act 1993***

I have made the State Planning Provisions in accordance with section 27(1)(b) of the *Land Use Planning and Approvals Act 1993* (the Act).

In accordance with s.28(1)(b) and s.28(1)(c) of the Act, my reasons for modifying the provisions of the draft State Planning Provisions are set out in the attached Schedule.

Dated 22 February 2017.



PETER CARL GUTWEIN  
MINISTER FOR PLANNING AND LOCAL GOVERNMENT



## SCHEDULE

**Minister's reasons for modifying the provisions of the draft State Planning Provisions in accordance with s.28(1)(b) and s.28(1)(c) of the *Land Use Planning and Approvals Act 1993***

### **Background**

Amendments to the Act that came into effect in January 2016 established the legislative framework for a single planning scheme for Tasmania, known as the Tasmanian Planning Scheme.

The Tasmanian Planning Scheme consists of State Planning Provisions (SPPs) that establish consistent state-wide provisions and Local Provisions Schedules (LPSs) that apply the state-wide provisions to each municipal area.

The draft SPPs were prepared in accordance with the Terms of Reference, required by section 17 of the Act.

The Commission publicly exhibited the draft SPPs for a 60 day period, from 12 March until 18 May 2016, as required by section 22 of the Act. There were 294 representations received in that time and a further nine late representations were accepted.

After considering the representations, the Commission held a total of 25 hearings in Burnie, Launceston and Hobart, between July and October 2016.

In accordance with section 25 of the Act, the Commission provided a report to me on 9 December 2016, which included a number of recommended modifications to the draft SPPs and a copy of the draft that included its recommended modifications.

Section 27 of the Act requires me to consider the Commission's report and authorises me to take into account any other matters that I think fit before deciding whether to make the SPPs in either the form originally exhibited, or as modified, or to not make the SPPs.

I have determined to accept the Commission's recommended modifications to the exhibited draft SPPs for the reasons specified in its report of 9 December 2016, with the exception of the following matters:

- (a) modifications agreed to by the Commission in response to the clarifications I sought under s.26(3); and
- (b) modifications as set out below, based on the consolidated advice from the Taskforce and the SPIDC on select matters; and including minor editorial modifications identified by the Department of Justice's Planning Policy Unit.

### Minor modifications to exhibited draft SPPs

The draft SPPs as modified by the Commission in accordance with its recommendations include many changes to the drafting style, wording and other minor changes that do not in my opinion change the fundamental settings of the SPPs and improve its functionality and clarity.

While there are a number of changes they are not key modifications to the effect of the SPPs or the planning outcomes that would follow.

### Key modifications to exhibited draft SPPs

#### Natural Assets Code

##### *Introduction*

The exhibited draft SPPs proposed a Natural Assets Code which covered waterway and coastal protection, future coastal refugia, and priority vegetation. Priority vegetation was limited to:

- threatened native vegetation communities;
- threatened flora species; and
- significant habitat for threatened fauna species.

The draft SPPs required a priority vegetation map to be prepared by the Department of Primary Industries, Parks, Water and Environment (DPIPWE) based on a range of existing data sources. It was intended that the future coastal refugia and waterway and coastal protection mapping was to be based on the mapping prepared by the Derwent Estuary Program at a state-wide level.

The Commission recommended the Natural Assets Code be omitted from the making of the SPPs and revised for consideration as a future amendment, based on the following terms of reference:

- *potentially disaggregating the code to more clearly address the values of waterways and coastal protection, future coastal refugia, priority vegetation, and potentially drinking catchments in separate codes;*
- *confirming the state-wide mapping to be used as a basis for overlays and providing the methodology or parameters that are to be applied for variation of the overlay mapping by planning authorities;*
- *application of the code or codes, including whether the values must be mapped comprehensively or by reference to, or exclusion from, zones;*
- *the scope of priority vegetation values and standards for its protection and management;*
- *developing standards for buildings and works that are self-contained without reference to incorporated documents, or that refer to specific standards in any incorporated document;*
- *any relevant Commonwealth and State legislation, regulation and policies, and regional land use strategies to ensure broad consistency to avoid duplication;*

- *the objectives of the Act; and*
- *the need for any consequential amendments to other parts of the SPPs.*

### **Discussion**

I do not accept that the Natural Assets Code needs to be substantially modified and re-exhibited as part of a future amendment following the making of the SPPs.

I have sought further advice from the SPIDC and the Taskforce on the scope of the Natural Assets Code. I consider it necessary to include the Natural Assets Code in the final SPPs. The Code forms part the integrated package of the SPPs, which collectively must meet the criteria under section 15 of the Act. This includes furthering the objectives outlined in Schedule 1 of the Act.

Omission of the code from the suite of provisions forming the SPPs will create uncertainty for local councils as there are a number of other provisions, including decisions on the strategic application of certain zones (particularly peri-urban zones), which hinge on the finalisation of the Code.

I am satisfied that the Natural Assets Code as exhibited in the draft SPPs must be modified, as follows:

- broaden the scope of priority vegetation to include native vegetation of local importance;
- delete the permitted allowance to clear up to 3000m<sup>2</sup> of native vegetation in the Rural Living Zone;
- deliver improvements to the drafting of the provisions of the code ensuring that appropriate protection is afforded to natural values; and
- clarify how the overlay maps in the code are to be prepared.

Broadening the scope of priority vegetation better reflects the current approach in many Interim Planning Schemes and addresses some of the concerns raised at the public hearings. The deletion of the permitted allowance to clear up to 3000m<sup>2</sup> of native vegetation in the Rural Living Zone encourages the use of already cleared land as a first priority instead of providing an 'as of right' allowance to clear priority vegetation in the Rural Living Zone.

I am satisfied that the modified Natural Assets Code does not require re-exhibition. While the scope of priority vegetation is broadened, this reflects the concerns of numerous representations and the scope of many equivalent codes in Interim Planning Schemes.

I am also satisfied that with these modifications, the final SPPs meet the SPPs criteria under section 15 of the Act.

### *Direction*

That the final SPPs include:

- a modified Natural Assets Code; and
- consequential modifications to clarify how the overlay maps in the code are to be prepared.

## **Visitor accommodation in a dwelling**

### *Introduction*

The exhibited draft SPPs proposed an exemption from the requirement for a planning permit where a dwelling is used for Visitor Accommodation for no more than 42 nights in any calendar year. For uses that extend beyond the 42 days, an assessment would need to be made against the zone and code provisions. The draft SPPs also included Visitor Accommodation as a permitted use in the main residential zones provided it did not exceed a gross floor area of 160m<sup>2</sup>.

The Commission recommended replacing the exemption for 'visitor accommodation in a dwelling' by an alternative exemption for 'home stay'.

The 'home stay' exemption would allow short term accommodation in an existing dwelling (not restricted to the main place of residence), if it has 4 bedrooms or less, with no limit on the number of nights. The Commission further recommended that this new exemption, if accepted, warranted re-exhibition prior to being included within the SPPs. I have not accepted the Commission's recommendation as I am of the view that this would create in effect a completely deregulated market with the only controls being the number of lettable bedrooms in any single dwelling, whether a main place of residence or not.

### *Discussion*

In addition to seeking further advice from the SPIDC and the Taskforce, further policy analysis has occurred having regard to:

- the most recent trends and administrative arrangements interstate and overseas;
- key stakeholder consultation within Tasmania, including Airbnb, Stayz and tourist operators; and
- the relevant building regulations for Visitor Accommodation developments.

I support the policy position that if you live in an area zoned for residential use and you wish to rent your home as 'visitor accommodation' for up to four bookable rooms to others, while you are present or away on holiday, then you should be able to do so without planning restriction. It is acceptable that this scenario be exempt from requiring a planning permit under the SPPs.

However, if you wish to rent your own home as 'visitor accommodation' with more than four bookable rooms, or a property that is not your primary place of residence (such as an investment

property or shack) with a floor area of less than 300m<sup>2</sup> in these zones, then it is appropriate for this type of use to be permitted and assessed through a permitted pathway in the SPPs. If you wish to rent out your investment property over 300m<sup>2</sup>, then this requires discretionary approval under the SPPs.

The threshold of 300m<sup>2</sup> better reflects the size of an average 4 bedroom dwelling.

I also accept that to remove confusion about the use of shacks by their owners or friends being classified as 'visitor accommodation', a consequential amendment is required to the Use Class description to specify that unless payment is involved for staying in the shack it does not constitute a change in use.

I am satisfied that these modifications to provisions in the SPPs in relation to the exemption and the permitted standards in residential zones adequately address the concerns of the community and relevant industry groups and are of a relatively minor change, and therefore do not require re-exhibition.

I am also satisfied that with these modifications, the final SPPs meet the SPPs criteria under section 15 of the Act.

#### ***Direction***

That the final SPPs include modified provisions, as follows:

- provide an exemption for 'Visitor accommodation in a dwelling (including a secondary residence)' if:
  - the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation; or
  - the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms;
- increase the Acceptable Solution gross floor area from 160m<sup>2</sup> to 300m<sup>2</sup> for permitted Visitor Accommodation within an existing building in the relevant residential zone standards, to provide a better reflection of the size of an average 4 bedroom dwelling.; and
- make consequential amendment to Visitor Accommodation use class description to ensure the use of holiday homes or shacks by the owners or by non-paying guests of the owners does not constitute a change of use.

### **Local Historic Heritage Code – significant trees**

#### ***Introduction***

The exhibited draft SPPs in the Local Historic Heritage Code proposed provisions for the protection of 'significant trees' which would not necessarily be restricted to those with 'heritage' values. This accommodated provisions in a number of interim planning schemes in the form of separate significant tree codes.

The Commission has recommended removing the specific provisions relating to significant trees in the SPPs (C.6.9) indicating that trees associated with heritage values could be managed as a type of 'place' under the broader provisions. They also recommended that consideration be given to whether a stand-alone code for significant trees to protect other values should be added to the SPPs by a future amendment.

#### ***Discussion***

If the Commission's recommended modification was accepted it would create an unintended policy gap as the scope of the code would exclude trees currently protected but not specifically of historic heritage value.

I have sought further advice from the SPIDC and the Taskforce, and I am satisfied that the provisions relating to significant trees in the Local Historic Heritage Code as originally exhibited should be retained in the final SPPs. This includes the requirement to list significant trees in the relevant Local Provisions Schedule. I am also satisfied that such trees may also be shown in the overlay maps.

I am satisfied that with the inclusion of provisions relating to significant trees in the Local Historic Heritage Code and modifications to relevant Local Provisions Schedule requirement clauses, the final SPPs meet the SPPs criteria under section 15 of the Act.

#### ***Direction***

That:

- specific provisions for significant trees in the Local Historic Heritage Code and in the relevant Local Provisions Schedule requirement clauses be retained in the final SPPs, as originally exhibited; and
- the final SPPs include the option for LPSs to map significant trees in the overlay maps .

### **Attenuation Code – separation distances (attenuation distances)**

#### ***Introduction***

The exhibited draft SPPs included a set of separation distances in the Attenuation Code for activities that may cause environmental harm in line with the equivalent codes in place in interim planning schemes across the state.

A revised table of separation distances was tabled by the Department of Justice Planning Policy Unit (PPU) at the public hearings following further review undertaken in conjunction with the EPA Division to clarify the scope of the listed activities.

The Commission recommended a number of modifications to clarify the scope of the Attenuation Code to improve its operation. The Commission recommended adopting the majority of the revised table of separation distances tabled at the hearing.

However, the Commission also recommended:

- deleting the separation distances for effluent irrigation schemes from Table C9.2 indicating further policy work was required to establish suitable requirements beyond that contained in the *Environmental Guidelines for the Use of Recycled Water in Tasmania*; and
- not adopting the full description for the ‘waste depot’ activity in Table C9.1 as tabled at the hearing, specifically by deleting the words “at residential premises”.

Additionally, the Commission recommended relocating the provisions in the Attenuation Code relating to protection of airports, to form a separate code. This matter is discussed under a separate heading.

#### **Discussion**

I accept the majority of the modifications to the Attenuation Code recommended by the Commission for the reasons outlined in their report, including relocating the airport provisions to a separate code as outlined above. However, I have concerns with the deletion of the separation distance requirements for effluent irrigation schemes and the modified description for ‘waste depot’.

The Attenuation Code must contain separation distances for effluent irrigation schemes as these are currently contained in interim planning schemes and a firm policy position has been established with the adoption by DPIPW of the *Environmental Guidelines for the Use of Recycled Water in Tasmania*. However, I accept that further clarification needs to be provided on the nominated separation distances for the different activities associated with effluent irrigation schemes. On further advice from the PPU and the EPA Division, I am satisfied that the relevant buffer distances nominated in DPIPW’s guidelines should be adopted for use in the Attenuation Code along with the 200m separation distance for spray irrigation contained in current interim planning schemes.

The modified description for ‘waste depot’ in Table C9.1 as recommended by the Commission requires further clarification, specifically the exclusion contained in subclause (c). The Commission’s recommended wording will have an unintended consequence of excluding waste depots handling domestic waste. Subclause (c) as drafted in the revised version of the separation distances tabled at the hearing read as “storage, treatment or disposal of domestic waste at residential premises”. This aligns with the description of ‘waste depot’ under Schedule 2 of the *Environmental Management and Pollution Control Act 1994* (EMPCA) and should be included in the code.

I am satisfied that with these modifications to the Attenuation Code, the final SPPs meet the SPPs criteria under section 15 of the Act and do not require re-exhibition.

#### **Direction**

That the final SPPs include a modified Attenuation Code, as per the Commission’s recommendations, with the inclusion of:

- nominated separation distances for effluent irrigation schemes in accordance with the DPIPW’s *Environmental Guidelines for the Use of Recycled Water in Tasmania* and current interim planning schemes; and
- clarification of the scope of the waste depot activity in Table C9.1 in accordance with Schedule 2 of the *Environmental Management and Pollution Control Act 1994*.



## Attenuation Code – provisions for the protection of Airports

### *Introduction*

The exhibited draft SPPs included a set of provisions for the protection of airport operations within the Attenuation Code.

