

COUNCIL MEETING

AGENDA

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ENCLOSED

Council Meeting Minutes & Special Committees of Council Minutes

General Information Bulletin

Enclosures

- Item 11.1.1 Representations (Development Application for the ‘Midlands Community Recreation and Aquatic Centre’ at the ‘Council Depot Site’, 18 Church St Oatlands, defined as an Indoor Recreation Complex in the Commercial and Residential Zones within the Historic Precinct Special Area. Development requires the demolition of existing buildings and seeks a variation to the development standards for height and side boundary setback)
- Item 11.2.1 Representations (Development Application, (SA 2013/2), for a Subdivision (1 Lot Plus Balance – Subdivision) at 234 White Kangaroo Rd, Campania.)
- Item 17.1.1 Review of Southern Midlands Council Policy – Code for Tenders and Contracts

20th September 2013

Dear Sir/Madam,

NOTICE OF MEETING

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

**Municipal Offices,
71 High Street Oatlands
Wednesday 25th September 2013
10.00 a.m.**

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,



**Mr T F Kirkwood
General Manager**

OPEN COUNCIL AGENDA

1. PRAYERS

Councillors to recite the Lords Prayer.

2. ATTENDANCE

3. APOLOGIES

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 28th August 2013, as circulated, are submitted for confirmation.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

5.2 SPECIAL COUNCIL MINUTES

Nil.

5.3 SPECIAL COMMITTEES OF COUNCIL MINUTES

5.3.1 Special Committees of Council - Receipt of Minutes

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

- **Facilities & Recreation Committee – meeting held 12th September 2013**
- **Lake Dulverton & Callington Park Management Committee – meeting held 9th September 2013**

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

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.

- **Facilities & Recreation Committee – meeting held 12th September 2013**
- **Lake Dulverton & Callington Park Management Committee – meeting held 9th September 2013**

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

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 Meetings, as circulated, are submitted for receipt:

- **Southern Tasmanian Councils Authority** – Meeting held 19th August 2013
- **Southern Waste Strategy 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.

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

5.4.2 Joint Authorities - Receipt of Reports (Annual and 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 Authority, as circulated, are submitted for receipt:

- **Southern Tasmanian Councils Authority** – Nil
- **Southern Waste Strategy Authority** – Quarterly Report – June 2013

RECOMMENDATION

THAT the reports received from the Joint Authority be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

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.

A Workshop was held on Monday 16th September 2013 at the Council Chambers, Kempton commencing at 10.00 a.m.

Attendance: Mayor A E Bisdee OAM, Deputy Mayor M Jones OAM, Clrs A R Bantick, B Campbell, A O Green M J Connors, D F Fish and J L Jones OAM.

Apologies: Clr C J Beven

Also in Attendance: T F Kirkwood, D Mackey, A Benson, S Mitchell and D Cundall.

The purpose of the workshop was to:

- Recap on the 6 week public consultation on the Draft Planning Scheme
- Discuss and inform the Elected Members of the outcomes so far, such as:
 - Update on meetings with residents and developers regarding proposed changes
 - Update on the Regional Planning Project and feedback from other Councils regarding the draft scheme; and
 - Update on proposed changes to the Regional Template
 - Inform Elected Members of all the submissions received during the 6 week public consultation; and
 - assess the submissions and the Planning Officer's recommendations on these matters. All 29 submissions were tabled and provided with a comment and recommendation from the Planning Officer.

OUTCOMES OF THE WORKSHOP

Elected Members were able to read and assess all 29 Submissions received and consider the Officers comments and further recommendations.

The Southern Midlands Council is still on schedule to submit a finalised version of the Southern Midlands Planning Scheme to the Tasmanian Planning Commission for further assessment in October. The following items are matters that need to be resolved over the coming weeks; these include matters raised by members of the public and stakeholders:

- Respond to submissions regarding the progress of the Buddhist Cultural Park Zone in Tea Tree i.e inform landowners that this will be a separate planning scheme amendment.

- Complete the ‘Local Objectives’ at the beginning of the Planning Scheme.
- Finalise the Planning Scheme mapping including:
 - Aligning the boundary of the ‘Significant Agriculture Zone’ along contours where possible – recognising steep terrain or other prohibitive features
 - Biodiversity overlay mapping to be updated where necessary taking into consideration threatened vegetation communities that may not have been identified in the first draft; and amend the boundary of the Biodiversity Overlay around the Bagdad Bypass Utilities Zone
 - Delete the Geo-diversity Overlay
 - Amend the Landscape Precinct Boundary around the Pugin Church in Colebrook; taking into consideration the shape and contours of the land.
 - Tidy up any zone boundaries where necessary
- Include the Bagdad Post-Office as a ‘Qualified Departure’ in the proposed Rural Living Zone
- Write to owners of heritage properties in the Mangalore Area that were omitted from the first draft of the planning scheme – seeking inclusion in the local heritage list; and
- Write to owners of heritage properties elsewhere that should also be included in the local heritage list (based on the previous consultation and recommendations from December 2012 meeting); and
- Existing Heritage Listed Places in Mangalore are included in the final draft i.e state listed places
- Amend the table of Use of the Environmental Living Zone to ensure Agricultural Uses are not ‘prohibitive’ or construed to be prohibited in this zone
- Land in Oatlands capable of accommodating a large rural retail use/development be further investigated and accommodated by the Draft Planning Scheme where possible; and
- ensure also that ability for such an enterprise to be established in Oatlands is not jeopardised by changes to the planning scheme.
- The Southern Midlands Council to ensure that either
 - Regional Planning Project include a ‘caretakers cottage’ or equivalent in the Regional Template to allow for this type of use and development; or
 - the Southern Midlands Council include this use in the table of uses for Rural Zones
- Wording for the Pugin Church Landscape Precinct is amended to allow for a dwelling within the overlay boundary that will not impact upon the intent of the landscape; and amend the boundary of the landscape overlay to reflect the contours of the land
- Edit and format and tidy any local provisions prior to finalisation

RECCOMENDATION

THAT:

- a) the information be received; and
- b) Council endorse the progression of the following Workshop Outcomes:
 - i. Respond to submissions regarding the progress of the Buddhist Cultural Park Zone in Tea Tree i.e inform landowners that this will be a separate planning scheme amendment.
 - ii. Complete the ‘Local Objectives’ at the beginning of the Planning Scheme.
 - iii. Finalise the Planning Scheme mapping including:
 - a. Aligning the boundary of the ‘Significant Agriculture Zone’ along contours where possible – recognising steep terrain or other prohibitive features
 - b. Biodiversity overlay mapping to be updated where necessary taking into consideration threatened vegetation communities that may not have been identified in the first draft; and amend the boundary of the Biodiversity Overlay around the Bagdad Bypass Utilities Zone
 - c. Delete the Geo-diversity Overlay
 - d. Amend the Landscape Precinct Boundary around the Pugin Church in Colebrook; taking into consideration the shape and contours of the land.
 - e. Tidy up any zone boundaries where necessary
 - iv. Include the Bagdad Post-Office as a ‘Qualified Departure’ in the proposed Rural Living Zone
 - v. Write to owners of heritage properties in the Mangalore Area that were omitted from the first draft of the planning scheme – seeking inclusion in the local heritage list; and
 - vi. Write to owners of heritage properties elsewhere that should also be included in the local heritage list (based on the previous consultation and recommendations from December 2012 meeting); and
 - vii. Existing Heritage Listed Places in Mangalore are included in the final draft i.e state listed places
 - viii. Amend the table of Use of the Environmental Living Zone to ensure Agricultural Uses are not ‘prohibitive’ or construed to be prohibited in this zone
 - ix. Land in Oatlands capable of accommodating a large rural retail use/development be further investigated and accommodated by the Draft Planning Scheme where possible; and
 - x. ensure also that ability for such an enterprise to be established in Oatlands is not jeopardised by changes to the planning scheme.
 - xi. The Southern Midlands Council to ensure that either

- a. **Regional Planning Project include a ‘caretakers cottage’ or equivalent in the Regional Template to allow for this type of use and development; or**
 - b. **the Southern Midlands Council include this use in the table of uses for Rural Zones**
- xii. **Wording for the Pugin Church Landscape Precinct is amended to allow for a dwelling within the overlay boundary that will not impact upon the intent of the landscape; and amend the boundary of the landscape overlay to reflect the contours of the land**
- xiii. **Edit and format and tidy any local provisions prior to finalisation**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

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.

Comments / Update will be provided in relation to the following:

1. October 2013 Ordinary Meeting – It is proposed to reschedule the October 2013 Ordinary Meeting to Wednesday 9th October 2013 (commencing at 10.00 a.m.)

Submitted for confirmation.

2.

3.

4.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2005*, the Council, by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the general manager has reported –

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

RECOMMENDATION

THAT the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2005*.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

9. 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*.

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:

- 11.30 a.m. – Mr Brett Hall will attend the meeting to provide a presentation relating to his research on the practice of ‘fracking’. This follows a similar presentation made to the recent public forum held at Oatlands on 13th September 2013.
- 12.00 noon – Mr Shane Gregory (General Manager – Infrastructure Transport Services - Department of Infrastructure, Energy & Resources) will attend the meeting to discuss the status of the old section of the Midland Highway at Pontville.

11. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005**11.1 ROBERTS LTD – BRIDGEWATER SALEYARDS**

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

“THAT Council write to Roberts Ltd and articulate its concerns/disappointment about the closure of the Bridgewater saleyards”.

Background Comments (provided by Clr D F Fish)

Council are asked to note the decision by Roberts Ltd to close the Bridgewater Saleyards. The removal of this type of facility will prove to be a substantial impediment to the agricultural industry in the region.

General Managers’ Comments:

Nil.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

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 for the 'Midlands Community Recreation and Aquatic Centre' at the 'Council Depot Site', 18 Church St Oatlands, defined as an Indoor Recreation Complex in the Commercial and Residential Zones within the Historic Precinct Special Area. Development requires the demolition of existing buildings and seeks a variation to the development standards for height and side boundary setback

File Reference: T7817902 CHURCH

REPORT AUTHOR: PLANNING OFFICER (D CUNDALL)
DATE: 16TH SEPTEMBER 2013

ATTACHMENT: Architectural Drawings
ENCLOSURE: Representations

THE PROPOSAL:

The applicant Bzowy Architecture, on behalf of the Southern Midlands Council, is seeking Planning Approval for an Aquatic and Community Recreation Centre at the land known as the 'Council Depot' at Church St/South Parade Oatlands.

The proposal is for the construction of an Aquatic Centre with ancillary car-parking, access alterations and landscaping and would require the demolition and removal of existing buildings and structures.

The application has been prepared by Bzowy Architecture on behalf of the Oatlands Recreation and Aquatic Centre Steering Committee. This committee consists of community members and representatives, Council Officers and Councillors. The Committee was formed by the Southern Midlands Council to provide the local and regional community with a single central viable facility to enable maximum enjoyment and involvement for the community in as broad a range of activities as possible. The aim is also to remove the existing Oatlands Swimming Pool from its current location within the walls of a Georgian Gaol.

The Committee was to gather and consider community feedback on an Aquatic and community recreation centre that could meet the needs of the region and to then give a recommendation to Council for a new aquatic centre. The process has included extensive community consultation that would lead to further consideration under the *Land Use Planning and Approvals Act 1993*.

THE SITE

The land is located in Oatlands and is currently accessed from Church St via a laneway. The land can also be accessed from South Parade.

There are multiple sheds, workshops, buildings, car-parking areas and stored materials on the depot site. The land is used by TasWater as a site office, workshop and storage depot and also by the Southern Midlands Council as a ‘Council Depot’.

THE APPLICATION

The applicant has provided a detailed application. This includes assessment against the relevant provisions of the planning scheme, drawings and consultant reports. All of these reports are available in their entirety at both the Kempton and Oatlands Council Chambers.

The Applicant has provided:

- I. Site Plan; floor Plan; Elevation Plans; Landscape Plan
- II. Architecture and Planning Report –
 - a. Project Background
 - b. Planning and architecture description and justification
 - c. Assessment against the Southern Midlands Planning Scheme 1998
 - d. Building Code of Australia assessment and discussion
 - e. Material and Construction types and techniques
 - f. Acoustic Impacts
 - g. Environmental Site Assessment
 - h. Heritage Assessment
- III. Consultant Reports:
 - a. *Traffic Impact Assessment for Development Proposal Oatlands Recreation, Community & Aquatic Centre High St Oatlands, 24th May 2013, Peter Freeman*
 - b. *Oatlands Community Recreation and Aquatic Centre – Preliminary Engineering and Concept Designs, 29th May 2013, Bonacci Group*
 - c. *Southern Midlands Council, 18 Church St – SMC Works Depot – Site History Report for Bzowy Architecture, June 2013, SEMF*
- IV. Site Maps and Aerial Views
- V. Title Documents and survey plan
- VI. Oatlands Demographics
- VII. The Burra Charter

All of these documents were made available to the public.

There is enough information to provide an adequate assessment of the development.

THE PLANNING SCHEME ASSESSMENT

Use/Development Definition

The proposed works are defined as an ‘Indoor Recreation Complex’ in the Commercial and Residential Zones within the Historic Precinct Special Area. The development requires the demolition of existing buildings and seeks a variation to the development standards for height and side boundary setbacks for the relevant zone.

Statutory Status

Applications for this type of use/development are discretionary and invoke Clause 11.5 of the Planning Scheme; and accordingly:

- I. May be granted a Planning Permit by Council, with or without conditions, or may be refused a Planning Permit by Council, pursuant to S.57 of the Act.

A discretionary use or development must be advertised under S.57 of the *Land Use Planning and Approvals act 1993* for at least 14 days.

Public Notification and Representation

The application was advertised, and all adjoining owners notified on Saturday 3rd August 2013 for an extended 21 day notification period (ordinarily 14 days). Three (3) representations were received and two (2) letters of support were received. The application generated much interest in the community.

The letters of support and the representations have all been included in their entirety in this report.

Letter of Support 1

We have received a letter regarding the proposed development in Church Street, and I just thought I'd let you know I think this is a wonderful initiative which I am sure will be of benefit to the residents of Oatlands and the surrounding district. I hope the students undertaking placements in Oatlands will be given the opportunity to use the facilities as well, as I see this as having the potential to enhance their rural experience.

I wish you all the best with this exciting project.

Planning Officer Response to Letter of Support 1
The comments shall be noted by the Council

Letter of Support 2

I refer to the Development Application at reference regarding the proposed Midlands Community Recreation and Aquatic Centre and make the following comments.

I strongly support the proposal and the Development Application which I believe achieves three main benefits:

- The old swimming pool will be removed from the gaol site, preventing further damage to the fabric of the gaol, and permitting restoration of that site for heritage, conservation and tourism purposes in the longer term.
- The current location of the Council yard in the heart of the municipal precinct is inappropriate and prevents the site's use for the better benefit of the township. Therefore the relocation of the yard is a major opportunity.
- Collocating the swimming pool with its additional (Midlands) community recreational facilities, in the centre of the township and in proximity to the other municipal buildings will rejuvenate that precinct for the citizens and create new, small business opportunities in the heart of the town.

Further synergies would be achieved if the library and on-line centre could be relocated back into the precinct.

I believe the DA shows a sensitive understanding of the heritage streetscape considerations by breaking up the built spaces, varying the roof-lines, good use of natural landscaping, acknowledging the inappropriate earlier construction on either side of the site on the High Street, and most particularly by its skillful use of the low grazing vision line from the High Street onto the site.

I am aware of some local opposition to the proposal, regarding the specific location, the proposed vehicular access, and the carpark. However, I strongly believe the benefits will far outweigh any inconveniences.

Also, there is a view that the pool is either not big enough or the site lacks the potential for later expansion. Our aim here should be to teach our children to swim for their own safety, not to provide some athletic training facility. The size of the proposed pool is adequate for our realistic needs.

Finally, I would like to say that this proposal actually serves the needs of our regional community, unlike much of the recent development which has focused on tourists. I urge the Council to keep in mind that Oatlands is first and foremost a real, living, regional town, and this proposal does more than many to enable the Council to serve the needs of its shareholders, ie the ratepayers.

Planning Officer Response to Letter of Support 2
The comments shall be noted by Council.

The Planning Officer agrees that the applicant has sought to integrate the proposed development into a sensitive area through the use of landscaping, large setbacks from street frontages and the differentiating materials, roof lines and pitches.

Trying to incorporate a large modern Aquatic Centre into a predominately Georgian township is a challenging proposal and must be assessed and considered rigorously in line with the relevant provisions of the Planning Scheme, the Burra Charter and Tasmania's Resource Management and Planning System. All of which echo similar objectives and criteria for assessment. Council shall also take into consideration any representation received in relation to an application in accordance with Part 11.10 of the Scheme.

The Planning Officer also agrees that the location of the development can offer much potential to the residents and businesses in the area and provide a modern public space for community engagement.

REPRESENTATIONS

The following three (3) letters are the letters of representation that raise concern and opposition to the proposed Aquatic Centre. The letters have been transcribed in their entirety in this report with the omission of any personal details. Each part of the representation will include a response from the Planning Officer. The Officer's comments will appear below the representor's comments in **Dark Red Italics**.

The content of these representations will also be considered in other assessment parts of this report.

Representation 1

Re: Plans for the MCRAC

Firstly, may I state that the removal of the Council Works Depot and the ugly, unnecessary road crossing in High Street would be a godsend to me personally and the town in general. May I also state that I applaud and welcome the construction of a modern swimming pool and recreation complex in Oatlands. However, I protest yet again and even more strenuously that *the proposed site is profoundly inappropriate* for the MCRAC.

It is agreed that the Council Depot site could be more appropriately located outside of the township.

I wish to raise several obvious objections to the siting of the MARC which council has either not considered or has ignored. The plans for the Centre appear to be adequate as far as the swimming pool itself is concerned, but points which need to be addressed are:

- There is no room for expansion at that site, and I believe the concept of a Recreation Centre is first and foremost to be a cohesive collection of *many* sporting and recreation disciplines.

The development proposal is defined as an ‘Indoor Recreation Complex’ as the most appropriate definition under the Planning Scheme 1998.

The further expansion of the site is not the subject of this Development Application. The applicant has however indicated a ‘future tennis court’ to demonstrate the future potential of the site. It is arguable that the open space that surrounds the building could be well utilised for other recreational pursuits in consultation with the community.

- We won't have the *promised* dedicated hydro-therapy area, and now it seems we will not have even the mooted compromise of “an area of the pool which can be used as an h-t area ‘except it will be cooler and deeper but will have moving water’” to quote the architect. Surely some of the funds and space, for instance that enormous area taken up by what I understand to be no more than a paddling pool, should be allocated to this vital amenity. I have looked at the plans again and noted little if no difference or improvement from the one presented to us last year.

These comments shall be noted by Council. They cannot be assessed by Council sitting as a Planning Authority as hydro-therapy is not included as part of the application.

- There is inadequate indoor and outdoor grassed area and/or seating for parents to sit and chat (socialise*) while they supervise their children. Added to this, the park which is now cluttered with the Community Notice Board and the rather unattractive Rotary map will have even more resemblance to a postage stamp.

These comments shall be noted by Council.

The land is being opened up to the public and includes an expansion of the existing park on High St. The proposal is also inherently a development for the community to bring people together.

Also, I believe that the reasons promoting this site, as outlined in the council's letter dated 27th August 2012, are totally invalid. Those very points made are in fact all reasons *not* to use that site. It is ludicrous to believe that an increase in economic or social activity* and convenience would follow. Are we really to believe that more people would visit Mancey's or the Post Office or the Newsagent? I doubt it - the 'hub of town' is not necessarily the *centre* of town. Sadly, social interaction appears to occur mainly at our one and only supermarket, opposite the school. Why not enquire into purchasing the land situated at the rear of the supermarket and centre the MARC there? It makes just as much, in fact more, sense. That site is certainly close to the school and Health Centre and would not interfere with any historic 19th-century buildings, as there are none, to my knowledge, but I could be mistaken.

Even more suitably, why not situate the complex at ODHS itself? It would then be appropriate to approach the Education Department for funding and alleviate the burden on Southern Midlands ratepayers. I refer to Council's October 2008 publication named "Oatlands Integrated Development Strategy" which, on page 25 under the heading of Recreation Initiatives refers to access to *school* recreational facilities, promising the outcome as increased use of facilities and assistance toward fixed costs and also mentions a precondition named a "Memorandum of Understanding with ODHS." Since this memorandum affects Oatlands ratepayers, ODHS pupils and their parents, I can only assume it is located somewhere on the council's website, but I for one could not locate it.