The Commission recommended the Attenuation Code be modified to remove the airport provisions and that a separate code be prepared and titled the Safeguarding of Airports Code and for it to be subject to a future amendment after the SPPs have been made. The Commission recommended the Safeguarding of Airports Code be prepared with reference to:

- the National Airports Safeguarding Framework (NASF), including its guidelines A-F;
- the Commonwealth Airports Act 1996 and any relevant regulations (to avoid duplication);
- any approved Airport Master Plans;
- Australian Standards relevant to mitigating impacts from airport noise for sensitive uses; and
- any consequential amendments to other parts of the SPPs.

The Commission indicated that the mapping of airport overlays should be done at a state-wide level.

### *Discussion*

I have sought further advice from the SPIDC and the Taskforce on the exhibited airport provisions. I note that a variety of alternate codes for the protection of airports were raised with the Commission in the public hearings from airport operators, but that the core provisions of these are generally consistent with those in the exhibited version of the Attenuation Code and similar to those operating in current interim planning schemes.

I accept that the airport provisions are better contained in a separate code to provide the necessary emphasis for the protection of Tasmania's airports. However, I do not accept that the airport provisions, as contained in the exhibited version of the Attenuation Code, require substantial modification and re-exhibition as part of a future amendment following the making of the SPPs.

I am satisfied that the airport provisions are well advanced and discrete in nature and consider that the additional time required to assess them further is unnecessary.

I acknowledge the COAG agreement in place to implement the NASF guidelines and I am satisfied that the exhibited airport provisions adequately address a large proportion of these requirements. I also note that some requirements in the NASF guidelines are not covered by the airport provisions however, these are also not matters currently addressed in interim planning schemes. Any additional provisions to implement the NASF guidelines would require further consideration, consultation and testing to ensure they are necessary, provide appropriate certainty, and deliver the desired outcomes. To this end the Government will liaise with relevant operators and the Commonwealth to ensure that the Code is appropriately amended over time to reflect other aspects of the NASF guidelines.



I consider there is a need to make some modifications to the airport provisions to improve the operation of the code. However, I am satisfied that these modifications are minor and do not require re-exhibition.

I have taken in account advice from the SPIDC, the Taskforce and matters raised at the public hearings in modifying the airport provisions.

I do not consider it necessary for State-based overlay maps to be prepared for the operation of the airport provisions. Overlay maps will need to be based on relevant mapping approved as part of a statutory airport master plan or otherwise adopted by the airport operator for noise and obstacle limitations. Directions for preparing the relevant overlay maps can be provided in the SPPs and further information provided through future guidance material.

I am satisfied that with the modified airport provisions as contained in the Safeguarding of Airports Code, the final SPPs meet the SPPs criteria under section 15 of the Act and do not require re-exhibition.

#### ***Direction***

That the final SPPs include modified provisions:

- for the protection of airports as a separate Safeguarding of Airports Code; and
- to clarify how the overlay maps in the code are to be prepared.

### **Environmental Management Zone – permitted pathway for state-reserved land**

#### ***Introduction***

The exhibited draft SPPs proposed in the Environmental Management Zone to provide a permitted pathway for use and developments, for which an authority is granted under the *National Parks and Reserved Land Regulations 2009* (NP&RL Regs) or approved by the Director of Lands under the *Crown Lands Act 1976* (CL Act). While not specifically stated in the exhibited draft SPPs, the Environmental Management Zone was only intended for application to public land.

This approach aligns with the general policy intention to not duplicate other assessment processes. It also supports the position that planning authorities should not be responsible for the assessment of use and development on reserved land, in accordance with reserve management plans and the reserve objectives administered under separate legislation by DPIPWE.

The exhibited draft SPPs adopted a similar approach to that already operating in a number of Interim Planning Schemes across Tasmania, which defer all assessment of use and development to the managing authorities if located on Crown land whether through a permitted use status, or a discretionary use status but with an Acceptable Solution use standard that is met if a State approval is given.

The Commission recommended a number of modifications to the Environmental Management Zone, including:

- removing the restriction of this zone to public land on the basis that the tenure of land is not a matter that zoning should be guided by; and
- broadened the permitted pathway for use, which operates in conjunction with a new standard for 'Use of State-reserved land' which sets out an Acceptable Solution that is based on an approval or authority granted by a managing authority under a number of acts and regulations.

#### ***Discussion***

I have sought further advice from the SPIDC and the Taskforce on the Commission's recommended modifications to the Environmental Management Zone. Further consideration of this matter has identified that the Acceptable Solution in the new standard as proposed by the Commission would introduce a range of other Acts and legislation, beyond developments approved under the NP&RL Regs and CL Act. This would introduce other authorities that do not utilise a similar process to that of the Reserved Activity Assessment process and in situations where there is no equivalent management planning process in place by which an authority under the regulations is granted. This goes beyond the scope originally intended.

The Taskforce maintains its position that the Zone should only apply to public land as the use of the zone on private land requires unique circumstances, and the Zone provisions were drafted accordingly and intentionally. The Taskforce specifically supports providing a permitted pathway for use on state-reserved land, but not the Commission's proposed Acceptable Solution which introduces a range of other acts and legislation, beyond the NP&RL Regs and CL Act. Authorities granted under all other Acts and regulations do not utilise a similar process to that of the Reserved Activity Assessment process (by which an authority under the NP&RL Regs is granted by Parks and Wildlife Services).

I consider it necessary to maintain the scope of the permitted pathway for use on state-reserved land in the Environmental Management Zone to that as originally set out in the draft SPPs as exhibited. However in response to matters raised during the hearings the Government agrees that a review of the RAA (Reserve Activity Assessment) process be undertaken.

I accept the Commission's recommendation to allow the Environmental Management Zone to be applied to private land where appropriate but note that this does not require any specific redrafting.

I am also satisfied that with these modifications, the final SPPs meet the SPPs criteria under section 15 of the Act and do not require re-exhibition.

#### ***Direction***

That the permitted pathway for use in the Environmental Zone provisions on state-reserved land be retained in the final SPPs, as originally exhibited in the draft SPPs.

## **Agriculture Zone – multiple dwellings**

### ***Introduction***

The exhibited draft SPPs made specific provision for multiple dwellings in the Agriculture Zone to accommodate workers or farm managers in separate dwellings. These would be subject to strict controls to ensure that they are necessary for the agricultural activity.

The Commission has recommended deleting this specific provision for multiple dwellings as a discretionary use in the Agriculture Zone.

### ***Discussion***

I have sought advice from the SPIDC and the Taskforce and I am satisfied there is a need to provide for the consideration of multiple dwellings in the Agriculture Zone where necessary for the agricultural activity to accommodate workers or farm managers. I am also satisfied that provisions of the Agriculture Zone are appropriate for the consideration of legitimate uses to support agricultural uses.

I am satisfied that with these modifications relating to multiple dwellings in the Agriculture Zone, the final SPPs meet the SPPs criteria under section 15 of the Act.

### ***Direction***

That specific provision for multiple dwellings as a discretionary use in the Agriculture Zone be retained in the final SPPs, as originally exhibited in the draft SPPs.

## **Scenic Protection Code – application to Low Density Residential Zone**

### ***Introduction***

The exhibited draft SPPs proposed to restrict the application of the Scenic Protection Code to certain zones and specifically excluded the Low Density Residential Zone on the basis that it might undermine the primary purpose of the zone for residential development.

The Commission recommended extending the application of the Scenic Protection Code to the Low Density Residential Zone noting that some existing Interim Planning Schemes already apply such controls over this type of zone.

### ***Discussion***

I have sought further advice from the SPIDC and the Taskforce on the application of the Scenic Protection Code. I accept the Taskforce's concerns about the potential for the purpose of the Low Density Residential Zone to be undermined if the Scenic Protection Code is applied inappropriately, and the difficulty of protecting scenic values when the strategic decision has been made to zone the land for residential purposes. The Low Density Residential Zone provides for single dwellings as No Permit Required and minimum lot sizes of 1500m<sup>2</sup> (i.e. equivalent to 2-3 normal lots).

I acknowledge that some Interim Planning Schemes currently apply a Scenic Protection Code, or equivalent, to some areas of Low Density Residential Zone, however I am concerned with the contradictory message that this sends to the broader community.

I am satisfied that the exclusion of the Low Density Residential Zone should be retained in the Scenic Protection Code in the final SPPs.

I am also satisfied that with these modifications, the final SPPs meet the SPPs criteria under section 15 of the Act.

#### ***Direction***

That specific provisions that exclude the Low Density Residential Zone from applying under the Scenic Protection Code be retained in the final SPPs, as originally exhibited in the draft SPPs.

### **Coastal Hazard, Riverine Inundation Hazard, Landslip Hazard and Potentially Contaminated Land Codes**

#### ***Introduction***

The exhibited draft SPPs included codes for Coastal Erosion, Coastal Inundation, Riverine Inundation, and Landslip Hazards. These codes were based on the relevant hazard areas being mapped. The exhibited draft SPPs also included a Potentially Contaminated Land Code.

The Coastal Inundation Hazard Code included a coastal inundation investigation area. A similar investigation area was erroneously omitted from the Coastal Erosion Hazard Code.

The Commission recommended a number of modifications to clarify the operation of the codes, in addition to:

- providing 'call-in' powers where the hazard might be evident on land that has not been mapped; and
- renaming the Riverine Inundation Hazard Code as the Flood-Prone Areas Hazard Code

Despite submissions from the PPU at the public hearings in respect of the omission of the investigation area in the Coastal Erosion Hazard Code, the Commission did not recommend including this aspect.

#### ***Discussion***

I accept the Commission's recommendations on the majority of the modifications to the Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Riverine Inundation Hazard Code, Landslip Hazard Code, and the Potentially Contaminated Land Code, including the renaming of the Riverine Inundation Hazard Code, for the reasons outlined in its report.

I have sought advice from the SPIDC and the Taskforce on the Commission's recommended 'call-in' powers and consider there is a need for revisions to provide that the planning authority must be of

the opinion that a risk exists rather than that it must be an 'objective fact' to avoid creating a legal issue that provides for this 'fact' to be contested.

Based on advice from the Taskforce, I also consider it necessary to make some further modifications to the codes, specifically to:

- remove the need for a suitably qualified person to demonstrate an appropriate level of indemnity insurance in preparing a hazard report, as the appropriateness, or otherwise, of any indemnity insurance is not a planning matter; and
- refer to "building area" instead of "an area" in the Commission's modified clause C11.7.1 A1(a) in the Coastal Inundation Hazard Code to clarify the operation of the standard.

The Coastal Erosion Hazard Code must also include provisions relating to a coastal erosion investigation area as this is consistent with the Government's coastal hazards policy framework.

Further minor modifications are also necessary to improve the clarity of the codes and provide corrections to issues outlined in the further information provided by the Commission under section 26(3) of the Act.

I am satisfied that with these modifications to the relevant codes, the final SPPs meet the SPPs criteria under section 15 of the Act and do not require re-exhibition.

#### ***Direction***

That the final SPPs include a modified Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Code, Landslip Hazard Code and Potentially Contaminated Land Code as per the Commission's recommendations, with:

- the inclusion of revised provisions to manage the 'call-in' powers under the codes;
- the deletion of the requirements for a suitability qualified person to demonstrate an appropriate level of indemnity insurance in preparing a hazard report; and
- minor modifications to clarify the operation of the codes.

#### **Subdivision standards – vehicular access requirements**

The exhibited draft SPPs propose the Parking and Sustainable Transport Code and the Road and Railway Assets Code to address all access requirements for development, however there is no specific standard in zones relating to requirements of vehicular access for subdivisions.

The Commission within their modifications to the SPPs recommended a new standard relating to the requirements of vehicular access for subdivisions in a number of zones, excluding the Landscape Conservation and Port and Marine Zone. The standard effectively makes all subdivision Discretionary as there is no Acceptable Solution.

### ***Discussion***

I have sought further advice from the SPIDC and the Taskforce on the Commission's recommended standard. The Taskforce, while acknowledging the lack of specific requirements for vehicular access in the subdivision standards, disagreed with the Commission's recommended approach of making all subdivision Discretionary for the assessment of vehicular access. The Taskforce recommends the inclusion of an Acceptable Solution allowing for a permitted subdivision if in accordance with the requirements of the relevant road authority.

The Taskforce further recommends inclusion of the same standard in the Landscape Conservation Zone and the Port and Marine Zone. This approach will allow for a permitted pathway for subdivisions, noting the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGMBP) allows for a permitted pathway for subdivisions in planning schemes. The Commission has confirmed that the exclusion of the standard from the Landscape Conservation and Port and Marine Zones was an error.

I am therefore satisfied that further modifications are required to the new standard, as recommended to me by the Taskforce. Subject to these modifications I am also satisfied with the Commission's recommendation that this new standard should also apply to the Landscape Conservation and Port and Marine zones.

I am satisfied that these modifications to provisions in the SPPs adequately address the concerns of the community and relevant industry groups and therefore do not require re-exhibition.

I am also satisfied that with these modifications, the final SPPs meet the SPPs criteria under section 15 of the Act.

### ***Direction***

That the final SPPs include modified provisions, which:

- adopt the Commission's recommended new standard relating to requirements of vehicular access for subdivisions, if in accordance with the requirements of the relevant road authority in the relevant zones, with refinements as recommended by the Taskforce to ensure that the Acceptable Solution allows for a permitted pathway; and
- introduce the above standard in the Landscape Conservation and Port and Marine zones.

## **Zone standards for water supply connection**

### ***Introduction***

The Rural Living Zone in the exhibited draft SPPs provides for larger lots that may not be serviced by a reticulated water supply. There are also a number of other zones that provide for circumstances where lots may not be serviced. These include the Low Density Residential Zone, Village Zone, Local Business Zone, Light Industrial Zone, General Industrial Zone, Major Tourism Zone, Port and Marine Zone, Community Purpose Zone, and Recreation Zone.

The Commission recommended a revised water supply servicing standard to address issues raised by TasWater at the public hearings which requires new lots be connected to a full water supply, or have a frontage that is within 30m of an existing full or limited water supply service.

***Discussion***

I accept that it is reasonable for lots to be connected to an existing reticulated water supply system if the area is already serviced. However, the Commission's recommended approach may create an expectation that all lots in these zones will be serviced.