The Planning Officer cannot comment on other sites in Oatlands as the Council as landowner and developer have applied to build on this particular site.

The Planning Officer disagrees with the insinuation that a community centre would not bolster local activity and business in the area.

Next, and most importantly of all, the statement that it would 'not directly front to High Street' and, in particular, can be 'readily designed to fit with the heritage context' is, frankly, utter rubbish. The building will be – to quote the architect "as high as the pub and probably have a stepped Zincalume roof" – unquote. How is this factory profile to blend with the rest of the area? What of the view from the back, the sides, the Highway? Indeed, looking at the plans it would appear that what will front High Street is the concrete blocks of the Multi-purpose rooms intruding into the park, ("exotic plantings" aside) which, instead of 'expanding and beautifying the landscape' will present as inappropriately modern a profile as the current one of the Works Depot is industrially hideous. Siting the Works Depot there was a sad mistake made decades ago and it is laudable that Council, after many years of procrastination and promises, is at last removing that particular eyesore. On the other hand, its replacement will in the future be seen as history repeating itself.

It is agreed that the proposed aquatic centre is a more aesthetically pleasing sight than a Works Depot in the middle of the township.

The proposed materials, siting and bulk of the building are matters that will be assessed in depth against the standards and intentions of the relevant section of the Planning Scheme. The Planning Officer will consider these comments as part of this assessment.

As to the single tennis/basketball/volleyball/whatever court – I am given to understand that the space will be used for any appropriate ball games and marked out accordingly. I need not mention the problems faced here, as they appear patently obvious to me and involve clashing sports styles. I refer back to the point I made about locating the complex at the school, which already has such amenities.

This is not the subject of the Development Application. Any further development of the site should be subject to further community consultation.

“No need for vehicular transfers” is specifically mentioned. Is the Steering Committee aware that patients from the Hospital and its ancillaries are required to travel by vehicle if they leave the Hospital grounds i.e. it is not permitted to let them walk or be wheel-chaired up the lane beside the new fire station to reach the MARC? A lane, by the way, which is the only vehicular access to several properties in the area, making it a *shared*, so potentially hazardous, access. I don’t believe the designer is aware of that fact. On the deed to my property at No 66 High Street it clearly states that the laneway is to be used *only* by persons on Council business and by the owners of abutting properties (who in fact sacrificed part of their property to facilitate the widening of that lane for the council’s vehicles.) I don’t believe pool traffic fits that description.

There are 3 different ways to access the proposed aquatic centre. The proposal does not appear to discriminate against anybody wanting to access the proposed facilities. Access to the building shall be in accordance with the Building Code of Australia and must abide by the provisions of the Disability and Discrimination Act 1992.

Lastly, the plans for the future building of a toilet block? A *public toilet block* in an area where there are likely to be unsupervised children? What is improper with the public using the toilets inside the MARC – a *public building* which I am given to understand will be available for twelve hours a day? I am the person who will be picking up syringes and bottles – and worse - from my garden. It is I who will be subject to unacceptable behaviour which often goes along with such a building, particularly after dark. And please explain how a *toilet* will ‘strengthen the vitality’ of High Street? Did the current toilet block strengthen the vitality of its position? There is also an existing toilet just meters away in the nearby Community Centre, which would allow use of that convenience if it were truly a Community Centre, and open to the Community, i.e., the *public.*, which it is not. Furthermore, there is a toilet block behind the Council Chambers, or is that to be replaced by the one in the area the plan calls a future park?

These views shall be noted by Council. The current proposal also states that ‘Future Park and Public Toilets as separate Application’. This matter is not the subject of this Development Application.

The truth of the matter in a nutshell is outlined in the final point made in the letter: *Council owns the depot site*. Instead of looking at this from a stagnant point of view, as if this fact is engraved in granite and may not be altered, why not consider putting the area up for sale to a developer with the stipulation that the units/houses/retirement homes/whatever to be built there blend with the current historical profile of the area, and use the windfall appropriately. Could Council at least consider this option and genuinely explore the possibility? There would then be far less noise, disturbance, dust, debris etc. for a much shorter building period and no lengthy excavation of what could turn out to be almost solid sandstone, and in all likelihood, *contaminated* sandstone at that. I refer again to Council’s October 2008 publication named “Oatlands Integrated Development Strategy” which, under the heading of “Strategic Objective” page 18 reveals a strategy to -quote- “Encourage the development of housing units...in locations where access to

the MPHC and other services is easily achieved” -unquote- Such a site is surely the one currently occupied by the Depot.

The Site History Report, 2013 prepared by SEMF has identified the land as having the potential for some contamination based on the current and past land use activities on the land. This matter is subject to further detail in this report.

The other issues raised are not the subject of this Development Application.

This brings me to the most crucial question. Why why why has Council let us all down and reneged on the Historic Precinct Proposal, which included the Depot site and surrounding area in the existing *and also the proposed* historic precinct. Answer: so that this massive concrete and steel building could be built there, for how could such a monster fit in with that historic concept? On the table of the existing planning scheme for the Historic Precinct Special Area, which is even more stringent in the proposed provisions, the specific intent is to:

- i. allow or continue development that respects the streetscape qualities...through appropriate building form, design and finishes and which is compatible with the general heritage values of town settings
- ii. give priority to the protection of the historic integrity of the individual buildings, groups of buildings and the general streetscape within the heritage areas...
- iii. ensure that the design and visual appearance of new buildings...respects and maintains the historic character and heritage values
- iv. ensure that the new buildings do not dominate neighbouring 19th century buildings and
- v. maintain the visual amenity of the historic buildings when viewed from the Midland Highway or from streets within the settlements.’

This was Council’s own directive. How does the siting of the MARC as proposed concur with this? NOT IN THE LEAST!

The Historic Precinct Special Area does not prohibit new development. The standards and intention of this Special Area are to ensure that new development is sympathetic to the area and is subject to planning assessment.

The representor’s comments that disagree with the size and materials have been noted and will be taken into consideration in the assessment against the relevant intentions and standards.

Council, in moving the goal-posts to enable the building to go ahead in the most inappropriate location in town makes a mockery of all the work which has gone into keeping Oatlands’ integrity as an historic town. In short, the Council (and the Steering Committee) runs the danger of inviting the scorn of not only any clear-thinking Southern Midlander, but of those precious future tourists and settlers to the region which Council hopes to attract.

One of the objectives of the Resource Management and Planning System is to “to encourage public involvement in resource management and planning”. One of the reasons the application has been advertised for 21 days is to encourage a high level of public comment on the use/development to hopefully get the best outcome.

The subjective nature of constructing modern buildings and works in historic areas is widely acknowledged. It is a given that any new works will attract differing opinions. This can also be based on personal taste and differing schools of thought.

In this case, the applicant has carefully considered and adopted the principles of the Burra Charter whilst seeking to conform with the standards and intentions of the Historic Precinct Special Area.

Representation 2

We have some concerns regarding the proposed development for the Midlands Community Recreation and Aquatic Centre at the Council Depot site 18 Church St, Oatlands. Some Concerns are listed below. We may have others as we have just returned from overseas and have not had time to go over entire proposal.

Regarding security to our property(s) (sic.) in Gay St. As there is going to be a 47 space car park and access to pedestrians from Church St and High St. Will there be any additional height added to existing fences. If so what material will be used. We would not expect to pay any costs.

At this stage there is no intention to extend or increase the height of fences.

Traffic Management and congestion in surrounding streets. Noise from traffic. Safety aspect to children during construction and after. Are lights to be installed? If so how high and where on site What times to be on?

Under the Southern Midlands Planning Scheme 1998, the proposed use/development is defined as a High Traffic Generator. This means the development is likely to generate over 40 vehicle movements (20 vehicles in and 20 vehicles out). To give that some perspective the current Council Depot generates 82 vehicles movements a day. Therefore this is also a high traffic generator.

A development that would generate this much traffic in this area requires the permission of Council but Council does not have discretion to refuse the application on this basis alone. Council does however have the capacity to condition the development to minimise any potential amenity issues.

One way of ensuring there are no foreseeable safety issues is for the applicant to demonstrate the matter through engaging an accredited Traffic Engineer (a consultant) to review and assess the current traffic movements and capacity of the streets to accommodate a change of use of the land.

The consultant, in their final conclusion, states there are 'no obvious safety issues that will be created on the public road system by the development'. There should however be some additional signage installed to ensure people can easily find their way to the South Parade Parking entrance and car-park.

Lighting of the carpark will be sympathetic to any adjoining residents and should be very minimal 'after-hours'.

Also will there be security lights and alarms and cameras? If so where positioned as this may impact on our property regarding privacy.

This is a good point. The installation of any cameras or security lights must take into consideration the privacy and amenity of the neighbouring landowners.

What impact will there be on overshadowing to our property regarding height of building. If so how far?

The building has been deliberately sited to ensure there is very minimal over-shadowing over the adjoining properties on Gay St. The 'Gay St side' of the Proposed

On opening times how do you propose to close site off after hours. Restrict access to vehicles and pedestrians?

There is no intention at this stage to lock off the carpark or close off the area after hours. The carpark could be useful to people that want to park a vehicle and use the public open space and enjoy the area. Should an issue arise Council could consider installing vehicle restrictive measures. This is not always necessary at the development stage.

On site plan civil works drawing DA 003 Shows outdoor courtyard and on floor plan DA 004 shows enclosed courtyard. Which is correct as noise would be a problem when doors are open. If enclosed is there going to be a pitch roof or flat roof?

This is not a 'roofed courtyard'. The plan shows a courtyard enclosed by walls and trees. The idea is to create an open space for pool users on warmer days. The walls and trees are intended to mitigate noise.

On drawing DA 004 if open how high would the proposed trees grow as maybe overshadowing would be a problem.

The proposed species shown on the plan (adjoining the Gay St properties) are a mixture of small trees (upto 6m) and larger trees upto 15m (in the carpark area). Given the deliberate siting of these trees there is minimal overshadowing or nuisance to adjoining landowners. Quite possibly some minor shadowing very late in the day.

Has there been any consultation with the heritage council or committee?

Yes the comments from the Heritage Tasmania have been included in this report.

Do they have any concerns or impact of surrounding sandstone houses. As it is a historic precinct special area we feel it isn't in keeping. Height of building fabric of building and pitch of roof and colour.