I have sought advice from the SPIDC and the Taskforce on the matter and consider that an alternate approach is necessary by requiring the necessary connection if the lot is within 30m of an existing reticulated water supply service. The standard should also provide flexibility to take into account advice from TasWater if a connection is unable to be provided. This is consistent with TasWater's role as a referral entity under the *Water and Sewerage Industry Act 2008*.

I am satisfied that with the modified water supply servicing standards, the final SPPs meet the SPPs criteria under section 15 of the Act and do not require re-exhibition.

***Direction***

That the final SPPs include modified water supply service standard to provide clarity for when infrastructure is required at the subdivision stage in the Low Density Residential Zone, Rural Living Zone, Village Zone, Local Business Zone, Light Industrial Zone, General Industrial Zone, Major Tourism Zone, Port and Marine Zone, Community Purpose Zone, and Recreation Zone.

**References to Utilities**

***Introduction***

The exhibited draft SPPs referred inconsistently to 'Utilities' and 'public utilities' in the lot design standards in some zones.

The Commission did not recommend any changes to the inconsistent references to 'Utilities' and 'public utilities' in A1 of the Lot design standard in the zones.

***Discussion***

I have sought further advice from the Taskforce which has recommended that the references to utilities in the lot design standards in the zones should consistently refer to 'Utilities' instead of 'public utilities', noting there are some private entities that provide utilities, e.g. TasGas.

I am satisfied that the provisions of the draft SPPs should be modified, so that reference to 'Utilities' in the subject zone standards are consistently applied in the relevant zone standards. I am also satisfied these modifications are minor in nature, and therefore do not require re-exhibition.

I am also satisfied that with these modifications, the final SPPs meet the SPPs criteria under section 15 of the Act.



**Direction**

That the final SPPs include modified provisions that replace reference to ‘public utilities’ with ‘Utilities’ in the relevant zone standards.

**Macquarie Point Site – special provision for contaminated land**

**Introduction**

The *Sullivans Cove Planning Scheme 1997* (SCPS) has recently been amended by the Commission to provide for provisions that reflect the requirements of the *Macquarie Point Development Corporation Act 2012* (MPDC Act), which includes section 39F that prescribes a specific process for certifying remediation of contaminated land on the site.

**Discussion**

I have sought advice from the SPIDC and the Macquarie Point Development Corporation, and from the PPU regarding the provisions of the Potentially Contaminated Land Code in the draft SPPs.

The recently amended provisions of the SCPS and section 39F of the MPDC Act differ to those in the Potentially Contaminated Land Code.

I am satisfied that the provisions in the draft SPPs should be modified to ensure remediation works on the site can be undertaken in accordance with the requirements of section 39F of the MPDC Act and the recently approved amendments to the SCPS.

I am satisfied that these modifications to provisions in the SPPs reflect legislated provisions that specifically address this matter and also adequately address the concerns of the community and relevant industry groups and therefore do not require re-exhibition.

I am also satisfied that with these modifications, the final SPPs meet the SPPs criteria under section 15 of the Act.

**Direction**

That the final SPPs include modified provisions, as referred to above.

**Resource Processing – small-scale food and beverage production**

**Introduction**

The exhibited draft SPPs define the Resource Processing use class as:

*use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery, brewery, cidery, distillery, and sawmilling.*

Technically any manufacture of food, irrespective of the scale, would be classified as Resource Processing if not ancillary to the Food Services use class.



The exhibited draft SPPs provide for small scale breweries, cideries and distilleries as discretionary uses by qualification of the Resource Processing use class in a number of zones and then relying on the discretionary use standards in those zones and the requirements of the Attenuation Code to manage the impacts of larger manufacturing operations.

***Discussion***

A specific case has recently been brought to my attention of a small scale confectionary manufacturer which is unable to be established in an existing commercial kitchen by virtue of the Resource Processing use class being prohibited in the Commercial Zone under a current interim planning scheme.

The exhibited draft SPPs established a clear policy to treat small scale breweries, cideries and distilleries differently in terms of use. I understand this approach was strongly supported by local councils and industries through the Commission hearing process. I consider it appropriate to apply this approach to similarly scaled food production operations that represent very low risks to amenity but would be prohibited in some zones by virtue of being categorised as Resource Processing. I consider it reasonable that the same qualifications for beverage manufacture should apply to these smaller scale food manufacturers.

I am satisfied that with the modified qualification for the Resource Processing use class, the final SPPs will meet the SPPs criteria under section 15 of the Act and they do not require re-exhibition.

***Direction***

That the final SPPs include modifications to provide for “food and beverage production” as a discretionary qualification for the Resource Processing use class in the Urban Mixed Use, Local Business, General Business, Central Business, Commercial Zone and Major Tourism Zones.

**Electricity Transmission Infrastructure Protection Code – airborne contaminants**

***Introduction***

The exhibited draft SPPs included two standards for the management of “airborne contaminants” from specific uses in proximity to an electricity transmission corridor and a substation facility.

The Commission recommended changing the references to “airborne contaminants” to “dust” as it was considered this adequately covered the issue.

***Discussion***

I understand that the Commission has recommended that the relevant provisions refer to “dust” instead of “airborne contaminants” in an attempt to clarify the scope of the standards. While I accept that the word “dust” covers a range of airborne particulates by way of the Macquarie Dictionary definition, which includes “a cloud of finely powdered earth or other matter in the air”, I

am concerned that most people would not appreciate that the scope of provision was meant to apply to all 'airborne particulates'.

I have sought advice from TasNetworks in considering modified wording for the provisions in the code. I consider it necessary to refer to "dust or other airborne particulates" to clarify the scope of the standards.

I am satisfied that with these modified provisions, the final SPPs meet the SPPs criteria under section 15 of the Act and they do not require re-exhibition.

***Direction***

That the final SPPs are modified to refer to "dust or other airborne particulates" in clauses C4.5.2 and C4.5.3 and Table C4.1.

**Bushfire Prone Areas Code**

***Introduction***

The exhibited draft SPPs included a Bushfire-Prone Areas Code consistent with *Interim Planning Directive 1 – Bushfire-Prone Areas Code (IPD1)*. The Commission undertook an assessment of the Bushfire-Prone Areas Code in the draft SPPs in parallel to IPD1.

The Commission recommended various modifications to the Bushfire-Prone Areas Code to improve the operation of the provisions. The Commission advised of some further modifications to the code in their further information under section 26(3) of Act. These include a range of other modifications to improve the operation of the code and to align with the future Director's Determination under the Building Regulations.

***Discussion***

I accept the Commission's recommended modifications to the Bushfire-Prone Areas Code for the reasons given in their report and the further information provided in accordance with section 26(3) of the Act.

I am satisfied that with the modified Bushfire-Prone Areas Code, the final SPPs meet the SPPs criteria under section 15 of the Act and they do not require re-exhibition.

***Direction***

That the final SPPs include the Commission's recommended modifications to the Bushfire-Prone Areas Code.

## **Overlay Maps**

### ***Introduction***

In the Requirements for Local Provisions Schedules clauses, the exhibited draft SPPs proposed various directions for overlay maps to be produced in accordance with particular base maps as at an unspecified date. Such directions were included for the Electricity Transmission Infrastructure Protection Code, Natural Assets Code, Coastal Erosion Hazard Code, Coastal Inundation Hazard Code and the Landslip Hazard Code.

The Commission recommended minor modifications to the provisions relating to overlay maps, mainly to improve their operation.

### ***Discussion***

I accept the Commission's recommendation to modify wording of the provisions specifying how the overlay maps are to be produced. This will improve their operation.

However, I am also satisfied that all references to a specified date for the base mapping should be removed. It is unnecessary to specify a date as the mapping will be that provided by the relevant agency, and such information can be provided in future guideline documentation.

Consequential modifications are necessary to deliver the revised approach and scope for mapping the overlays for the modified Natural Assets Code. Mapping of priority vegetation areas will need to be based on the current TASVEG and Natural Values Atlas data. The modified provisions also need to provide the scope for the mapping of native vegetation of local significance.

I accept that the mapping produced by the Derwent Estuary Program should inform the mapping for future coastal refugia areas and for waterway and coastal protection areas, but the directions should not require planning authorities to strictly adhere to such mapping as it has not been prepared as a statutory overlay map. Again, such mapping information can be appropriately managed through further guidance material on the application of the code.

I am satisfied that these modifications to provisions in the SPPs do not require re-exhibition.

I am also satisfied that with these modifications, the final SPPs meet the SPPs criteria under section 15 of the Act.

### ***Direction***

That the final SPPs include modified provisions relating to overlay maps, as set out above.

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

#### **13.1 Roads**

**Strategic Plan Reference – Page 14**

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

Nil.

#### **13.2 Bridges**

**Strategic Plan Reference – Page 14**

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

#### **13.2.1 REPORTS ON REVISED PROCESSES FOR PUBLIC TENDERS**

**Author:** DEPUTY GENERAL MANAGER & CHAIRMAN OF THE TENDER ASSESSMENT PANEL (ANDREW BENSON)

**Date:** 22 MARCH 2017

#### **ISSUE**

Review the process by which Council formally considers Tender submissions and awards contracts.

#### **BACKGROUND**

When a Tender report is provided for Council's decision making as part of the Agenda of Council meetings, all of the details are provided in the Public Agenda prior to a Council meeting (this information is available on the SMC website). This has been a past practice to ensure transparency in the Tender process. However this process does have limitations.

In the consideration of Tender submissions for the design and construction of the Bellevalle Road Bridge, at Bellevalle Road, over the Jordan River off Lower Marshes Road, Lower Marshes at the February 2017 meeting, Council resolved not to award a contract and to re-tender the project after a review of the Request for Tender documentation and further site considerations. Given all of the information including pricing was included in the Agenda Report that meant that all of the Tenderers were aware of their competitors pricing and the manner in which Council considered the respective Tenderers submissions.

In normal circumstances and over the past four years that has not been an issue in respect of Bridgeworks Tenders and it demonstrates a transparency of process and decision making. However, the Bellevalle Road Bridge Tender did present a set of circumstances that was unusual.

To ensure that Council addresses this matter of non-awarding of Tenders in future it is recommended that all Tenders be considered "In Committee" (not available to the public) and when Council awards the contract to a successful Tenderer, then part of the resolution is that the information in the Agenda Report in respect of that specific Tender is resolved to be transferred to the "Public Minutes" of the meeting. If a contract is not awarded then Council retains the Report in the "In Committee" minutes of the meeting

and then can go back to the “market” without any of the competitive advantages that were presented by the Tenderers being devolved to other parties.

Following any non-awarding decision a comprehensive letter is to be written by the Chairman of the Tender Assessment Panel to each Tenderer outlining the reasons for Council’s decision and what the corrective action would be.

**Community Consultation & Public Relations Implications** – Integrity, openness and transparency will be maintained without compromising Tenderer’s competitive advantages.

**Website Implications** – All Council Public Agenda and Public Minutes are available on the Council web site; however consideration should be given to releasing the draft Public Minutes (subject to formal confirmation) within ten working days of the meeting.

**Policy Implications** – If required, amend the SMC Code of Tenders and Contracts to reflect Council’s decision.

## RECOMMENDATION

### THAT Council

1. **Receive and note the report**
2. **Adopt the following process for inclusion within the Code for Tenders & Contracts as detailed below**
  - (a) **When formally considering Tender submissions all Agenda Reports shall be included within the “In Committee” section of the Council Agenda.**
  - (b) **When a contract is awarded by Council as a consequence of the Agenda Report it is to be resolved to release the Report into the Public Minutes.**
  - (c) **If a Contract is not awarded then the Item stays in the “In Committee” section of the Council minutes.**
  - (d) **In the case of (c) above a comprehensive letter is to be provided to each Tenderer outlining Council’s consideration for the non-awarding of a contract for the Tender and further detailing the action Council intends to take.**
3. **Release draft Council meeting Public Minutes (subject to formal adoption at the next Council meeting) within ten working days of the date of the meeting.**

## DECISION

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

### 13.3 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.

### 13.4 Lighting

**Strategic Plan Reference – Page 14**

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

Nil.

### 13.5 Buildings

**Strategic Plan Reference – Page 15**

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

Nil.

### 13.6 Sewers

**Strategic Plan Reference – Page 15**

1.6.1 Increase the capacity of access to reticulated sewerage services.

Nil.

### 13.7 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.

#### 13.7.1 TASWATER – STATE GOVERNMENT OWNERSHIP

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

**Date:** 24 MARCH 2017

**Attachment:-**

1. *Taking Control of TasWater*
2. *LGAT - Councils to Carefully Consider State Government Ownership Model for TasWater*

#### ISSUE

Council to consider its policy position in relation to the future ownership of TasWater.

## DETAIL

On 7<sup>th</sup> March 2017, the Premier of Tasmania, the Hon. Will Hodgman MP and Minister for Local Government, the Hon. Peter Gutwein MP announced that the State Government would take over responsibility for, and control of, TasWater.

In the Premier's address on the first day of State Parliament for the year the Government announced it would take over TasWater from 1 July 2018. A 'Taking Control of TasWater' document **attached** was issued by the Minister for Local Government on 7 March 2017. This document summarises the State Government's decision to intervene in Tasmania's water and sewerage.

The Local Government Association of Tasmania (LGAT) issued a media release, titled, 'Councils to carefully consider State Government ownership model for TasWater' following the Premier's announcement **attached**. It has subsequently issued numerous Press Releases, copies of which have been provided in recent Information Bulletins.

The State Government's announcement of its intention to take over TasWater from 1 July 2018 is centred around the perceived significant challenges that TasWater faces in meeting environmental, public health, dam safety and water regulations under the stewardship of Tasmania's Councils.

It is the State Government's view that the current situation cannot be allowed to continue, therefore they have decided to take control of TasWater in order to address the situation. In outlining its proposal to take over TasWater, the State Government has highlighted a number of benefits. They are:

1. Councils will receive not one dollar less than the returns that they have been promised by TasWater up until 2024-25 after which, Councils will receive one half of the value of total returns from TasWater indefinitely.
2. The legislation for the takeover of TasWater will contain explicit provisions to prevent a future privatisation of TasWater.
3. No employees will lose their job as a result of the change in ownership. TasWater employees will be transferred to the new TasWater government business and their employment terms and conditions will be retained.
4. Concessions to low income Tasmanians and pensioners remain as they are, firmly in place.