No Heritage Tasmania are of the view that the proposal will have very minimal impact on the surrounding sandstone buildings. This is a significant matter that will be addressed at length in this report.

It should be noted that the applicant has employed varying roof types and roof pitches to both integrate with the township whilst trying to minimise the height and bulk of the building.

This integration is also achieved through landscaping, differing materials, staggering the shape and mass of the building and trying to prevent the impression of a single large building.

How will noise be kept down when and if construction starts? Traffic management eg trucks and workmen, congestion traffic on our streets.

Any development is conditioned by a Council to ensure there is minimal impact on the surrounding amenity during construction. Should any issue arise it is normally resolved quickly through a discussion with anyone concerned. The comments are however noted.

As this site is a residential/commercial zoned within a historic precinct special area how can there be a relaxation on development standards on height and side boundary setback?

The scheme allows Council to consider a variation to the height and boundary setback standards of the scheme. These considerations are based on a set criteria. Any relaxation to a height or boundary standard must be justifiable and the applicant should take all necessary measures to ensure their intended development meets this criteria. Once again this is a matter for discussion in this report.

In the future noise problems do we have the right to put in a complaint to Council?

Yes, this depends upon the nature of the complaint. It might be something best addressed at who-ever manages the Aquatic Centre. Nevertheless any development that has any potential for noise or environmental issues is conditioned to ensure that the owner/operator conducts there business in compliance with the Environmental Management and Pollution Control Act 1994.

Representation 3

I object to the application for a 'Midlands Community Recreation and Aquatic Centre' at the 'Council Depot site', 18 Church Street, Oatlands, advertised on 3 August 2013. This application is otherwise described as DA 2013/49.

The grounds (shown as the various points under 'A' below) for my objection is that this development as described in the documents available for inspection at the Council office in Kempton does not comply with various provisions of the Southern Midlands Council Planning Scheme as presently available on the Council's website. As a result of non-compliance, this development, if carried out, will:

- impact adversely on me as a residential owner adjoining the development advertised
- impact adversely on other neighbouring residents
- impact adversely on visitors to the town
- impact adversely on road users in the vicinity Non-compliance with the Planning Scheme

Non-compliance with Residential Zone Itent

At 3.02.04.01 in its supporting statement Bzowy Architecture states that as the entire boundary of the proposed centre is within the boundaries of the current depot site, the provisions of the Residential Zone do not apply. This is inaccurate. The depot is, under Cl. 1.8 of the Planning Scheme, a 'non-conforming existing use' of an area, roughly half of which is located in the Residential Zone, and the rest in the Commercial Zone. There is nothing in the Planning Scheme which specifies that the area occupied by the depot in the Residential Zone is exempted from this Zone. Cl. 1:10 (a) (i) allows an existing non-conforming use to be brought into greater conformity with the Planning Scheme, but (b) (ii) requires that Council must apply the test of better compatibility with the intent and provisions of the zone before granting such an application.

The existing Depot Site is a 'non-conforming existing use'. Such use of the land is prohibited under the current planning scheme i.e somebody could not apply for the current land use if the land was vacant land or some other use. However given that the use of the land was established well before the current 1998 Planning Scheme it is afforded rights to continue operating under Section 20 of the Land Use Planning and Approvals Act 1993; and further reflected/articulated by Part 1 of the Planning Scheme.

The Clause cited by the representor applies to intensification and development of the existing use of the land and not a change of use of the land to another use.

A proposal to build a 'Recreation Complex (Indoor)' is at Council's discretion in the Residential Zone and not prohibited.

The Bzowy Architecture application statement proceeds on the basis that the existing depot site is situated only in a commercial zone. According to the zoning map

provided at the Kempton office, this is not true. The Commercial Zone lies to the south-east, or High Street side, of the historic right of way (i.e. the right of way dating from the 1870's). The Residential Zone lies on the north-west side of this right of way, and 3 discrete areas fall within it: 777 m² (subdivided from 2 Church Street lots in 1984), 2607 m² acquired from Mr & Mrs Kean in the 1980's, and 302 m² (the right of way granted to the Kean's in 1990). Much of the proposed development in this D.A. - that is, all of the car park, all of Zone 04 and all or most of Zone 03 - lies within the areas 2607 m² and 302 m². Consequently the part of the Centre from the historic right of way to South Parade has to be assessed under the Residential Zone prescriptions, and the balance under the Commercial Zoning prescriptions.

On the plan of the Centre this brings the pool areas and the car park within the Residential Zone.

The application states that the proposal is in the Commercial Zone and the Residential Zone. The existing Depot site is also located across both zones.

The strip of land that runs parallel to Gay St from the rear of the former Antiques Shop on High St to South Parade is in the Commercial Zone (see map 1).

The development has been assessed according to its Zoning.

The Planning Scheme (3.2.1) says that the intent of the Residential Zone is:

(a) to give the highest priority to residential use and the protection and enhancement of residential amenity

(c) to restrict non-residential uses to those which are compatible with residential use and amenity Amenity

Schedule 2 of The Planning defines "amenity" as meaning:

'such qualities, features, or advantages that contribute to the feeling of pleasantness, harmony and enjoyment in a particular area'

There are many ways in which this development either fails to protect and enhance my residential use and amenity, or is incompatible with it. These are set out under the following headings:

Zone 04 Pool building: views of, and noise emanating from, this building
Traffic: noise and safety issues
Car park light spill and vehicle light

Where these effects are likely to be experienced by others, include them in the following

analysis. At present South Parade has 6 residential properties abutting on to it, and 4 of these also abut on to either Gay Street or Church Street - these have their addresses as Gay Street or Church Street. Of the 6 residences 4 have their only vehicular access from South Parade. There are also residents in neighbouring streets, and beyond, who may suffer an adverse impact in amenity from this development.

Zone 04 Pool Building: adverse impact on residential amenity

Views

The line of sight from most of my property on South Parade means that the 9.2 metre tall and 20 metre wide Pool building will dominate the view towards High Street and obliterate views of the Town Hall and much of Roche Hall, and the Rechabite Hall. These views of historic and pleasing sandstone buildings will be replaced by the view of a very large and ugly slate grey expanse of Colorbond roofing, grey concrete block walls, and 'openable garage type doors' belonging to the Zone 04 Pool building. This constitutes a major reduction of my residential amenity as at present the utilitarian appearance of the depot can be countered by the views beyond. There will be nothing historic or attractive about either the pool building or the car park on the South Parade side of it.

To gauge the impact of this Pool Building, its proposed height of 9.2 metres may be compared with that of the depot shed which lies closest to South Parade and presents its gable end to this street. This shed is 6.33 metres high, and it is perceived as a tall structure on its side of the depot. The Pool Building will be almost 3 metres taller, and this height will extend across the depot for 20 metres.

The applicant has supplied a considerate landscape plan that seeks to obscure and soften the expanse of the roof. The landscape plan proposes these plantings in the carpark area to also create a better sense of general amenity and shade for vehicles.

The buildings 45.8m setback from South Parade should also be noted as a means of reducing the perception of building size.

The roof over Zone 4 (25m pool) is the highest part of the building. At the ridge level the roof is 9.2m high. This is 1.2m higher than the Development Standard for the Residential Zone. Only at Council's discretion (considering Part 3.3.3) can council consider allowing a variation to the height standard. Council must consider the following:

- (i) the effect on the residential amenity of neighbouring lots;*
- (ii) the existing setbacks on neighbouring lots;*
- (iii) the shape, size, contours or slope of the subject land, or of adjoining land;*
- (iv) the adjoining land uses and/or zoning;*
- (v) the existing natural features or qualities of the location; and if it is satisfied that such a relaxation would not conflict with the intent of the Residential Activity Zones.*

These matters are addressed in this report. The content of this part of the representation will be considered as part of this assessment of Part 3.3.3.

Noise emanating from Pool Building

The plans show that the Pool Building in Zone 04 has 4 glass/powder-coated frame doors facing South Parade. At 6.01.04.03 in its supporting document, Bzowy Architecture states that these are 'fire station' style openable doors and, weather permitting, these will remain open, allowing for the transfer of acoustic impact from the interior to the surrounding areas. The report predicts that weekend summer afternoons will be the times when patronage is at its highest in the pool area, and 'at those times there will be a noticeable acoustic impact on the surrounding area'. The report claims that this will be preferable to the present light industrial use of the depot.

As a long time resident, I know the amount of noise which emanates from the 'light industrial' use of the depot and when it occurs. It is minimal, and occurs on weekdays during the hours from 7.30 a.m. and 4.30 p.m. It does not occur during the evenings, or at weekends. At the South Parade end of the depot the only noise I register is a small amount arising from the loading or unloading of equipment, or a chainsaw cutting firewood. Up until 1993, there was an additional amount of noise for roughly an hour in the early morning between 4.30 a.m. and 5.30 a.m. as the Council permitted trucks to take on fuel from its underground storage tank. That ceased with the closure of that UST, and so ended in 1993 as far as I remember. In other words, that happened 20 years ago. The depot is not a lovely site but the noise emanating from it is not offensive.

The acoustic impact of the Centre will be highly offensive. It will fill the residential neighborhood at any time that the openable doors are open, and predictably this occur over a number of months during the summer season. The noise will be at its worst during the weekends. It will be present on many evenings, and potentially to a late hour. During daytime carnivals or tournaments or other large gatherings at any time of the year in the pool, these doors are also likely to be opened, and so predictably, I and other nearby residents will be subjected to an intolerable amount of noise. It will have a particularly adverse effect on anyone whose sleeping patterns require an early bedtime. There are many elderly residents in the vicinity of this pool -including those in the Church Street/William Street units – and loud continuous noise is highly intrusive and unpleasant. As I live almost directly opposite the proposed Pool Building it will create an environment which will be unbearable. This constitutes a major erosion of amenity.

There is virtually nothing in the D.A. to ameliorate the noise emanating from the Pool building when the doors are open. As part of the determination of this D.A. an independent acoustic report should be made available to gauge the noise level expected from this Centre, and to establish whether or not such noise will fall within a dBA considered acceptable for a residential area.

It would be highly unusual for the Aquatic Centre to be open to a full scale swimming carnival up-until or past 9pm (proposed weekday hours of operation are 7am to 9pm and 6.30am till 8pm on weekends). It shall be the responsibility of management to ensure compliance with EMPCA and ensure consideration is given to residents during special events. Especially events that may occur later in the day or evening. On such occasions it may be wise to close the doors. The comment that noise from the proposed aquatic centre will be highly offensive is a subjective comment. The comment is considered nevertheless.