The State Government's commitment, through legislation, to ensure the above benefits occur provides a reasonable outcome in order to address the challenges facing Tasmania's water and sewerage infrastructure.

The unknown factor in the information provided to date by the State Government is what returns may be expected after 2024/25 and whether the State Government will be providing equity in return to their 50% share of distributions.

**Human Resources & Financial Implications** – If the government succeeds in taking over TasWater, the future of distributions beyond 2024/25 is unknown.

Council's investment in TasWater (as at 30<sup>th</sup> June 2016) was valued at \$11.968 million. This represents 0.76% of the Water Corporation's net asset value at balance date.

In 2016/17, Council budgeted to receive \$228,000 in distributions from the Corporation. It should also be acknowledged that in August 2016, Council received a recommendation from the Chairman of TasWater (and agreed) to a revised 10 year infrastructure renewal / upgrade plan. This would result in a reduction in Council dividends effective from 1<sup>st</sup> July 2018. From that date, TasWater would freeze annual distributions to Owner Councils at \$20 million (currently \$30 million). This reduced Council's annual entitlement to an estimated \$160,000.

**Community Consultation & Public Relations Implications – To be considered.**

**Policy Implications – Policy position.**

**Priority - Implementation Time Frame –** The LGAT has scheduled a meeting for 7<sup>th</sup> April 2016 and the Treasurer, the Hon. Peter Gutwein, has been requested to provide additional detail in support of the State Government's position. With this in mind, and in the absence of whatever information may be provided to that meeting, it may be premature to determine a final position at this meeting.

## **RECOMMENDATION**

**THAT Council consider its position policy in relation to the proposed takeover of TasWater by the State Government.**

## **DECISION**

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



# Taking Control of TasWater



## Taking Control of TasWater

### Why has the State Government decided to intervene in Tasmania's water and sewerage?

Tasmania's enviable reputation and indeed our brand for having a clean and safe environment is at risk because our water and sewerage system is not up to the standard it should be.

Despite substantial reform to the structure of the Tasmanian water and sewerage industry and the regulatory framework over the past decade, TasWater continues to face significant challenges in meeting environmental, public health, dam safety and water regulations under the stewardship of Tasmania's Councils.

Owned by Tasmania's 29 local Councils, TasWater has not made sufficient progress in meeting the objectives of earlier reforms.

Despite the obvious and urgent need for substantial investment in water and sewerage infrastructure, 25 towns remain on Boil Water or Do Not Consume alerts, only one of Tasmania's 78 Level Two sewerage plants is 100 per cent compliant with EPA discharge to waters limits and in recent years the rate of sewage overflows to the environment has been higher than seven times the national average.

The fact is local Councils have been paid significant returns during their period of ownership, receiving money from TasWater that has not been able to be reinvested in desperately needed upgrades to infrastructure.

While TasWater's Board did take the extraordinary step last year to override their local Council owners and reduce distributions to them to help increase spending on infrastructure, it's not enough and more needs to be done. Councils have not delivered on their fundamental duty to ensure TasWater delivers safe drinking water and sewerage services.

Clean, safe water and a first-world sewerage system are important for public health, our lifestyle, our brand and our economy.

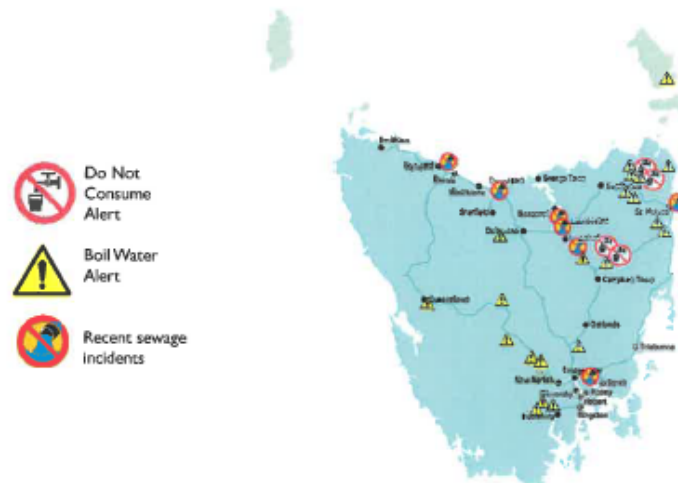
It's simply not good enough that visitors to our State need to check if tap water is safe to drink and the water is safe to swim in. It's not good enough for affected residents who have to fill plastic bottles from communal water tanks in order to have clean water in their homes.

The Government has repeatedly raised these concerns with the Local Council Owners over the last three years. The situation cannot be allowed to continue and the State Government has decided to take control of TasWater in order to fix it.

**Tasmanians expect  
and deserve better.**

## Do Not Consume/Boil Water Notice

Tasmanian towns operating with Do Not Consume/Boil Water Notices or public health alerts at 3/3/17



## Clear Benefits

LOWER PRICES	<ul style="list-style-type: none"> <li>• Price increases for consumers will be lower.</li> <li>• The Government will target future price increases to be within a 2.75 to 3.5 per cent range - well below the current level of 5 per cent projected by TasWater and its Council Owners.</li> <li>• Over 6 years an average customer can expect to save up to \$548.</li> </ul>
NO NEED FOR RATE INCREASES	<ul style="list-style-type: none"> <li>• Councils will receive not one dollar less than the returns that they have been promised by TasWater up until 2024-25, after which, Councils will receive one half of the value of total returns from TasWater indefinitely.</li> </ul>
WATER AND SEWERAGE FIXED SOONER	<ul style="list-style-type: none"> <li>• On taking control of TasWater on 1 July next year, our plan is to bring forward and complete the remainder of the \$1.5 billion capital program over a 5 year period to ensure water and sewerage infrastructure is fixed faster.</li> </ul>
NO CHANGE FOR EMPLOYEES	<ul style="list-style-type: none"> <li>• No employees will lose their jobs as a result of the change in ownership.</li> <li>• TasWater employees will be transferred to the new TasWater government business and their employment terms and conditions will be retained.</li> </ul>
NO PRIVATISATION	<ul style="list-style-type: none"> <li>• The legislation for the takeover of TasWater will contain explicit provisions to prevent a future privatisation of TasWater.</li> </ul>

## Options Considered

When the State Government met recently with all local Council TasWater owners to discuss accelerating the investment in water and sewerage services in Tasmania, five options were considered.

OPTIONS	PROS	CONS
Status Quo	<ul style="list-style-type: none"> <li>No action required</li> </ul>	<ul style="list-style-type: none"> <li>No improvement from current situation</li> <li>Not acceptable to State Government</li> </ul>
Federal injection of funds	<ul style="list-style-type: none"> <li>Significant Federal funding would accelerate expenditure on water and sewerage</li> <li>No further impost on local government</li> </ul>	<ul style="list-style-type: none"> <li>Unrealistic given state of Federal Budget</li> <li>Current Federal election cycle</li> <li>Effectively just "kicks the can down the road"</li> </ul>
Councils reduce returns (Dividends/ ITE/Guarantee Fees)	<ul style="list-style-type: none"> <li>Accelerates capital expenditure on water and sewerage</li> </ul>	<ul style="list-style-type: none"> <li>Councils lose revenue</li> <li>Some Councils can manage</li> <li>Others more difficult</li> </ul>
Increase Prices	<ul style="list-style-type: none"> <li>Accelerates capital expenditure on water and sewerage</li> </ul>	<ul style="list-style-type: none"> <li>Consumers already facing 30 per cent increase over six years</li> <li>Many households already facing significant cost increases</li> <li>Not acceptable to State Government</li> </ul>
Tasmanian Government intervention	<ul style="list-style-type: none"> <li>Tasmanian Government greater capacity to contribute than Councils</li> <li>Accelerates capital expenditure on water and sewerage</li> </ul>	<ul style="list-style-type: none"> <li>Budgetary impact on Tasmanian Government</li> <li>TasWater ownership structure complicates State Government intervention</li> </ul>



## Options Considered

The State Government made it clear to local Councils that neither the status quo option nor increasing prices were acceptable outcomes. Councils also indicated that they would like more to be done.

While the State Government will always argue for Tasmania's fair share of Federal funding, as no Australian Government funding has been forthcoming to date, this option is not realistic in the short term, and in effect just "kicks the can down the road". On this basis, this was also rejected as a viable option.

Councils rejected the option of reducing their TasWater returns to provide for an accelerated timeframe for investment in infrastructure.

The final option of State Government intervention is the only realistic way to address the challenge we face to bring Tasmania's water and sewerage infrastructure up to an acceptable level over a shorter timeframe.

## Tasmanian Government Control of TasWater

*"The State Government has decided that the best way to resolve Tasmania's inadequate water and sewerage infrastructure is to assume ownership and control over TasWater.*

*"This will facilitate a faster solution to the problem and resolve the long term underinvestment that has led to the current unsatisfactory situation."*

The Treasurer, Hon Peter Gutwein MP

## Key Benefits of State Government Ownership

The transfer of TasWater into State Government ownership will facilitate improved water and sewerage infrastructure and lower costs to Tasmanians. The key benefits are outlined below.

### Substantial increase in investment in water and sewerage infrastructure

On taking control of TasWater on 1 July next year, our plan is to bring forward and complete the remainder of the \$1.5 billion capital program over a 5 year period which will allow TasWater to fix water and sewerage infrastructure earlier than under current local government ownership.

The State Government can achieve this increased expenditure without adversely impacting water and sewerage charges or Council rates, by using the underlying strength of its financial position.

TasWater has the capacity to take on more debt and under State ownership it will have a lower cost of borrowing. This means it can borrow

more for less and invest more to fix Tasmania's water and sewerage infrastructure sooner. In addition, the State will use its strong financial position to support TasWater should that be required.

As it stands at the moment, the Government's target of increased investment over five years can only begin once it assumes control on 1 July 2018. However, subject to Councils' agreement as the current owners of TasWater, work can begin immediately on the planning and scoping of the future infrastructure program. It is hoped that Councils will put the interests of Tasmanians before politics and agree that this work commence immediately.

### Water and Sewerage prices will be lower under State Ownership

Upon assuming ownership, the State Government will set a price increase of 2.75% for the 2018-19 year and will target price increases of between 2.75% and 3.5% per annum in future years.

This is materially below the price increases projected by the Council Owners of around 5% over 6 years.

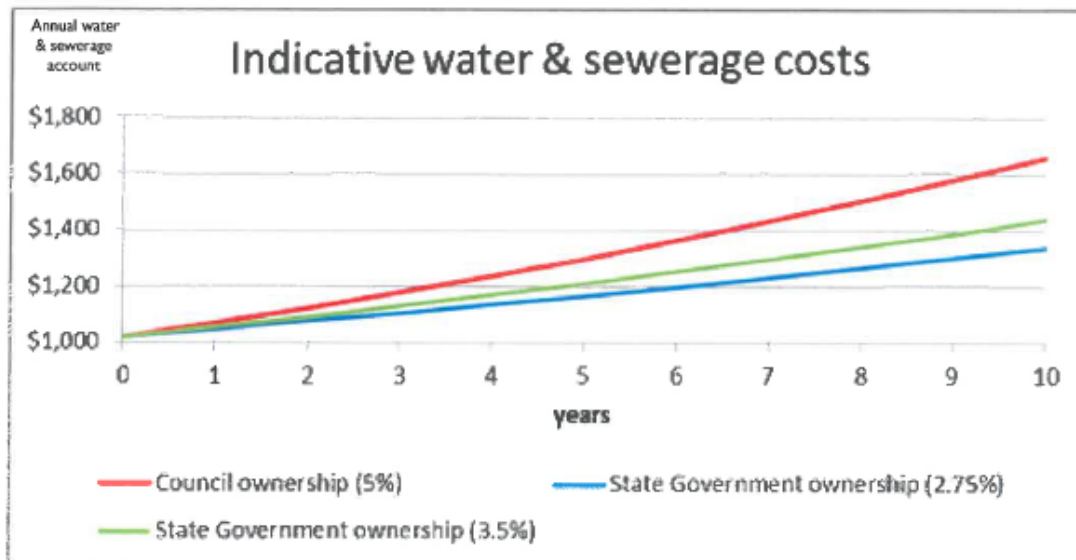
An average customer, over 6 years, could expect to save around \$548 at 2.75% and \$370 at 3.75%

compared to the 5% growth in prices forecast by the Council Owners.

The chart below shows the indicative price increases based on the current average water and sewerage bill of \$1,020 and applying average price increases of between 2.75%, 3.5% and 5.0%.

In addition, the State Government will continue to provide water and sewerage concessions to eligible pensioners, currently worth \$9 million per annum.

## Key Benefits of State Government Ownership



### Council rates will not be impacted by the transfer of ownership

The State Government will legislate to ensure that distributions continue to be provided to local government over the period to 2024-25 as already announced by TasWater.

They will receive \$30 million for 2016-17 and 2017-18 and for the seven year period following 1 July 2018 (the date on which the State Government expects to assume ownership) Councils will continue to receive annual distributions of \$20 million per annum.

This is the same amount proposed by TasWater last year. Local government will not "receive one dollar less" over this period.

Following this period, local government will receive half of any future distributions from TasWater.

Councils will no longer own or be responsible for water and sewerage in Tasmania and yet they will still receive returns from TasWater. This is a risk-free return for local Councils in perpetuity.

The long timeframe over which Councils will receive a guaranteed return, followed by a 50% share of returns into the future, will ensure that Councils have adequate time to plan and will not need to increase rates as a result of the Government assuming control.

## Summary of Key Matters

1. The Government intends to establish a new government business to provide water and sewerage services in Tasmania, through legislation to be introduced in the 2017 Spring session of Parliament and for the new business to commence operations on 1 July 2018;
2. We will transfer the operating business and all its employees to the new government business;
3. The current price determination will be extended to 30 June 2019 with the price increase set at 2.75% for customers on the target tariff;
4. From 1 July 2019, the Treasurer will determine water and sewerage prices with the Regulator providing guidance by continuing to conduct water and sewerage price investigations;
5. The Government will target future price increases to be within a 2.75% to 3.5% range;
6. The Regulator will remain responsible for setting customer service standards and the retention of all other regulation, including environmental, public health, dam safety and water;
7. A legislated obligation to provide Councils with payments of \$20 million per year from 2018-19 over a seven year period, to provide Councils with the same returns as announced by TasWater last year;
8. A commitment from the Government that it will receive no net returns from the entity over this period; and, following this period, Councils will receive one half of any returns from the entity in perpetuity;
9. On taking control of TasWater on 1 July next year, our plan is to bring forward and complete the remainder of the \$1.5 billion capital program over a 5 year period;
10. After the targeted investment phase, it is expected that investment levels will remain elevated as projects that currently sit outside of TasWater's 10 year plan are progressed;
11. No employees will lose their jobs as a result of the change in ownership. TasWater employees will be transferred to the new TasWater government business and their employment terms and conditions will be retained; and
12. The legislation for the takeover of TasWater will contain explicit provisions to prevent a future privatisation of TasWater.

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## **MEDIA RELEASE**

### **FOR IMMEDIATE RELEASE**

**7 March 2017**

### **Councils to Carefully Consider State Government Ownership Model for TasWater**

The Local Government sector is committed to carefully considering the model of State Government ownership proposed in the Premier's State of the State address in Parliament today and awaits further detail.

"It appears the Government has recognised a number of concerns raised by the Owners' Representatives' Group when they met with him on 24 February," said LGAT President, Mayor Doug Chipman.

"In particular, the model outlined has acknowledged the importance of the return to councils and their communities, the need to keep water prices as low as possible, and a broad concern regarding future privatisation."

"However, the detail will be important. TasWater's council owners are confident that TasWater could deliver the robust 10-year capital plan and would like to better understand the feasibility and impacts of an accelerated program," Mayor Chipman said.

"Councils will also be keen to hear and consider any alternative proposals from the State opposition."

"Regardless of any future model for delivering water and sewerage services in Tasmania, the work of the skilled and professional Board and staff of TasWater is very much appreciated."

"The Local Government Association of Tasmania has invited the Treasurer, Peter Gutwein to attend the LGAT General Meeting on 7 April, by which time each council will have had the opportunity to consider the detail," he said.

Ends....

**For media enquiries, please contact  
LGAT President, Mayor Doug Chipman on 0409 704 835**

### **13.8 Irrigation**

**Strategic Plan Reference – Page 15**

1.8.1 Increase access to irrigation water within the municipality.

Nil.

### **13.9 Drainage**

**Strategic Plan Reference – Page 16**

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

Nil.

### **13.10 Waste**

**Strategic Plan Reference – Page 17**

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

Nil.

### **13.11 Information, Communication Technology**

**Strategic Plan Reference – Page 17**

1.11.1 Improve access to modern communications infrastructure.

Nil.

## **13.12 Officer Reports – Works & Technical Services (Engineering)**

### **13.12.1 MANAGER - WORKS & TECHNICAL SERVICES REPORT**

**Author:** MANAGER WORKS & TECHNICAL SERVICES (JACK LYALL)

**Date:** 23 MARCH 2017

#### **ROADS PROGRAM**

Maintenance grading is continuing. One grader is working on Clifton Vale Road, the other grader is working on Interlaken Road, heading to Rhyndaston.

The corner realignment project at Yarlington has commenced. Ongoing details are being obtained.

The Mudwalls Road and Lovely Banks Road junction 'black spot' project has commenced.

A trial of the dust suppressant has been conducted on Rhyndaston Road, Brown Mountain Road and Church Road. The outcome of the trial indicates that it is a very short-term measure in terms of dust suppressant and the effectiveness is further reduced by traffic density. Overall it is considered to be an ineffective use of Council resources.

#### **WASTE MANAGEMENT PROGRAM**

There has been a requirement for additional emptying of the bins at Campania Waste Transfer Station.

#### **TOWN FACILITIES PROGRAM**

All operating well.

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

#### **RECOMMENDATION**

**THAT the Works & Technical Services 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 A R Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		

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

### 14.1 Residential

**Strategic Plan Reference – Page 18**

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

Nil.

### 14.2 Tourism

**Strategic Plan Reference – Page 19**

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

Nil.

### 14.3 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.

### 14.4 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.

### 14.5 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.

### 14.6 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.

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

### 15.1 Heritage

#### Strategic Plan Reference – Page 22

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

#### 15.1.1 HERITAGE PROJECT PROGRAM REPORT

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

**Date:** 23 MARCH 2017

#### ISSUE

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

#### DETAIL

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

- Work is progressing on the Oatlands Commissariat and 79 High Street, with stonemasonry works progressing well.
- The Heritage Projects Program participated in a visit by Her Excellency Professor the Honourable Kate Warner, AC, Governor of Tasmania and Mr. Warner, which included tours of Kempton sites relating to Mr. Warner's ancestry, as well as Oatlands heritage sites.
- Curation of the Victoria Memorial Hall collection is complete and an exhibition is currently being developed (by volunteers Caroline Heine and Cindy Thomas).
- Planning and promotion for National Trust Heritage Festival events – detail to be provided to Councillors closer to the date.
- An upgrade of the heritage collection cataloguing equipment and facilities has been undertaken. Linda Clark is continuing work on the collection as a volunteer.
- Progressing the final installation of gaol interpretation.
- Developing policy for the artist in residence program – it is expected that this will be included in next month's agenda.
- Liaising with Kelly Woodward and Arts Committee for "See the Art: Meet the Artist" exhibition
- Supporting & co-ordinating volunteer program

Heritage Projects program staff have been involved in the following Heritage Building Solutions activities:

- Continued input into heritage aspects of various projects, including the formulation of a conservation management plan for a large estate in the Derwent Valley and some consequent works from that planning.
- Quoting on a number of projects around the southern Tasmania region.

Heritage Projects program staff have been involved in the following Heritage Education and Skills Centre activities:

- Promotion of the 1<sup>st</sup> half of 2017 course program.
- Work on migrating to a new online booking system.
- Planning future partnerships with the National Trust.
- Charlie Renner has commenced work as Education Support Officer for 5x5x5.
- Strategic planning for future phases of the 5x5x5 project, including finalisation of the recruitment and retention strategy, and various policy documents.

**RECOMMENDATION**

**THAT the Heritage Projects 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 A R Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		

## 15.2 Natural

### Strategic Plan Reference – Page 23/24

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

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

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

**Date:** 20 MARCH 2017

#### ISSUE

Southern Midlands Landcare Unit Monthly Report.

#### DETAIL

- Works relating to the Tasmanian Community Fund Dulverton Walking Track project continue. On 27 February 2017 a shelter shed for walking track users was erected, near the intersection of Inglewood Road and Tunnack Road.
- Helen Geard and Maria Weeding attended the Council meeting in Tunbridge on 21 February 2017 to present the draft Southern Midlands Weed Management Strategy. Ratepayers are being invited to have their say about weeds and the Strategy until 7 April 2017. The Strategy and invitation to provide feedback document are now on the Council website and at the Oatlands and Kempton office. An article in relation to this matter was published in the Council newsletter.
- Maria Weeding continues to work on the project to clear willows and weeds on the Blackman River just downstream of the historic Tunbridge bridge. There are some funds available from the Crown to undertake clearing works. Maria Weeding and Helen Geard met with Monique Case (Northern Midlands Council) and Greg Jordan (contractor with extensive experience in clearing blockages from rivers) to develop a works plan. There is paperwork to be completed and landholder permission documents to be finalised before work can commence within this financial year.
- Still waiting for an outcome from the funding application for the upgrade of the Lake Dulverton Foreshore toilet block.
- Maria Weeding will be on annual leave from 21 March - 10 April 2017.

#### RECOMMENDATION

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

#### DECISION

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

### **15.3 Cultural**

**Strategic Plan Reference – Page 24**

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

Nil.

### **15.4 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.

### **15.5 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.



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

### **16.1 Community Health and Wellbeing**

**Strategic Plan Reference – Page 26**

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

Nil.

### **16.2 Youth**

**Strategic Plan Reference – Page 26**

4.2.1 Increase the retention of young people in the municipality.

Nil.

### **16.3 Seniors**

**Strategic Plan Reference – Page 27**

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

Nil.

### **16.4 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.

### **16.5 Volunteers**

**Strategic Plan Reference – Page 27**

4.5.1 Encourage community members to volunteer.

Nil

### **16.6 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.

## 16.7 Public Health

**Strategic Plan Reference – Page 28**

4.7.1 Monitor and maintain a safe and healthy public environment.

### 16.7.1 ANGLICAN PARISH OF SORELL, RICHMOND & TASMAN – PROPOSED EXTENSION OF COLEBROOK CEMETERY

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

**Date:** 24 MARCH 2017

#### ISSUE

Council to consider a contribution towards the cost of survey, legal and valuation costs associated with extension of the Colebrook Cemetery.

*Note: Map to be tabled at the meeting.*

#### BACKGROUND

The Colebrook community has for a period of time raised concerns with the Southern Midlands Council in relation to the Anglican Church Cemetery located in Arthur Street, Colebrook. The Cemetery has basically reached capacity and needs to be extended to cater for future community need.

Following initial consultation with representatives of the Anglican Parish of Sorell, Richmond and Tasman, it was agreed in principle to investigate the possibility of the Parish purchasing the adjoining road reserve (which extends along the northern boundary of the cemetery property) and adhering it to the existing Cemetery – refer attached Map. From a Council perspective, this section of road will never be constructed.

With in-principle agreement, Council wrote to Crown Land Services to seek their advice and comment in relation to the proposal.

#### DETAIL

Crown Land Services (as the responsible government agency) has advised that there appear to no barriers to prevent disposal of this section of land (i.e. road) and adhering it to the existing Cemetery title. The transfer of ownership would be subject to the normal application processes which would need to be undertaken by the Parish.

The cost estimate provided by the Crown to secure ownership was calculated at approximately \$6,000 which included the up-front application fee (\$497.25), survey and legal costs. This does not include the value of the land which would be minimal. This estimate can be realistically reduced to probably \$4,000 if the surveyor is engaged direct by Council (or the Parish). This statement is based on recent experience with the Woodsdale Cemetery, where a saving of \$2,000 (compared to the Crown Land Services estimate) was achieved through direct engagement of the Surveyor.

This cost estimate was then referred to the Parish Executive Committee which has since confirmed that the Parish would be prepared to contribute 50% of the survey, legal and valuation costs up to a maximum of \$2,000.

**Human Resources & Financial Implications** – Council allocated an amount of \$60,000 in the 2016-17 Capital Works Program for the development and part implementation of the Colebrook Streetscape Plan. Recognising that this proposal was raised by the community through forums held to discuss the overall development and enhancement of Colebrook (resulting in the above allocation), it would be appropriate that any Council contribution would be committed from this budget. The contribution would need to be recognised as a donation to the Parish as it will need to take the responsibility for submitting the application for transfer of ownership.

**Community Consultation & Public Relations Implications** – As mentioned, extension of the Colebrook Cemetery is an issue that has been raised through various forums and community discussions.

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

### RECOMMENDATION

**THAT Council be prepared to contribute, by way of a donation to the Parish of Sorell, Richmond & Tasman, an amount estimated at \$3,000 (includes the 50% balance of application fee; survey and legal costs; plus allowance for acquisition value) to progress the extension of the Colebrook Cemetery.**

### DECISION

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

## 16.8 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.

## 16.9 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.

### 16.9.1 ANIMAL MANAGEMENT REPORT

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

**Date:** 22 MARCH 2017

**Attachment:**

*Monthly Animal Management Statement – December 2016 - March 2017*

### ISSUE

Consideration of the Animal Management/Compliance Officer's report for the period December 2016 – March 2017.

The purpose of the report is two-fold:

1. To inform Council and the Community of infringements issued by Council Officers in relation to Animal Management for the period December 2016 to March 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*. **It should be noted that a report on Animal Management will be provided at each Council meeting beginning April 2017.**

### RESOURCE SHARING

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

## INFRINGEMENT DETAILS

17 DECEMBER 2016

FRANKLIN STREET COLEBROOK

Two Staffy type dogs attacked and mauled sheep on neighbouring property resulting in the death of 15 sheep. Both dogs destroyed. Compensation paid by dog owner to sheep owner. Infringements issued.

17 JANUARY 2017

HIGH STREET OATLANDS

One American Bulldog type dog rushed out of property attacking small Shihtzu type dog being walked along street on lead. Minor injuries received by Shihtzu type dog. Compensation for Veterinary fees requested. Infringements issued.

24 JANUARY 2017

MIDLAND HIGHWAY BAGDAD

One Ridgeback Cross type dog entered neighbouring property and chased and harassed sheep, causing injury to one sheep. Nil Veterinary treatment sought. Infringements issued.

25 JANUARY 2017

MAIN STREET KEMPTON

Dog witnessed wandering at large, previous verbal and written warnings issued. Infringements issued.

9 FEBRUARY 2017

ELDERSLIE ROAD BRIGHTON

One Boxer type dog entered neighbouring property chasing and injuring pet sheep. Nil Veterinary treatment sought. Infringements issued.

10 MARCH 2017

NATIVE CORNERS ROAD CAMPANIA

One German Shepherd type dog and one American Bulldog type dog attacked and mauled sheep on a neighbouring property, resulting in the death of 9 sheep. Both dogs destroyed. Compensation to be paid to the sheep owners by the dog owner. Infringements issued.

*Refer Monthly Statement on Animal Management for period ending 22 March 2017.*

## RECOMMENDATION

**THAT the information be received.**

## DECISION

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

**SOUTHERN MIDLANDS COUNCIL  
 MONTHLY ANIMAL MANAGEMENT STATEMENT  
 DECEMBER 2016 - MARCH 2017**

<b>DOG IMPOUNDS</b>	<b>RECLAIMED</b>	<b>ADOPTED</b>	<b>EUTHANISED</b>
16	15	1	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>
17	4 (SMC) 3 (BC)	6		2 (SMC) 2 (BC)	1	5	1

**REGISTERED DOGS:** 1,727  
**INFRINGEMENTS ISSUED:** 7

**MONIES RECEIVED:**

**POUND FEES:** \$100.00  
**DOG REGISTRATIONS:** \$4033.00  
**INFRINGEMENT PAYMENTS:** \$1694.00

## **16.10 Education**

**Strategic Plan Reference – Page 29**

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

Nil.