(b) Traffic

The impact of this development on traffic has been assessed by an external entity, Peter Freeman Traffic Solutions, and its findings indicate that there will be a major change to traffic along South Parade and in surrounding streets. As a result my amenity will be affected very adversely, and the amenity of other neighboring residents will also be adversely affected.

The Peter Freeman Traffic Solutions Report which forms part of the documents in this application provides estimates of the increased traffic flow on South Parade and surrounding streets. It specifically says at 4.1.1.3 that South Parade is presently 'very lightly trafficked and the additional flows to and from the Centre car park will amount to a sizeable % increase'. It estimates the daily flow after the Centre is opened to be in the order of 240 vehicles to/from Church Street and 48 to/from Gay Street. The Centre will account for 240 extra vehicles per day. At times of peak usage, i.e. for special activities like school carnivals, the Freeman report (3.1.2.2) estimates that traffic would increase by an extra 41 movements per hour in each direction on South Parade; this will bring the usage to 53 per hour, or almost 1 vehicle per minute, in contrast to the estimated 1 vehicle per 5 minutes at present. Bzowy Architecture also admits that 'given the provision of a new car park to service the aquatic centre, there is no doubt that an additional load of traffic is being added to the overall site and hence the approach roads' (6.01.05). This change in traffic will adversely impact on my amenity in at least two ways: noise and the risk of accidents.

Noise: The positioning of a 47-space car park which has South Parade as its only entry and exit points means that the amount of traffic on the street which I use will increase from its present low volume to a much greater volume. At present a maximum of 7 depot workmen park their cars in the area designed in the development to become the Centre car park. They generally enter and exit this area from the Church Street entrance. They arrive by 7.30 a.m. and most are gone by 4.30 p.m. Their work schedule appears to allow one day's absence from the depot on a regular basis, and they do not come to the depot on weekends. The proposed development would change this pattern very greatly. Hours of use of the Centre car park would extend into every evening, (and potentially late on many evenings), and weekends would reasonably be predicted to see maximum regular use. This will mean that I will be subjected to all the noise accompanying large numbers of cars starting up, using horns, braking and accelerating, from early in the morning until late at night, and on all 7 days of the week. This will be

exacerbated at times of peak activities; the Peter Freeman report (at 4.1.1.5) estimates that there will be delays when 30-40 vehicles try to exit the car park at one time and have to maneuver within the car park to do so.

While the D.A. recognizes that the amount of traffic generated in South Parade will increase greatly, there is virtually nothing in the D.A. on the effective control of traffic noise. Bzowy Architecture (6.0105) suggests that 'moderate traffic calming measures' might be employed such as a speed reduction to 40 m.p.h. and that the additional traffic load should be monitored for the first 2 years of Centre operation and 'any impacts assessed and dealt with'. It is obvious that the noise from traffic in or about the car park will increase substantially, and as it is equally obvious that nothing in the DA makes a serious effort to ameliorate this, the end result is its adverse effect on my amenity, and the amenity of other residents.

Under Part 8 of the Southern Midlands Planning Scheme 1998, the proposed use/development is defined as a High Traffic Generator. As mentioned in the response to the previous representation's comments, a development that would generate this much traffic in this area certainly requires the permission of Council but Council does not have the discretion to refuse the application on this basis. Council does however have the capacity to condition the development to minimise any potential amenity or safety issues. One way of ensuring there are no foreseeable safety issues is for the applicant to demonstrate the matter through engaging an accredited Traffic Engineer (a consultant) to review and assess the current traffic movements and capacity of the streets to accommodate a change of use of the land.

The consultant, in their final conclusion, states there are 'no obvious safety issues that will be created on the public road system by the development'. There should however be some additional signage installed to ensure people can easily find their way to the South Parade Parking entrance and car-park.

Safety: The large volume of cars arising from the use of the Centre car park will promote the likelihood of accidents and/or injury to me and other pedestrians in its vicinity and especially on South Parade. (South Parade is frequently used by pedestrians - townspeople and visitors, including tourists - as a cross street). The Freeman Report notes that there is a slight crest in the street which operates for the drivers of some cars to block the lower sections of vehicles in a line of sight from one side of the crest to the other. While car drivers may not be endangered by this crest, pedestrians – and particularly children and people using mobile chairs – are at risk as their line of sight to an oncoming vehicle may be completely blocked. As the proposed Centre may be accessed by any user via the car park, it is predictable that many of these users will arrive/leave as pedestrians, and so the volume of pedestrian traffic on South Parade will also substantially increase with attendant risks to these people from the increased traffic on this street.

The Freeman report states that there have been no reported vehicle crashes in the past 5 years in the streets neighbouring the depot. This reflects the existing volume of traffic during the day and evening and at weekends. With a large increase in volume of vehicles in these streets on every day of the week, and every evening, it is predictable that the risk of accidents and injury will be much higher. In my time of residence here, animals have been killed on South Parade by vehicles, and cars race along the street especially at night.

While the Freeman report and Bzowy Architecture recognize that the volume of traffic is going to change substantially there is virtually nothing in the D.A. documents to protect my safety or the safety of other residents against the increased risk from traffic. Very tentative suggestions are put forward in the D.A. The Freeman report (3.2.4) suggests signage at the car park directing drivers to go to Church Street, rather than Gay Street. This is based on the belief that drivers will then generally turn towards High Street, rather than William Street. This belief is mistaken, and this extra traffic therefore constitutes a risk to the many residents who live on the section of Church Street leading towards William Street. Between William Street and South Parade, Church Street has a far bigger concentration of residences than Gay Street, and this section of Church Street is also likely to have pedestrian population from the hospital units. The other suggestion in the Freeman Report (3.12.2) is that some form of local traffic management be employed during exceptional peak periods. This ignores the increased daily risk from the great increase in traffic flows on South Parade and adjoining streets, especially Church Street. The Freeman report states that Church Street will experience an estimated extra 20 vehicles per hour in normal flows. It also acknowledges that at peak usage times there will be delays at the junctions of Church Street and South Parade and Church Street and High Street with an estimated queue formed of 7-8 cars. Delays encourage impatience, and risk taking behaviour on the part of drivers.

The consultant, in their final conclusion, states there are 'no obvious safety issues that will be created on the public road system by the development'. There should however be some additional signage installed to ensure people can easily find their way to the South Parade Parking entrance and car-park.

The consultant furthers this conclusion with 'the relocation of the works depot will provide an improved road environment for the community'.

Council has also engaged another external person to review the Traffic Impact Assessment and to review the traffic and access situation. The comments from the 'Engineering Officer' are included in this report.

Pedestrians and Road Users should also abide by the road rules.

(c) Car Park: Lighting and vehicle headlights

The design of the car park fronting on to South Parade includes the location of 6 power poles (shown as 'H'), 2 on each side and the remaining 2 in the median strip. These are

stated to be the same type of poles as are presently in High Street. High Street currently has a mix of power poles, I.e. so-called 'heritage' poles and old-style. The D.A. does not make it clear which type is to be present in the car park.

The Bzowy Architecture report at 2.03.01.06 states that the car park will be artificially lit at all times in the late afternoon and evening. It has to be assumed that these carpark poles will be in addition to the existing 3 poles in South Parade. The net effect of all this lighting will be to create a glare - similar to that of a football stadium - which will be highly visible in the neighbouring streets, and intrusive in the homes of residents in the vicinity. There is no information to indicate when, if at all, these glaring lights will be turned off.

South Parade is a pleasant place at present for individuals to stroll along at dusk and in the evening, and residents, visitors and tourists frequently do this. Present lighting arrangements are adequate for safety but unobtrusive. The glare from 6 carpark poles will subtract from the amenity at present enjoyed by both the permanent residents and casual users of South Parade.

The Centre is to operate into the evenings, and potentially until a late hour in the evenings. This will mean that cars will be operating their lights and headlights as they enter and exit the carpark. Sweeping headlights will have an adverse impact on the amenity of residents whose houses are bound to have these lights fall on their windows. As the recommended flow is past my house towards Church Street, and as I have dormer bedroom as well as ground story windows which will be affected, I will lose most in this aspect of amenity, but others in the vicinity with houses close to the road must also be adversely affected. My house is 3.3 metres from the side of South Parade.

It is agreed that South Parade is a very pleasant part of town. All necessary steps should be taken to ensure that carpark lighting is not excessive and does not detract from the general residential amenity.

It is also agreed that cars will be using their headlights after hours as a legal and necessary safety measure.

It should be noted that there is always the possibility that land in this area will be developed and create an increase in traffic as a result. This is the inevitability of a growing township. All strategic plans and objectives of the planning scheme are set to encourage further development in the townships and increased services to residents and visitors alike.

The concerns regarding lighting have been addressed later in this report.

Non-compliance with Residential Zone Development Standards

This D.A. does not meet the Development Standards prescribed in the 1998 – 2003 Planning Scheme for the Residential Zone. Specifically it does not meet the height and setback standards set out in Cl. 3.3.1.

Cl. 3.3.1(a) states that the maximum height of buildings in this zone is to be 8 metres. Bzowy Architecture states that the Zone 04 Pool Building will reach a height of 9.2 metres. This is to be the height of the rooftop ridge, and does not comply with the standard. Moreover, as the roof ridge extends 20 metres across the site, it will create an overwhelming impact when considered in the context of a slate grey Colorbond roof material.

Cl. 3.3.1(b) states that the side setback shall be '1.5 metres, or one half the height of the wall, whichever is the greater'. The north east elevation plan shows that the Centre does not comply with this side setback standard. The width of the setback varies from 1 metre to perhaps 1.3 metres. It nowhere amounts to one half of the height of the wall, the 'whichever is the greater' statement requires. Again, the fact that the Centre runs for such a considerable distance along the north east boundary makes this non-compliance more extreme and unacceptable.

Bzowy Architecture claims at 3.04.02 that the perception of the non-complying height of the Pool Building as viewed from South Parade will be ameliorated by the amount of setback from South Parade and landscaping. However, the ameliorating effect of any setback from South Parade is completely offset by the rising gradient of the land on which the Centre is built. The carpark is to have a base level of one metre below the Pool Building, so that the height of this building is perceptually increased not lessened – effectively it becomes 10.2 metres. Moreover, the list of given vegetation indicates that triggerplant is to be used in the carpark below this building and trigger plant has minimal capacity to hide such an expanse.