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

### **17.1 Retention**

**Strategic Plan Reference – Page 30**

5.1.1 Maintain and strengthen communities in the Southern Midlands.

#### **17.1.1 KEMPTON STREETScape PLAN – REVIEW (IN CONJUNCTION WITH GREEN PONDS PROGRESS ASSOCIATION)**

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

**Date:** 24 MARCH 2017

### **ISSUE**

To inform Council of the proposed process to conduct a review of the Kempton Streetscape Plan.

### **BACKGROUND**

The Kempton Streetscape plan was prepared by Gilby Roussos Architects in 1997.

A review the Plan has not been undertaken since its preparation. Whilst elements of the Plan have been implemented, it is timely to conduct a review to ensure relevancy and that the Streetscape Plan reflects current ideas and community expectations.

### **DETAIL**

It is intended that the review be undertaken in conjunction with the Green Ponds Progress Association. A preliminary meeting has been held with the President of the Association (Mr Tony Jewson) and the following has been proposed:

- The existing Streetscape Plan will be used as the foundation
- An evening forum (say 6.30 p.m. to 7.30 p.m.) will be held to enable input from community members and provide an opportunity for suggestions etc. – suggested date 3<sup>rd</sup> May 2017. This may also result in the formation of a community working group.

Note: An information sheet/ flyer will be circulated in advance of the forum which will advise that the existing Streetscape Plan can be viewed at the Council Chambers, Kempton and the higher level Precinct Plans (being an extract from the Plan) can be viewed on Council's website. The flyer will also encourage comment and feedback from the community if they are unable to attend the forum.

- Post forum - Working group convenes to filter and prioritise suggestions.
- Working Group agrees priority suggestions for immediate action and a work, finance and project plan initiated for financial year 2017/18 (by 31 May)
- Additional suggestions programmed accordingly for subsequent financial year
- Community information/feedback provided (31 May)
- Working Group continues to monitor and execute the plan



**Human Resources & Financial Implications** – The review will be conducted ‘in-house’. Depending on the outcomes of the forum, it is not envisaged that there that there will be a need to engage external ‘expert’ consultants.

**Community Consultation & Public Relations Implications** – refer process detailed above.

**Priority - Implementation Time Frame** – Community forum proposed for 3<sup>rd</sup> May 2017. This will enable any priority projects arising from the outcome of the forum to be considered as part of the 2017/18 budget process.

## RECOMMENDATION

**THAT the information be received and process endorsed.**

## DECISION

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

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

### **18.1 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.

### **18.2 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.  |

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

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

**Date:** 21 MARCH 2017

#### **Attachments:**

*Local Government Shared Services – Council Update (February 2017)*

*Local Government Shared Services – Joint Venture Update (February 2017)*

### **ISSUE**

To inform Council of the Common Services Joint Venture activities for the month of February 2017.

### **BACKGROUND**

There are seven existing members of the Common Services Joint Venture Agreement, with two other Council's participating as non-members.

Members: Brighton, Central Highlands, Glenorchy, Huon Valley, Sorell, Southern Midlands and Tasman.

### **DETAIL**

Refer 'Common Services Joint Venture Update – February 2017 attached.

**Human Resources & Financial Implications – Refer comment provided in the update.**

Councillors will note that the Southern Midlands Council provided 131 hours of service to six Councils: - Brighton, Central Highlands, Derwent Valley, Glamorgan/Spring Bay, Sorell and Tasman; and received 3 hours of services from other Councils.

Details of services provided are included in the attachment.

**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 A R Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		

# Local Government Shared Services - Council Update

## Council

Southern Midlands

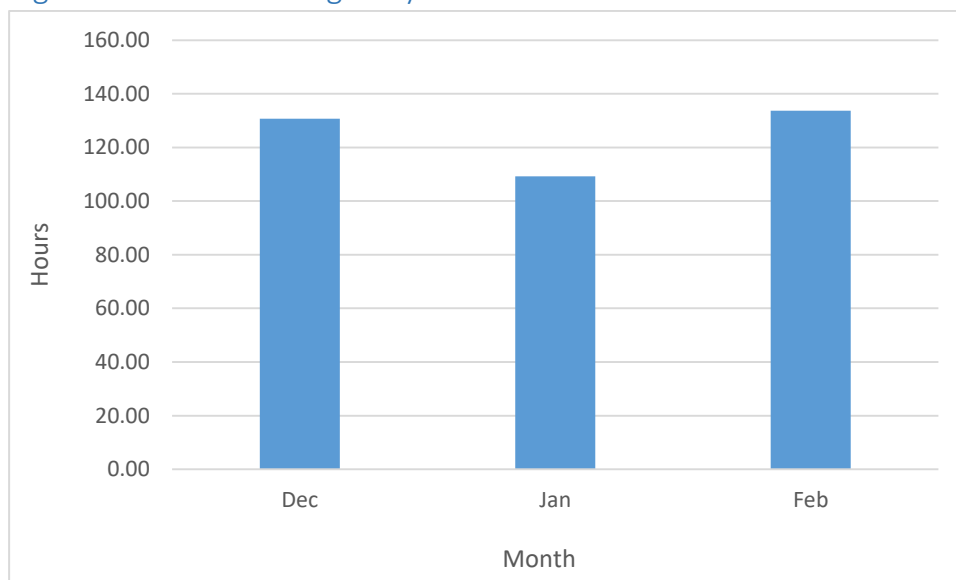
## Shared Service Participation in February 2017

133.75 hours

## Summary

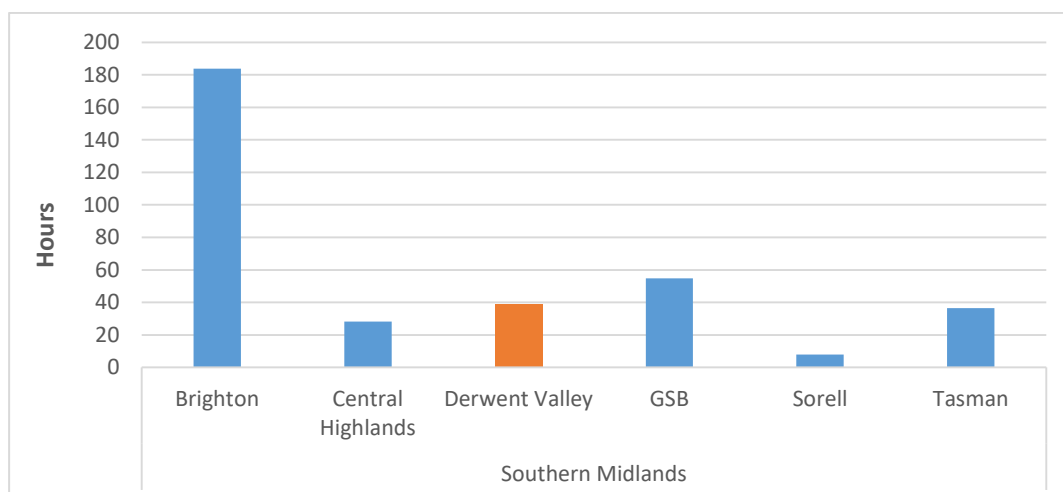
In February 2017, 134 hours of shared services were exchanged by the Southern Midlands Council which was an increase from hours exchanged in January (109). From this total, Southern Midlands provided 131 hours of services to other Councils, and received 3 hours of services from other Councils.

Fig 1 – Services Exchanged by Southern Midlands Council in Recent Months



## Services Provided by Southern Midlands Council

Fig 2 - Services Provided by Southern Midlands Council during February 2017 by Council



\* Council not currently a member of LG Shared Services

Fig 3 - Services Provided by Southern Midlands Council during February 2017 by Service Category

	Hours	
<b>Southern Midlands</b>	<b>131</b>	<b>Summary of Services Provided</b>
<b>Brighton</b>	<b>22</b>	
WHS / Risk Management	16	WHS Advice
Animal Control	6	Reief Dog Catcher
<b>Central Highlands</b>	<b>28</b>	
Planning	20	Regulatory Planning
WHS / Risk Management	8	WHS Advice
<b>Derwent Valley</b>	<b>33</b>	
Permit Authority - Plumbing	33	WHS Advice
<b>GSB</b>	<b>16</b>	
WHS / Risk Management	16	WHS Advice
<b>Sorell</b>	<b>16</b>	
WHS / Risk Management	16	WHS Advice
<b>Tasman</b>	<b>16</b>	
WHS / Risk Management	16	WHS Advice

## Services Received by Southern Midlands Council

Fig 4 - Services Received by Southern Midlands Council during February 2017 by Service Category

	Hours	
<b>Southern Midlands</b>	<b>2.50</b>	<b>Summary of Services Received</b>
<b>Brighton</b>	<b>2.50</b>	
Planning	2.00	Sub-region Workforce Planning Project
Chief Administrator	1	CSA - Animal Control

## Cost Benefits Achieved by Southern Midlands and Other Councils

134 hours of Shared Services were exchanged by Southern Midlands Council last month. Analysis of Shared services provision has indicated that both the Provider Council and the Client Council save money through the exchange of Shared services at an approximate ratio of 50%.

In the month of February it is estimated, Council have achieved a net benefit of approximately \$4,400. This was a result of increasing the utilisation of its current staff to earn additional revenue from providing services to other Councils, and from utilising Shared services from within Local Government as opposed to external consultants (on average LG Shared Services rates can be procured at significant discount to external consultant fees).

It is estimated that Southern Midlands Council's direct involvement in Shared services saved participating Councils (including Southern Midlands Council) approximately \$8,500 for the month of February.

# LG Shared Services Joint Venture Update

February 2017

## Summary of Recent Shared Services Activity

862 hours of Shared Services were exchanged between Councils during February 2017, which is a decrease of 21% when compared to hours exchanged in January 2017 (1045 hours) and is below the three month average of 949 hours per month. Hours exchanged have declined due to a decrease in hours exchanged by the Sorell and Tasman Councils which each recorded a drop in shared services activity of approximately 20%.

Fig 1 - Shared Service Exchange Hours in Recent Months

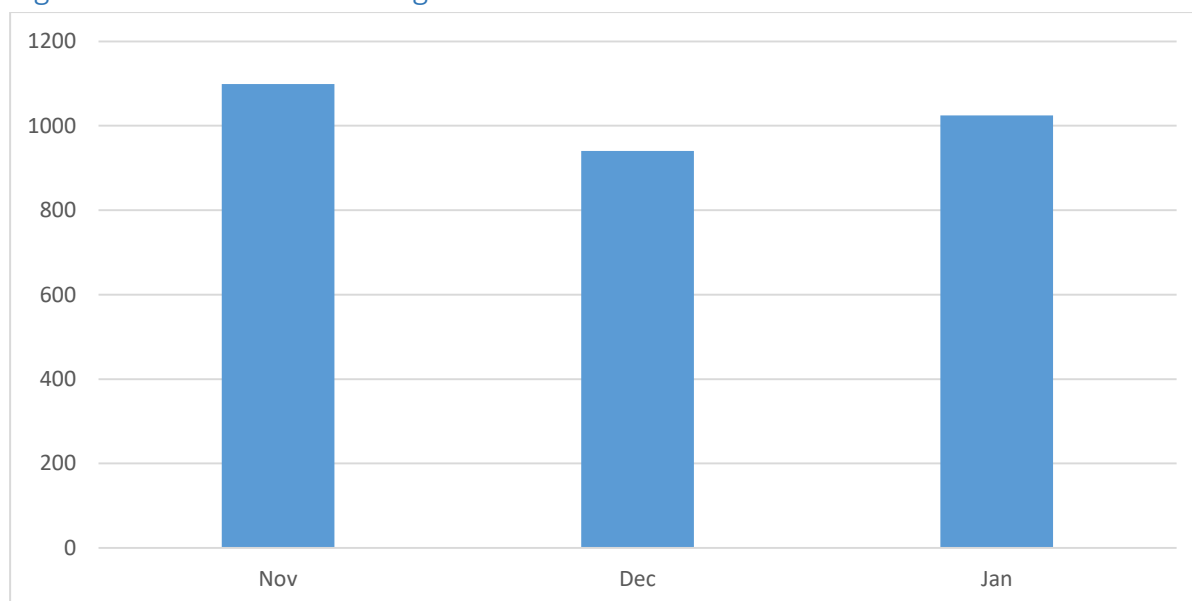
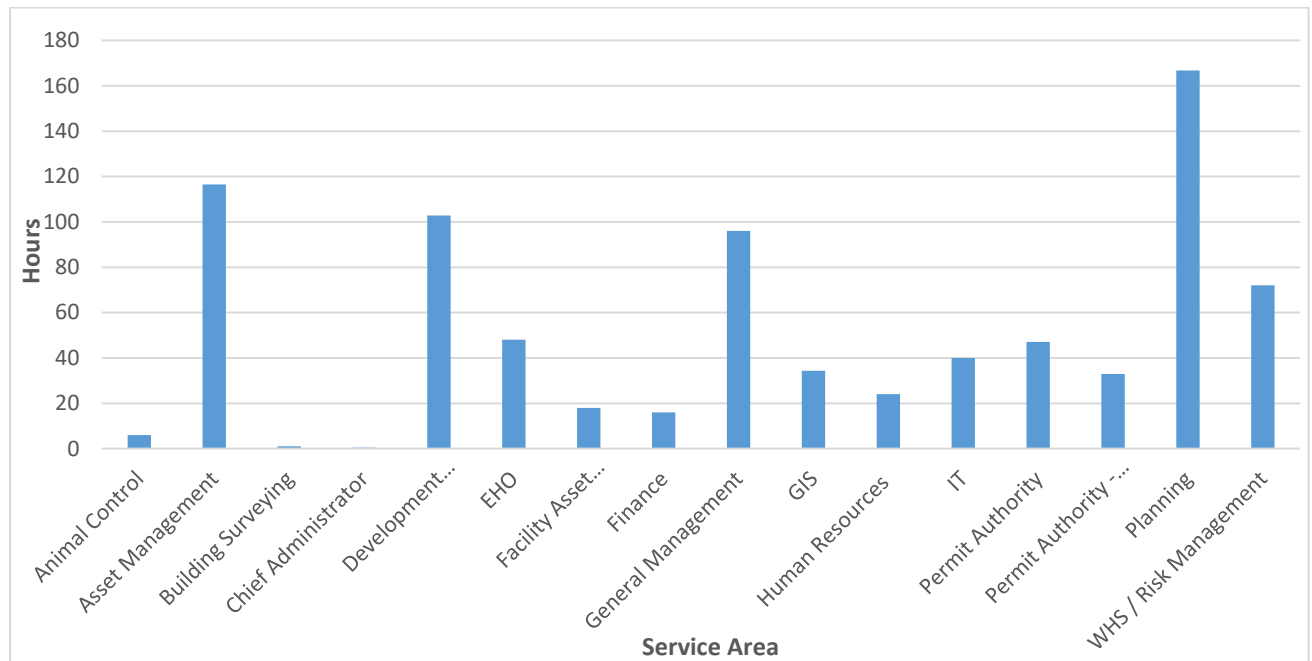


Fig 2 - Details of Current Exchange of Services by Council during February 2017

Provider Council	Client Organisation										
	Brighton	Central Highlands	Derwent Valley	GCC	GSB	Litchfield	Palmerston	Sorell	Southern Midlands	Tasman	West Coast
Brighton		4	124	31.6	104				2.5	107	18.5
Central Highlands											
GSB										28	
Glenorchy											
Huon Valley											
Litchfield							30				
Sorell	8				31					145.5	
Southern Midlands	22	28.25	33		16			16		16	
Tasman								96			

\* Council/Organisation not currently a member of the Shared Services Joint Venture Agreement

Fig 3 - Details of Current Exchange of Services by Service Category during November 2017



### Savings to Local Government

A total of 862 hours of shared services were exchanged between Councils last month. Analysis of Shared Services provision has indicated that both the Provider Council and the Client Council save money through the exchange of Shared Services at an approximate ratio of 50%.