The variation to the setback will be assessed under Part 3.3.3 and Part 3.3.2 respectively. It is however noted, at this point, that the wall is a north east facing wall that would cause little to no overshadowing on adjoining properties and that the adjoining properties along Gay St are already developed land lots. It is arguable how the north east wall would reduce the viability of future land use or amenity.

The proposal also demonstrates significant use of differing materials, textures and landscaping to reduce any potential impacts on visual amenity. The applicant has demonstrated solid consideration to these adjoining landowners and has certainly considered the criteria for variation to setback.

C . Non-compliance with Historic Precinct Intent and Standards

The Planning Scheme at 9.1.1 says that the intent of Historic Precinct Area is to conserve and enhance the historic character of Oatlands, Kempton and Campania, and more specifically it is to:

give priority to the protection of the historic integrity of the individual buildings, groups of buildings and the general streetscape within the historic areas of Oatlands

.....

ensure the design and external appearance of new buildingsrespects and maintains the historic character and heritage values

ensure that new buildings do not visually dominate neighbouring 19th Century buildings

maintain the visual amenity of the historic buildings when viewed from.....streets within the settlements

The Development Standard at 9.13 (a) (i) states that development in the Historic Precinct Special Area must accord with the heritage values of the local streetscape, taking into account the intent of the Special Area.

Part 8 of the Bzowy Architecture statement in the D.A. puts forward the proponent's beliefs as to how the Centre addresses the intent and development standards of the Historic Precinct as the proposed development lies entirely within the Historic Precinct. Its views are subjective, and one of the requirements of the Planning Scheme is that this proposed building and use must be assessed by the Council's Heritage Advisory Committee. As 2 other fairly detailed reports were included, it is unfortunate that the Heritage Advisory Committee's report is not also available. My enquiry about this on 21 August elicited the information that there is no standing Heritage Advisory Committee, but that the D.A. is to be referred to Heritage Tasmania for assessment and advice. It is necessary for this independent advice to be made public, as have been the SEMP and Freeman Reports, as there are continuing negative perceptions in the community about the Council's choice of this site for this development.

Council currently does not have a Heritage Advisory Committee. Council may appoint such a committee under Part 10.1 (h) of the Scheme; but as Council does not have this committee, assessment of new development of heritage places or in heritage areas relies primarily on the standards of the planning scheme, the Burra Charter and the advice or comment from an external person or organisation.

Council Officers since receiving the Development Application have referred the proposal to Heritage Tasmania for a comment and/or any advice. These comments are included in this report in their entirety.

A copy of these comments was also sent to this particular representor for consideration.

{c) As the Heritage Report is not yet been undertaken, I will point to obvious conclusions about the proposed development's lack of accord of the proposed

development as set out in the D.A with the specific intent and development standard stated above at 7 (a):

'Streetscape' is used inclusively of Oatlands' streets; the term therefore includes South Parade, Gay Street and Church Street. It is quite clear from the D.A. that Bzowy Architecture has concentrated on the Centre's design and materials to fit the High Street streetscape. The streetscape of other streets, and particularly that of South Parade, have been virtually ignored.

Agreed, the term 'streetscape' should be inclusive of all streetscapes. This is also a requirement of the scheme.

It is not agreed that the streetscape of South Parade has been ignored. The proposed building is 45.8m from South Parade which should mitigate direct impacts on this streetscape.

The removal of the industrious cyclone fence that fortifies the Council Depot Yard would be a significant improvement to the streetscape as would the removal of the storage yard and piles of materials on this land.

The proposal to landscape this site and provide a more pleasant and formed access to the land would also be an improvement.

As a new building, the Zone 04 Pool building will rise to an extraordinary height, and present a very large expanse of roof and wall to South Parade. This will be also be immediately visible to people who access the town from William Street via Gay Street, and its appearance will clash totally with the historic character and heritage values of this area of the town. As noted above, the view of the town Hall will be virtually eliminated. If intervening trees are cut down, then this new building will also be visible from much of William Street and beyond, and it is certain to reduce any perception that the town has heritage values.

Views from other streets and the highway will be considered under Part 9.1 of the scheme and also Part 3 and 4. The comments are certainly noted. This is an important matter.

As noted before, this Centre will rise to 9.2 metres at its roof ridge, and this ridge will extend across the site for 20 metres, and the roof will then taper down to what appears to be a height of about 5 metres. The CT site plan indicates that the width of the site, including the 1990 right of way, is just 35.79 metres, so that the dominance of the pool building cannot be balanced by what is alongside it - the very small setback from the north-east boundary. As already mentioned the rising gradient of the site towards High Street will accentuate this domination of the streetscape.

Other considerations

{a) I note from the SEMP Report that investigation and rehabilitation of the depot site will involve a great deal of soil movement and soil re-location. The Report indicates that it may be necessary to remove the entire surface soil to a depth of ½ a metre. Bedrock may also have to be excavated and removed.

I have two concerns about the effect of this.

This will all necessitate a large amount of trucking of material from the site, and also potentially to the site, as soil is tested and remediation undertaken. I and a neighbour experienced recently the effect of a double lorry load of soil carted past my house from the South Parade depot exit. My house lies 3.3 metres from the edge of South Parade, and has traditional foundations which are likely to suffer damage from the frequent passage of very heavily laden trucks. Should this D.A. be approved and site preparation begin, I shall be seeking expert advice on the structural implications for my house, and will act accordingly in the event of continuing use of South Parade by trucks. This may also be a relevant concern for the other 2 old properties with traditional foundations on the South Parade/GayStreet corner.

This matter will be addressed in any recommendation.

My property experiences run-off from the depot site. The Bonacci Report in the D.A. states that there is a 3 metre fall in the height of the site from High Street to South Parade. Water follows this gradient. In wet seasons, the ground on my property opposite the depot site becomes saturated and there is perceptible soil movements evidenced by the shifting of several plants. If soil is to be removed en masse from the depot site, run-off will be much worse. The D.A. appears to envisage this problem in the context of stormwater, but there is no preventative mechanism provided in it.

This is a good comment.

The proposal would improve stormwater disposal methods. Stormwater disposal is regulated by the Plumbing Regulations 2004, Land Use Planning and Approvals Act 1993 (to further ensure compliance and capacity of systems to contain changes to stormwater concentrations) also the Building Act 2000 and Building Regulations 2004. Stormwater disposal requires a separate permit.

The applicant has provided a concept hydrology report to determine stormwater disposal arrangements. The Engineering Officer has also required a stormwater management plan prior to any works commencing.

Erosion control and stormwater run-off during construction are also regulated matters. A large development such as this one should include a 'Soil and Water Management Plan' to be followed and abided by during construction.

I note that the Council appears to have a trust responsibility for the property on which stands the historic Rechabite Hall building. Positioning the Centre so close to this property may raise questions as to the discharge of this responsibility.

Council to note this comment.

I am not going to repeat the points raised last year by the various letters objecting to the use of this site for this development which were sent to Mr Jones, the Deputy Mayor, after Council announced its plan for the site last year. As this D.A. has proceeded, those points have been disregarded, and it has to be assumed that repetition will serve no purpose as this D.A. has been prepared at the Council's request and will be assessed by the Council. However, those letters made a major point which must be stressed in this submission. The site chosen by the Council in this D.A. is not a proper or appropriate site for this sort of development. If Oatlands were an urban place where there was almost no remaining space, then this site might be considered out of sheer necessity. That is simply not true of Oatlands, and everyone knows it.

This representation has included some well-thought comments. The input will not be disregarded.

It should be noted by Council that Council Officers rely on the input of others in making any recommendation. This is captured by the objectives of the Resource Management and Planning System of Tasmania and clearly reflected in Part 11.10 'Consideration of Applications'.

LAND ZONING

The Council Depot Site consists of multiple titles of land within two (2) different zones. The Commercial Zone and Residential Zone.



Map 1 – Zoning and Land Cadastre for the Council Depot Site. The red zoning is the ‘Residential Zone’ the Blue zoning is the ‘Commercial Activity Zone’

The Planning Officer has assessed the development against the intentions of these zones below.

Zone: Commercial Zone

The Scheme gives priority to commercial use and development along High Street in Oatlands through the management of one zone. The Commercial Zone recognises land that is used, or has the potential to be used, for shops and businesses that primarily cater for the needs of the local population, tourists and other visitors.

It would be appropriate for the Planning Officer to begin assessing the development by the specified intentions of the zone:

4.2 The intent of the Commercial Zone is to:

- a) *give priority to having suitable areas for shops and businesses and primarily cater for the needs of the local population and visitors to the area;*

The proposal would enhance visitor numbers to the shops and businesses in the Commercial Zone. It does not conflict with this intent.

- b) *strengthen the settlement of Oatlands as the primary focus for commercial use within the Council area;*

The proposal meets this intent.

- c) *provide sufficient land to accommodate expected growth in local business activities that do not adversely impact surrounding residential areas;*

Much of the High St has been developed. There is a mixture of residential uses and commercial type uses. Many new businesses have simply changed the use of a residence to a business. So although the High St is primarily a commercial area there are still many mixed uses. The Aquatic Centre is a suitable inclusion in this mix that would encourage further commercial development.

- d) *encourage consolidation of commercial uses and minimise potential impacts on surrounding residential areas;*

The proposal would encourage further commercial development as it would actively encourage more people to the area.

- e) *encourage pedestrian access and improve the amenity and facilities of the public spaces to cater for resident and visitor use;*

Pedestrian access to the proposed site and increase to public spaces is a primary component of the proposal. The High St access is a place where people can be safely ‘dropped off’ or people can walk to this access from anywhere using the footpaths. The proposal also actively encourages the use of public or shared transport to access the premises.

- f) *ensure the efficient utilisation of infrastructure services.*

The development makes good use of existing infrastructure services without significant strain or impost on providers to accommodate a new use.

Stormwater disposal arrangements have been assessed by the applicant and further assessed by an Engineering Officer with recommendations for further plans.

Sewer and Water arrangements have been assessed by TasWater. Oatlands has the capacity to accommodate this proposed use.

The road network also has the capacity to accommodate the proposed use/development with minimal changes.

Commercial Zone: Development Standards

The aim of these provisions is to ensure that new development will contribute to the quality of the streetscape and improve the amenity for users.

To satisfy this aim the design and appearance of new development should:

- a) *enhance and maintain the character of the streetscape in terms of scale, proportions, treatment of parapets and openings and decoration;*

The South East Elevation Drawing on Drawing DA 006 depicts the following significant features:

- I. A mixture of materials and textures
- II. The avoidance of a single large continuous roof expanse
- III. Three medium pitched gabled roofs over the multi-purpose rooms to emulate the cottages along the High St

The Landscape Plan shows a considerate use of:

- IV. landscaping to further soften these hard elements
- V. heritage style lighting to connect the open space into the High St

Overall the development is considered a vast improvement to the site.

The large setback from the High St also helps to avoid conflicts in building styles or domination of heritage buildings. This setback should avoid impacts on the High St Streetscape.

- b) *respect the inherent aesthetic, cultural and heritage values of Oatlands;*

This is better articulated in the standards for the Historic Precinct Special Area.

- c) *respect historic buildings and works neighbouring the site and in the vicinity;*

This is better articulated in the standards for the Historic Precinct Special Area.

- d) *ensure that neighbouring dwellings and their associated private open space are not unreasonably deprived of sunlight or privacy;*

Very little loss of sunlight will occur for the neighbouring dwellings. All these dwellings are located primarily at the front of the property. There may be some overshadowing of the rear carpark of the shops/accommodation at 72-74 High St later in the day.

The proposal should not reduce privacy. There are no windows located along the north east elevation of the building and security measures such as cameras or lights shall be sited so as not to cause a nuisance or intrusion on privacy. This matter was also raised in one of the representations.

- e) *provide pedestrian facilities and safe access within the commercial areas;*

This is enhanced by the proposal.

- f) *provide, where possible, spaces for community interaction which incorporate street furniture, lighting, landscaping and public facilities of cultural or civic value;*

This also forms an integral part of the proposal.

- g) *provide landscaping which creates visual links between development, minimises conflicts of scale, softens hard or bleak areas and provides shelter, shade and screening; and ensure the:*

- i. *screening of all outdoor storage areas, outdoor work areas and rubbish receptacles from public view;*
- ii. *placement and design of roof mounted air conditioning equipment, lift motor housings and similar equipment so as to reduce the visual impact on the streetscape; and*
- iii. *exterior pipework, ducts, vents, sign supports, fire escapes and similar structures are painted and/or designed to match existing exterior surface treatment so that these elements are not prominent in the streetscape.*

This can also be achieved by the proposal.

Zone: Residential Zone

The Residential Zone recognises the existing developed residential areas in Oatlands. It also recognises land available for housing development in those areas which can be provided with urban services and which have been zoned Residential in the past. The development standards aim to protect residential amenity and allow for a range of housing types to suit different needs within the community.

- a) *to give the highest priority to residential use and the protection and enhancement of residential amenity;*
- b) *to allow a range of dwelling types to satisfy different housing requirements within the community;*
- c) *to restrict non-residential uses to those which are compatible with residential use and amenity;*
- d) *to encourage the consolidation of existing serviced and vacant residential areas on an orderly basis;*
- e) *to ensure that subdivision and development is within the capacity of Council and/or the developer to provide adequate services; and*
- f) *to ensure the efficient utilisation of infrastructure services.*

Response to the Intent of the Residential Zone

Given this is not a residential use, the Council should ensure that all possible measures are taken to avoid a land use conflict or a detrimental reduction in the amenity of the area.

One issue is that the development would reduce the amount of potential residential land available in Oatlands. As one of the representations noted the land could be used for multiple units or subdivided for further dwellings. This would be a fair assumption given the intention and objectives of this zoning are primarily for a residential use.

However, the Planning Scheme also allows a developer to apply to Council to consider the granting of a planning permit to use the land for a non-residential use.

If it is not a residential use then it should be compatible with the existing residential land uses and not cause a conflict with the residential zone. This is one of the primary considerations in this report.

In light of this, Council should consider these matters:

- I. There is plenty of land available for residential development in Oatlands
- II. The applicant has sought to minimise impacts on the residential amenity through a range of design measures
- III. The proposal is a more compatible use/development than the existing industrial use – considering this use/development would be ordinarily prohibited
- IV. Traffic Safety would be increased by the development - through the removal of the existing use and the consolidation of access points and the encouragement of pedestrian access to the land via High St
- V. The proposal seeks to develop and enhance the amenity of the area and encourage more people to live in the township; and
- VI. this is essentially a community project that is best located in the middle of a community.

Residential Zone: Development Standards

- a) *residential amenity on neighbouring properties is not detrimentally affected;*

This has been largely avoided through the use of landscaping, differing use of materials, no overlooking or intrusion on adjoining lots.

Even though the proposed use is a non-residential use there does not appear to be detrimental impact on the adjoining properties.

- b) *dwelling and their associated private open space on neighbouring properties are not unreasonably deprived of privacy, sunlight/daylight or views;*

One of the representations has mentioned that views of the High St from South Parade will be obstructed by this development. This would be correct. It shall be noted that the development is also 1.2m higher than the standard 8m height limit. The 1.2m above the 8m is not the only part of the building that would obstruct views from South Parade. In fact the entire building would alter the view from South Parade to the High St buildings.

New buildings on the Council Depot Site are an inevitable part of development in a desirable location in the middle of the town. It is not prohibited to build on this site. If the proposed building was less than 8m the views would still be obstructed. The fact that the proposed aquatic centre is 1.2m over the 8m height standard is largely irrelevant to the obstruction of views.

The current view of the High St from South Parade is diminished by the existing sheds and workshops on the Council Depot Site. These buildings do not enhance the views and are not sympathetic to a heritage setting.

The applicant has made every effort to design a large and inherently bulky building that can meet the principles of the *Burra Charter* whilst appeasing the standards of the Historic Precinct Special Area. It should be noted that the Dutch Gables on either end of Zone 4 have significantly reduced the potential bulk of the roof by some 16m below the 8m height limit. It is the employment of these clever design techniques that give the building merit in trying to compromise the principles of design in heritage areas whilst trying to create a large functional building.

Even though the views across the land would be altered by the proposal, every effort was made to try and reduce the sheer scale of the building in consideration to the neighbouring residents and in consideration to the historic setting.

The scale of the building will then be further softened with practical landscaping.

- c) *sufficient open space is provided for each dwelling to meet the requirements of occupants for outdoor activities;*

This is not entirely applicable. This standard relates more to the provision of open space for new dwellings. The proposal would provide more open space for residents to enjoy.

- d) *private open space is suitable for private recreational use, accessible, capable of receiving reasonable levels of direct sunlight and has reasonable privacy;*

This is not applicable. This relates to new dwellings.

- e) *communal outdoor space is located within reasonable proximity to the dwelling units, is readily accessible by the occupiers and is capable of receiving reasonable levels of sunlight/daylight;*

This is not applicable. This relates to new dwellings

- f) *sufficient landscaping is provided to assist with the provision of privacy and to compliment the streetscape or townscape character; and*

This is achievable.

- g) *existing landscaping is retained where practicable;*

Existing landscaping will be retained where-ever possible.

Part 3.3.3 Variations to Setback and Height (in the Residential Zone)

Council may relax the development standards in Clauses 3.3.1 and 3.3.2 (building height and setback) after considering:

- a) *the effect on the residential amenity of neighbouring lots;*

The has been minimised through the use of landscaping, quality design and careful selection of building materials that deliberately insulate noise and noise echo. This is a necessary element in an aquatic centre that can attract noise from children and people enjoying facilities.

The other noise consideration is from the plant service and maintenance equipment. The applicant has stated that this equipment ‘is not expected... to have any deleterious acoustic impact on the amenity and surrounds’. The applicants also states that internal equipment within the building will be housed within concrete filled concrete block and any roof equipment will be treated by a perimeter of ‘acoustic baffles’.

The Environmental Health Officer has also provided further assessment of this matter. These comments are included in this report.

It would seem the applicant has gone to great lengths to ensure that noise from the use and operation of the centre will not impact detrimentally on adjoining and neighbouring residents.

b) the existing setbacks on neighbouring lots;

The proposed building is set well back and behind the existing building line of houses along the High St and South Parade. This is a necessary measure considering the historic sensitivities of the township and to provide further attenuation for any noise. It also allows for open spaces around the building.

c) the shape, size, contours or slope of the subject land, or of adjoining land;

The land can accommodate the added height without accentuating the height to any detriment. This is further mitigated by landscaping. Some of the proposed species in the carpark area can grown upto 15m. This would effectively conceal and soften the size and scale of the building.

d) the adjoining land uses and/or zoning;

The adjoining land is the commercial zone and residential zone and community zone. The report and documentation provided by Bzowy Architecture has considered the adjoining land uses. As mentioned earlier in this report it is not envisaged that the proposal would change the ability for others to use or development their land by what is prescribed in the Planning Scheme.

e) the existing natural features or qualities of the location; and

There are few natural features on the depot site. There is however a pleasant park on the High St and the pleasant grassed and open verges of South Parade. The proposal would not impact negatively on these features. In fact it would enhance the natural features and qualities of the High St by further plantings and expansion of the park area.

- f) *if it is satisfied that such a relaxation would not conflict with the intent of the Residential Activity Zones.*

This has been addressed in the section ‘Intent of the Residential Zone’. It is clear that although this is not a residential use. It aims at enhancing the residential amenity of the area and encouraging others to live in the area close to a useful and enjoyable community facility.

Special Area: Historic Precinct Special Area

The general intent of the Historic Precinct Special Area is to conserve and enhance the historic character of particular areas of Oatlands, Kempton and Campania. More specifically, the intent of the Historic Precinct Special Area is to:

- a) *allow for continued development that respects the streetscape qualities of the settlements through appropriate building form, design and finishes and which is compatible with the general heritage values of town settings;*

The proposal would not inhibit the further development of the streetscape. The form, design and finishes of the proposal are complimentary and considerate of the heritage setting and the mixed forms of architectural styles and features on the adjoining properties.

The trio of medium pitched hipped roofs on the High St side, combined with the use of traditional materials found through-out the township are particularly noteworthy.

- b) *give priority to the protection of the historic integrity of the individual buildings, groups of buildings and the general streetscape within the heritage areas of Oatlands, Kempton and Campania;*

The large setbacks allow preservation of the clusters of historic buildings in Oatlands.

- c) *ensure that the design and external appearance of new buildings or additions / adaptations to existing buildings respects and maintains the historic character and heritage values;*

This is discussed in the ‘standards’.