Due to this, it is estimated that the provision of shared services between Councils saved participating Councils and Local Government as a whole \$67,400 for the month of February. This was a result of increasing the utilisation of current Council Staff at Councils providing services and from Client Councils utilising Shared services from within Local Government as opposed to external consultants (on average LG Shared Services rates can be procured at significant discount to external consultant fees).

## 18.2.2 SUB-REGION COLLABORATION STRATEGY – STANDING ITEM

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

**Date:** 21 MARCH 2017

### ISSUE

Standing Item to enable:

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

### BACKGROUND

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

### DETAIL

The Sub-Region Group has now met on four occasions.

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

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

**Policy Implications** – N/A

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

### RECOMMENDATION

**THAT the information be received.**

### DECISION

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



### **18.2.3 2017 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT**

**Author:** EXECUTIVE ASSISTANT (ELISA LANG)

**Date:** 23 MARCH 2017

#### **ISSUE**

To confirm attendance at the Australian Local Government Association (ALGA) 2017 National General Assembly of Local Government.

#### **DETAIL**

The National General Assembly (NGA) of Local Government will be held from the 18<sup>th</sup> – 21<sup>st</sup> June 2017 in Canberra.

The theme for 2017 is '*Building Tomorrow's Communities*'. The program will be focused on addressing how Councils, often working in partnership with other levels of government or the private and not-for-profit sectors, are shaping the future and responding appropriately to the challenges that lie ahead.

The Minister for Local Government and Territories, Senator the Hon Fiona Nash and the Assistant Minister for Cities and Digital Transformations, the Hon Angus Taylor MP will address the NGA. The keynote speaker is political commentator and journalist Laura Tingle.

The early-bird registration fee is \$929.00 if registration is lodged prior to the 5<sup>th</sup> May 2017. Daily registration fees range from \$280.00 to \$489.00. Please note this fee does not include airfares or accommodation.

**Human Resources & Financial Implications** – Registration fees, accommodation and airfares to be funded from the 2016/2017 budget.

**Community Consultation & Public Relations Implications** – attendance at the conference assists Council in being proactive and having input into the planning and direction of local government into the future.

**Policy Implications** – Whilst not a formal Policy, it has been standard practice for the Mayor & General Manager to attend.

**Priority - Implementation Time Frame** – Delegates registration must be lodged prior to the 5<sup>th</sup> May 2017 in order to receive the early bird registration fee.

#### **RECOMMENDATION**

**THAT Council confirm attendance at the 2017 National General Assembly of Local Government (ALGA) to be held in Canberra from the 18-21 June 2017.**

**DECISION**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
	Mayor A E Bisdee OAM	
	Dep. Mayor A O Green	
	Clr A R Bantick	
	Clr E Batt	
	Clr R Campbell	
	Clr D F Fish	
	Clr D Marshall	

## 18.3 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.

### 18.3.1 MONTHLY FINANCIAL STATEMENT (FEBRUARY 2017)

**Author:** FINANCE OFFICER (COURTNEY PENNICOTT)

**Date:** 23 MARCH 2017

#### ISSUE

Refer enclosed Report incorporating the following: -

- Statement of Comprehensive Income – 1<sup>st</sup> July 2016 to 28<sup>th</sup> February 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> March 2017.
- Cash Flow Statement – February 2017

Note: Expenditure figures provided are for the period 1<sup>st</sup> July 2016 to 28<sup>th</sup> February 2017 – approximately 67% of the period.

#### CURRENT EXPENDITURE ESTIMATES (OPERATING BUDGET)

##### ***Strategic Theme – Growth***

**Sub-Program – Business** - expenditure to date (\$174,136– 74.03%). 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 – Volunteers** – expenditure to date (\$30,198 – 77.40%). Expenditure is inclusive of the completion of the 2016/17 community small grants program.

**Sub-Program – Public Health** – expenditure to date (\$16,864 – 210.54%). Expenditure or \$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 (\$40,471 – 118.94%). 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 (allocated as part of the MOU) and funds for the kitchen extension at the Tunbridge Community Club \$11,000.

**Strategic Theme – Organisation**

**Sub-Program – Sustainability** - expenditure to date (\$1,535,165 – 71.89%). 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.

**CAPITAL EXPENDITURE ESTIMATES (CAPITAL BUDGET)**

Nil.

**RECOMMENDATION**

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

**DECISION**

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

STATEMENT OF COMPREHENSIVE INCOME				
FOR THE PERIOD				
1st JULY 2016 to 28th FEBRUARY 2017				
	Annual Budget	Year to Date as at 28th FEBRUARY	%	Comments
<b>Income</b>				
General rates	\$ 4,870,842	\$ 4,879,470	100.2%	Budget includes Interest & Penalties to be imposed to end of June 2017
User Fees (refer Note 1)	\$ 933,626	\$ 671,169	71.9%	
Interest	\$ 145,000	\$ 83,382	57.5%	
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	\$ 120,624	50.7%	
<b>Sub-Total</b>	<b>\$ 6,203,068</b>	<b>\$ 5,766,397</b>	<b>93.0%</b>	
Grants - Operating	\$ 3,280,756	\$ 2,507,242	76.4%	FAGS \$2,401,830 Court House \$40 Tunbridge Lanscape \$9522 Aus Day \$3000 Commissariat \$92,850
<b>Total Income</b>	<b>\$ 9,483,824</b>	<b>\$ 8,273,639</b>	<b>87.2%</b>	
<b>Expenses</b>				
Employee benefits	\$ (3,915,055)	\$ (2,138,445)	54.6%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (2,982,446)	\$ (2,326,753)	78.0%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,719,500)	\$ (1,822,065)	67.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (49,436)	\$ (28,210)	57.1%	
Contributions	\$ (197,903)	\$ (98,952)	50.0%	Fire Service Levies
Other	\$ (163,261)	\$ (156,432)	95.8%	Incls Rate Discounts \$23,689(annual cost)
<b>Total expenses</b>	<b>\$ (10,027,601)</b>	<b>\$ (6,570,856)</b>	<b>65.5%</b>	
<b>Surplus (deficit) from operations</b>	<b>\$ (543,777)</b>	<b>\$ 1,702,783</b>	<b>-313.1%</b>	
Grants - Capital (refer Note 3)	\$ 1,448,681	\$ 21,973	1.5%	
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>\$ 1,926,374</b>	<b>212.9%</b>	

<b>NOTES</b>				
1. Income - User Fees (Budget \$658,662) includes:				
- All other Programs	\$ 358,406	\$ 256,101	71.5%	Actual Income Received (i.e. excluding Debtors)
- Private Works	\$ 251,220	\$ 205,138	81.7%	
- Callington Mill	\$ 324,000	\$ 209,930	64.8%	
	\$ 933,626	\$ 671,169		
2. Income - Other (Budget \$355,854) includes:				
- Tas Water Distributions	\$ 228,000	\$ 120,198	52.72%	
- HBS Dividend	\$ 10,000	\$ -	0.0%	
- Other	\$ -	\$ 426	0.0%	
	\$ 238,000	\$ 120,624	50.7%	
3. Grant - Capital (Budget \$877,860) includes:				
- Black Spot Funding	\$ -	\$ -	0.0%	
- Tourism Funding	\$ -	\$ -	0.0%	
- Dulverton Lake Walking Track Safety Upgrade	\$ -	\$ 15,482	0.0%	
- Roads To Recovery Grant	\$ 1,448,681	\$ 6,491	0.4%	To be claimed in March 2017
	\$ 1,448,681	\$ 21,973	1.5%	
Note:				
Operating Grants				
- Court House	\$ -	\$ 40		
- Tunbridge Landscaping	\$ -	\$ 9,522		
- Australia Day	\$ -	\$ 3,000		
- Commissariat	\$ -	\$ 92,850		
- Communities For Children	\$ -	\$ -		
- School Community Garden	\$ -	\$ -		
		\$ 105,412		

**SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2016/17  
 SUMMARY SHEET**

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 28th FEBRUARY 2017 67%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
<b>INFRASTRUCTURE</b>					
Roads	3,069,775	3,069,775	2,055,238	1,014,537	66.95%
Bridges	350,787	350,787	228,822	121,965	65.23%
Walkways	212,810	212,810	143,760	69,050	67.55%
Lighting	85,680	85,680	53,893	31,787	62.90%
Irrigation	0	0	0	0	0.00%
Drainage	105,123	105,123	59,537	45,586	56.64%
Waste	626,104	626,104	408,384	217,719	65.23%
Public Toilets	57,603	57,603	31,996	25,607	55.54%
Communications	0	0	111	-111	0.00%
Signage	9,400	9,400	3,585	5,815	38.14%
<b>INFRASTRUCTURE TOTAL:</b>	<b>4,517,282</b>	<b>4,517,282</b>	<b>2,985,326</b>	<b>1,531,956</b>	<b>66.09%</b>
<b>GROWTH</b>					
Residential	0	0	0	0	0.00%
Tourism	254,602	254,602	107,275	147,327	42.13%
Business	985,226	235,226	174,136	61,090	74.03%
Mill Operations	502,735	502,735	312,252	190,483	62.11%
Agriculture	0	0	400	-400	0.00%
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>594,063</b>	<b>406,001</b>	<b>59.40%</b>
<b>LANDSCAPES</b>					
Heritage	265,140	265,140	141,113	124,027	53.22%
Natural	141,498	141,498	90,442	51,055	63.92%
Cultural	10,500	10,500	0	10,500	0.00%
Regulatory	785,355	785,355	525,362	259,994	66.89%
Climate Change	16,221	16,221	0	16,221	0.00%
<b>LANDSCAPES TOTAL:</b>	<b>1,218,714</b>	<b>1,218,714</b>	<b>756,918</b>	<b>461,797</b>	<b>62.11%</b>
<b>LIFESTYLE</b>					
Youth	221,481	221,481	67,464	154,017	30.46%
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	30,958	9,042	77.40%
Access	0	0	0	0	0.00%
Public Health	8,010	8,010	16,864	-8,854	210.54%
Recreation	435,855	435,855	281,976	153,878	64.70%
Animals	73,819	73,819	35,666	38,152	48.32%
Education	0	0	0	0	0.00%
<b>LIFESTYLE TOTAL:</b>	<b>789,165</b>	<b>789,165</b>	<b>439,194</b>	<b>349,970</b>	<b>55.65%</b>
<b>COMMUNITY</b>					
Retention	0	0	0	0	0.00%
Capacity	34,025	34,025	40,471	-6,446	118.94%
Safety	56,650	56,650	27,947	28,703	49.33%
Consultation	7,300	7,300	3,729	3,571	51.09%
Communication	12,125	12,125	5,548	6,577	45.76%
<b>COMMUNITY TOTAL:</b>	<b>110,100</b>	<b>110,100</b>	<b>77,695</b>	<b>32,405</b>	<b>70.57%</b>
<b>ORGANISATION</b>					
Improvement	8,750	8,750	0	8,750	0.00%
Sustainability	2,135,394	2,135,394	1,535,165	600,229	71.89%
Finances	263,133	263,133	154,701	108,432	58.79%
<b>ORGANISATION TOTAL:</b>	<b>2,407,277</b>	<b>2,407,277</b>	<b>1,689,866</b>	<b>717,411</b>	<b>70.20%</b>
<b>TOTALS</b>	<b>10,792,601</b>	<b>10,042,601</b>	<b>6,543,061</b>	<b>3,499,540</b>	<b>65.15%</b>





<b>BRIDGE ASSETS</b>	C1030012	Sandy Lane (B4193)	\$ -	\$ 841	\$ (841)		
	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	\$ 1,590	\$ 80,150	WIP 30/6/16	
	C1030046	Kheme Road (Biralee Creek T468)	\$ -	\$ 8,550	\$ (8,550)		
	C1030048	Muddy Plains Rd (Summerfield Creek)	\$ -	\$ 963	\$ (963)		
	C1030049	Inglewood Road (Tin Dish Rivulet B42)	\$ -	\$ 21,550	\$ (21,550)		
	C1030050	Nala's Road - (Kitty's Rivulet B4275)	\$ -	\$ 841	\$ (841)		
	C1030051	Old Tier Road (B4490)	\$ -	\$ 7,912	\$ (7,912)		
	C1030054	Bellevale Road (B2723)	\$ -	\$ 5,990	\$ (5,990)		
	C1030055	Link Road (Craigbourne Creek B3820)	\$ 91,960	\$ 234	\$ 91,726		
			Hardings Road (White Kangaroo Rivulet B1096)	\$ 163,550	\$ -	\$ 163,550	
	C1030056	Noyes Road (Limekiln Creek T268.00051)	\$ 41,270	\$ 1,370	\$ 39,900		
	C1030057	Reynolds Road (Burns Creek B5301)	\$ -	\$ 282	\$ (282)		
			<b>\$ 378,520</b>	<b>\$ 54,827</b>	<b>\$ 323,693</b>		
<b>WALKWAYS</b>	C1040011	Footpaths - General (Program to be confirmed)	\$ 30,000	\$ 4,912	\$ 25,088		
		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	\$ 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	\$ -	\$ 60,000		
		Oatlands Township					
		- Church Street (K&G renewal)	\$ 15,000	\$ -	\$ 15,000		
		- Wellington Street	\$ -	\$ -	\$ -		
		Tunbridge Township					
	- Tunbridge Main Road (Renew Kerb & Gutter)	\$ 15,000	\$ 2,231	\$ 12,769			
			<b>\$ 341,171</b>	<b>\$ 87,836</b>	<b>\$ 253,335</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	\$ 3,750	\$ 31,250	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>\$ 3,750</b>	<b>\$ 78,750</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 c/fwd
			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	\$ -	\$ 10,000	Budget c/fwd
		C1130001	Highway Signage (State Growth proposal) - Graphic Design	\$ 2,000	\$ 2,638	\$ (638)	WIP 30/6/16 \$1,920 - Budget c/fwd
				<b>\$ 12,000</b>	<b>\$ 2,638</b>	<b>\$ 9,362</b>	
	<b>CAPACITY</b>	C2020003	Community Garden- Mill Precinct	\$ 8,200	\$ 3,924	\$ 4,276	WIP 30/6/16 \$3,924 - Budget c/fwd
				<b>\$ 8,200</b>	<b>\$ 3,924</b>	<b>\$ 4,276</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	
			Mill Operations	\$ -	\$ -	\$ -	
			Kempton Roadside Stopover - Electrical Upgrade	\$ 2,500	\$ -	\$ 2,500	
				<b>\$ 29,670</b>	<b>\$ -</b>	<b>\$ 29,670</b>	
<b>LANDSCAPES</b>	<b>HERITAGE</b>		Callington Mill (Precinct Master Plan Implementation)	\$ 12,500	\$ 3,550	\$ 8,950	Budget c/fwd
		C3010010	Community Blacksmith Program	\$ 6,200	\$ 6,302	\$ (102)	WIP 30/6/16 \$5,422 - Budget c/fwd
			Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ -	\$ 6,500	Budget c/fwd
		2016-17	G3010010 Commissariat (79 High Street)	\$ 384,250	\$ 121,080	\$ 263,170	WIP 30/6/16 \$14,010 - Budget includes \$125,490 c/fwd
			Oatlands Court House (Stabilisation & Gaol Cell)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Wood Stove (Women's Kitchen)	Oatlands Gaol - Minor Capital Works	\$ 7,000	\$ -	\$ 7,000	Budget c/fwd
			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 c/fwd
			Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500	Budget c/fwd
			Parattah Railway Station - Guttering & Fascia	\$ 9,600	\$ -	\$ 9,600	Budget includes \$2.6K c/fwd
				<b>\$ 513,550</b>	<b>\$ 162,640</b>	<b>\$ 350,910</b>	
	<b>NATURAL</b>		Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
			Chauncy Vale - Interps Hut Repairs	\$ -	\$ -	\$ -	
		G3020006	Dulverton Walkway RLCIP	\$ -	\$ 687	\$ (687)	
		G3020010	Dulverton Walkway Safety Upgrade	\$ -	\$ 6,413	\$ (6,413)	Grant \$15,482
		C3020006	Tunbridge Circle Landscaping	\$ -	\$ 8,273	\$ (8,273)	WIP 30/6/16 \$111
				<b>\$ 5,000</b>	<b>\$ 15,374</b>	<b>\$ (10,374)</b>	

	REGULATORY		Kempton Council Chambers - Building & Office Improvements	\$ 23,704	\$ -	\$ 23,704	Budget includes \$13,704 c/fwd
			Kempton Council Chambers - External repainting (Windows etc.)	\$ 7,500	\$ -	\$ 7,500	Budget c/fwd
			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	C4070001	Recreation Committee	\$ 20,000	\$ 9,198	\$ 10,802	
			Blue Place - external repainting	\$ 20,000	\$ -	\$ 20,000	
			Colebrook Hall - Heating	\$ 3,000	\$ -	\$ 3,000	
			Kempton Hall - external repainting	\$ 20,000	\$ -	\$ 20,000	Budget c/fwd
			Parks - Playspace Strategy	\$ -	\$ -	\$ -	
			- Alexander Circle & Lyndon Road (Stage 2)	\$ 8,000	\$ -	\$ 8,000	Budget c/fwd
			Playground Equipment	\$ -	\$ -	\$ -	
			Swimming Pool - Autot Cleaner	\$ 8,000	\$ 6,690	\$ 1,310	
		C4070011	Oatlands Town Hall	\$ -	\$ 864	\$ (864)	
			Rec Ground - Campania (Stormwater - eastern side)	\$ 3,000	\$ -	\$ 3,000	
		C4070016	Rec Ground - Colebrook Recreation Ground (Amenities)	\$ 45,000	\$ 8,529	\$ 36,471	WIP 30/6/16 \$22,337 - Budget includes \$35K c/fwd
			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/fwd
			Rec Ground - Mt Pleasant (Upgrade Toilets)	\$ 13,000	\$ -	\$ 13,000	Budget c/fwd
			Rec Ground - Parattah (Facility Development)	\$ 14,000	\$ -	\$ 14,000	Budget c/fwd
		G4070015	Stables & Carriage Shed	\$ -	\$ 724	\$ (724)	
			Tunbridge Park - Perimeter Fence (Safety)	\$ 7,500	\$ -	\$ 7,500	
				<b>\$ 179,500</b>	<b>\$ 64,423</b>	<b>\$ 115,077</b>	
COMMUNITY	CAPACITY	C5020001	Levendale Community Centre	\$ 10,000	\$ 545	\$ 9,455	
				<b>\$ 10,000</b>	<b>\$ 545</b>	<b>\$ 9,455</b>	
	SAFETY		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
				<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>	
ORGANISATION	SUSTAINABILITY		Council Chambers - Building Improvements	\$ 7,500	\$ -	\$ 7,500	
			Photo Reframing	\$ 3,000	\$ -	\$ 3,000	Budget includes \$1,500 c/fwd
			Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	Budget c/fwd
			Council Chambers - Server Room (Fireproofing)	\$ 10,000	\$ -	\$ 10,000	
		C6020009	Computer System (Hardware / Software)	\$ 40,000	\$ 50,098	\$ (10,098)	
			Telephone / Comms System	\$ -	\$ -	\$ -	
		C9990002	Town Hall (General - Incl. Office Equip/Furniture)	\$ 8,000	\$ 13,903	\$ (5,903)	
		C6020010	Municipal Revaluation	\$ -	\$ 7,000	\$ (7,000)	
		G6030001	Australia Day Grant	\$ -	\$ 2,986	\$ (2,986)	
				<b>\$ 83,500</b>	<b>\$ 73,987</b>	<b>\$ 9,513</b>	

<b>WORKS</b>	Kempton Depot - External Painting	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
	Depot Relocation (Site / Concept Plans etc.)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
	Minor Plant Purchases	\$ 9,500	\$ 13,357	\$ (3,857)	
	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>\$ 395,006</b>	<b>\$ 656,494</b>	
	<b>GRAND TOTALS</b>	<b>\$ 5,341,795</b>	<b>\$ 1,984,160</b>	<b>\$ 3,433,058</b>	

<b>SOUTHERN MIDLANDS COUNCIL</b>				
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year		Last Financial Year	
	13th March 2017		10th March 2016	
Arrears brought forward as at July 1		\$ 415,003.63		\$ 369,292.54
ADD current rates and charges levied		\$ 4,822,762.74		\$ 4,597,622.95
ADD current interest and penalty		\$ 60,219.45		\$ 54,007.33
<b>TOTAL rates and charges demanded</b>	100.00%	\$ 5,297,985.82	100.00%	\$ 5,020,922.82
LESS rates and charges collected	71.09%	\$ 3,766,362.73	71.45%	\$ 3,587,657.07
LESS pensioner remissions	4.13%	\$ 218,624.19	4.37%	\$ 219,295.51
LESS other remissions and refunds	0.37%	\$ 19,395.11	-0.08%	-\$ 3,924.48
LESS discounts	0.45%	\$ 23,689.28	0.47%	\$ 23,673.42
<b>TOTAL rates and charges collected and remitted</b>	76.03%	\$ 4,028,071.31	76.22%	\$ 3,826,701.52
<b>UNPAID RATES AND CHARGES</b>	23.97%	\$ 1,269,914.51	23.78%	\$ 1,194,221.30

	INFLOWS (OUTFLOWS) (July 2016)	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) (Year to Date)
<b>Cash flows from operating activities</b>									
Payments									
Employee costs	- 272,322.31	- 276,435.39	- 262,136.01	- 382,344.53	- 266,182.42	- 285,072.83	- 206,180.87	- 267,280.77	- 2,217,955.13
Materials and contracts	- 707,028.22	- 350,244.61	- 376,434.79	- 305,429.52	- 329,988.88	- 403,284.36	- 237,049.10	- 294,514.08	- 3,003,973.56
Interest	- 4,950.49	-	-	-	- 4,541.52	- 18,717.66	-	-	- 28,209.67
Other	- 16,322.26	- 18,385.77	- 54,132.59	- 105,849.00	- 35,966.48	- 22,436.43	- 78,638.23	- 18,141.66	- 349,872.42
	- 1,000,623.28	- 645,065.77	- 692,703.39	- 793,623.05	- 636,679.30	- 729,511.28	- 521,868.20	- 579,936.51	- 5,600,010.78
Receipts									
Rates	85,211.38	452,517.01	1,715,223.75	234,210.92	405,159.02	330,302.60	395,221.13	326,076.19	3,943,922.00
User charges	89,356.35	53,919.90	65,676.88	96,628.51	72,301.37	67,987.54	8,089.24	223,086.23	660,867.54
Interest received	11,234.37	10,668.37	10,059.41	10,166.27	10,704.87	10,311.60	10,392.78	9,844.32	83,381.99
Subsidies	-	-	-	-	-	-	11,751.00	-	11,751.00
Other revenue grants	40.00	-	9,522.25	15,482.00	-	-	92,850.00	800,610.00	918,504.25
GST Refunds from ATO	-	-	-	-	-	-	-	-	-
Other	116,774.85	5,053.27	28,304.37	115,358.80	835.21	94,700.28	842.45	13,328.54	345,185.37
	302,616.95	1,329,259.55	1,828,786.66	471,846.50	487,330.05	503,302.02	501,283.22	1,346,288.20	5,963,612.15
<b>Net cash from operating activities</b>	- 698,006.33	684,193.78	1,136,083.27	- 321,776.55	- 149,349.25	- 226,209.26	- 20,584.98	766,351.69	363,601.37
<b>Cash flows from investing activities</b>									
Payments for property, plant & equipment	- 23,053.18	- 84,798.06	- 113,616.45	- 23,797.92	- 154,225.90	- 103,920.90	- 275,734.66	- 405,099.93	- 1,184,247.00
Proceeds from sale of property, plant & equipment	107,301.79	17,417.27	18,181.82	-	-	-	57,272.73	1,444.64	201,618.25
Proceeds from Capital grants	-	807,101.00	-	-	803,610.00	-	-	-	1,610,711.00
Proceeds from Investments	-	-	-	-	-	-	-	-	-
Payment for Investments	-	-	-	-	-	-	-	-	-
<b>Net cash used in investing activities</b>	84,248.61	- 67,380.79	- 95,434.63	- 23,797.92	649,384.10	- 103,920.90	- 218,461.93	- 403,655.29	628,082.25
<b>Cash flows from financing activities</b>									
Repayment of borrowings	- 6,258.09	-	-	-	- 13,002.20	- 25,456.48	-	-	- 44,716.77
Proceeds from borrowings	-	-	-	-	-	-	-	-	-
<b>Net cash from (used in) financing activities</b>	- 6,258.09	-	-	-	- 13,002.20	- 25,456.48	-	-	- 44,716.77
<b>Net increase/(decrease) in cash held</b>	- 620,015.81	616,812.99	1,040,648.64	- 345,574.47	487,032.65	- 355,586.64	- 239,046.91	362,696.40	946,966.85
Cash at beginning of reporting year	8,586,333.61	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	8,586,333.61
<b>Cash at end of reporting</b>	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	9,533,300.46

## 19. INFORMATION BULLETINS

Information Bulletins dated the 24<sup>th</sup> February, 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup> and 24<sup>th</sup> March 2017 have been circulated since the previous meeting.

### RECOMMENDATION

**THAT the Information Bulletins dated the 24<sup>th</sup> February, 3<sup>rd</sup>, 10<sup>th</sup>, 17<sup>th</sup> and 24<sup>th</sup> March 2017 be received and the contents noted.**

### DECISION

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

**20. MUNICIPAL SEAL**

Nil.



## 21. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

*Council to address urgent business items previously accepted onto the agenda.*

### RECOMMENDATION

**THAT Council move into “Closed Session” and the meeting be closed to the public.**

### DECISION

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

## CLOSED COUNCIL MINUTES

### 22. BUSINESS IN “CLOSED SESSION”

*Excluded from the agenda pursuant to Section 15 (2) of the Local Government (Meeting Procedures) Regulations 2005.*

T F Kirkwood  
GENERAL MANAGER

#### 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 A R Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		

## OPEN COUNCIL MINUTES

### RECOMMENDATION

**THAT Council endorse the decisions made in “Closed Session”.**

### DECISION

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

## **23. CLOSURE**