- d) *ensure that new buildings do not visually dominate neighbouring 19th Century buildings;*

There are indeed 19th Century buildings in the vicinity. This is another crucial reason why the proposed building has been designed and situated in a particular part of the site. A cheap option would be to create a single low-pitched continuous roof space that may be functional but not aesthetically pleasing and would not be in anyway considerate to the surrounding area.

It is certainly evident that the design of this building has considered the neighbouring 19th Century buildings.

- e) *maintain the visual amenity of the historic buildings when viewed from the Midlands Highway or from streets within the settlements.*

The proposed building could be viewed from the Midland Highway and from streets within the settlement. This is a large building.

The fact that this building could be seen from many vantage points is the reason why so much consideration has been given to the overall design of the building. This is the reason why:

- I. the building has a steeper pitched roof;
- II. it has three little pitched roofs over the multi-purpose rooms and not one continuous roof span;
- III. the architect has made every effort to ‘break-up’ the building into multiple zones to give the overall impression of multiple buildings.
- IV. The building uses different materials, textures and parapets and roof forms to create an overall sense of a clustered look that could fit into a clustered streetscape of buildings when viewed from the midland highway and other vantage points. Oatlands is unique in that when viewing the streetscape from any vantage point, one is presented with a multitude of building types (see Image 1 and Image 2 below). Note from the Images the significant role trees play in forming the village landscape.



Image 1_Views from the Midland Highway looking toward the iconic Callington Mill.



Image 2_More Views from the Midland Highway looking at the proposed aquatic centre site

Historic Precinct Special Area: Development Standards

Development within the Historic Precinct Special Area must be in accordance with the following principles:

- a. *scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings should be appropriate to the site, adjacent buildings, and the heritage values of the local streetscape, taking into account the intent of the Special Area;*

A challenge to a conscientious architect is trying to integrate an inherently large building into a town that seems fairly devoid of large buildings.

However looking at an aerial photograph of the town (see *Image 3* below) there is already two of the largest building in the town on the adjoining blocks. These buildings are the Midlands Multi-purpose Health Centre and the Oatlands District School.

This is not a reason in itself to allow for another large building. The Council must ensure that, even though this is a large building, every effort has been made to reduce the sense of scale and bulk and that the scale is not going to conflict with the immediate surroundings or set a precedent for large bulky buildings that may not be as conscientious to the scheme standards and surrounding amenity.



Image 3_ Demonstrates the different scale of buildings in the vicinity of the proposal.

- b. *buildings should provide a strong edge to the street consistent with the prevailing building line;*

The building, due to its size, has been deliberately sited further back from the prevailing building line in order not to disrupt this sensitive building line.

- c. the visual relationship between the existing and new buildings should be considered, with new buildings avoiding visually dominating neighbouring historic buildings;*

This has been discussed in the intent of the Precinct Area. The proposal meets this standard.

- d. where feasible, additions and new buildings should be confined to the rear of existing buildings;*

The building has been sited behind existing buildings. But given its size it will still be visible from many vantage points. The design considerations of the building overcome these concerns.

- e. architectural details and openings for windows and doors to visually prominent facades shall respect the historic character in terms of style, size, proportion and position;*

This has been achieved.

- f. outbuildings are generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also match that of the primary building on the land;*

Not applicable. This is not an outbuilding.

- g. fences along street boundaries of properties, including both main and side streets should be:*

- between 900mm and 1000mm high, with a maximum of 1200mm for posts;
- vertically articulated, (such as with dowel-and-rail, picket or palisade fences), and should not be horizontally articulated, (such as with post and rail fences); and
- “transparent” or “open” in appearance, that is, the distance between dowels or pickets, etc, should be such that the fence does not appear solid;
- hedges along street boundaries, including both main and side streets, are acceptable provided they are kept to the height indicated for fences in (vii), above.

A fence is not proposed as part of the development.

OTHER CONSIDERATIONS

Council’s Environmental Health Officer has provided the following advice:

Potential Site Contamination

A comprehensive report has been prepared by *SEMF* in relation to the potential site contamination issues at the aquatic centre site, and this sets out a series of recommendations as to how to proceed if re-development of the site occurs. The approach adopted is considered satisfactory for a development of this nature, such that there has been an initial site survey to identify the likely areas of contamination and then to prepare a site sampling plan to enable the

rehabilitation process (and costs) to be estimated for the “change of use” of the site to a “more sensitive use”.

The recommendations in the report include obtaining the approval of the *EPA (Environment Protection Authority)* for the comprehensive sampling plan, and then the implementation of that plan, which would need to occur to determine how any contaminated soil could be dealt with. The report also recommends the removal of two underground “fuel” storage tanks, an asbestos audit of the buildings on the site, and the installation and monitoring of three groundwater bores. The actual site remediation works required at the site would be determined from these investigations.

One representor expressed concern about the removal of soil from the site and the possible effects on their property in regards to storm-water drainage. However, the level of any soil removal or the degree of on-site soil remediation cannot be determined at this stage, and also extensive landscaping would need to be undertaken on the site such that any potential water run-off issues would be addressed during the building approval and construction phase.

- In terms of the potential site contamination issues a Planning Permit condition should be formulated to mandate the recommendations of the *SEMF* Report.

Noise Emissions

The proposed aquatic centre does have the potential for increased noise emissions from both site users and machinery/equipment. In terms of machinery/equipment then this will (to a significant degree) be located inside the aquatic centre building/s such that any noise emissions will be minimised by the exterior fabric of the building/s. Also, the proposed landscaping of the site (eg: trees and shrubs) will assist in limiting the off-site effects of any noise emissions from equipment at the site.

In terms of noise emissions from users of the site, this is discussed in the *Bzowy Architecture* Report and has also been raised by some of the representors. In this regard the facility would legally have to be operated such that it was in compliance with the relevant requirements of the *Environmental Management and Pollution Control Act 1994 (EMPCA)*. It would also require licensing as a Place of Assembly and be subject to annual licensing and regular inspections by Council’s Environmental Health Officer; such that any noise emission issues (if they occurred) could be monitored and addressed (as appropriate). The provision of trees as part of the landscaping of the property would also assist in dissipating any noise emissions from users of the aquatic centre, as would the exterior fabric of the building for any noise emissions from “within the aquatic centre”. The *Bzowy Architecture* Report (at Clause 6.01.04.02) details that “... involves a multi-layering of insulation products which not only eliminate acoustic leakage; these systems also help eliminate the acoustic echo or reflective nuisance of high pitched sound often associated with boisterous play areas”.

It is noted that the *Bzowy Architecture Report* discusses the “opening up of the building” at times which would potentially allow increased noise emissions from the site. However the amount of noise and how it would affect neighbouring properties would depend on many factors, including the number of people in the centre, the time of day, the prevailing weather conditions, the landscaping of the site, the position and orientation of neighbouring dwellings, etc. However, if it became apparent that there were noise issues because of the “opening up of the centre” then this

could be addressed through the Place of Assembly licensing, such that a restriction in regards to “opening the doors” could be included (if necessary) on the licence.

Also the report notes that some larger “festival type” functions may (potentially) be held in the outdoor area/s of the aquatic centre, resulting in increased noise emissions. Such larger “festival type events” would require licensing as special events under the *Place of Assembly Guidelines* and the holding of such events would be subject to satisfying the relevant legislative requirements. Also, a Place of Assembly (“Special Event”) licence would need to be issued by Council’s Environmental Health Officer (who makes such decisions against the relevant legislative requirements and not as directed by Council). It is not considered that noise emissions from potential future “festival type events” should prevent the issue of a planning permit for the proposed aquatic centre, due to this ongoing licensing/monitoring of such events.

As previously noted the premises will have to operate such that there is compliance with the *Environmental Management and Pollution Control Act 1994*, and for other commercial developments a condition has been included on their Planning Permit that clarifies this. One representor suggested that “an independent acoustic report should be made available...”, however it is not considered that such a report is necessary in relation to the proposal for the aquatic centre at Oatlands.

It is recommended that the following condition be included if a Planning permit is issued for the proposed Oatlands Aquatic Centre:

- The premises are to be operated such that noise emissions are limited to the degree necessary so as to ensure compliance with section 53 of the *Environmental Management and Pollution Control Act 1994*.

In terms of other potential emissions it noted that pool treatment chemicals will be stored on-site. However, the storage and use of such chemicals is strictly regulated and controlled, and can be adequately managed through these mechanisms, and as such no further controls (or Planning Permit condition/s) are considered necessary.

Engineering Officer Comments

The application was referred to Council’s Engineering Officer for comment and advice. Council engages an external accredited person at the Brighton Council. The Engineer was asked to review the application and consider matters such as the Access and Parking arrangements; further assess the Traffic Impact Assessment; and comment and condition on any foreseeable impacts on local services and infrastructure.

Access & Parking

Generally I concur with the TIA. There are a few points that need further consideration. Should development of the courts/open space area occur at a future date then there may be insufficient parking in the centre complex, but based on the proposal then parking should be sufficient for normal usage of the centre.

2.2.3.2 of the TIA identifies that some moving forward of the holding line is necessary at the Church Street/High Street intersection for vehicles existing Church Street. This was evident on my site visit and could be easily resolved by providing kerb outstands and pushing the holding line closer to the through lane.

The TIA identifies that there are some restrictions in Gay Street, particularly at the High Street end, where there is a continuous demand for on street parking. I believe that this is largely resolved with the suggested signage directing people to access via Church Street and possibly providing the kerb outstands at the Church Street Intersection as suggested above.

Locals will take the easiest and safest route which with the traffic management would be the Church Street intersection and those unfamiliar with the area will generally follow the signage.

A separate entry and exit from South Parade, rather than the 2 combined accesses, may help reduce traffic conflict. A parking plan to be approved by Council should be submitted prior to, or in conjunction with, the building application. The parking plan should address the accesses as well as the on site manoeuvring, drainage and construction of the car park. However the layout will be predominantly in accordance with the plans submitted with the application. The parking plan should also consider lighting of the car park and the impact of vehicle headlights on adjoining properties.

The proposal includes the removal of the pedestrian facility to make way for bus parking in High Street. The centre will undoubtedly increase pedestrian traffic in the area and careful consideration should be given to providing an alternative pedestrian crossing facility.

Stormwater

A stormwater management plan and detail design calculations will need to be submitted with the building plans. The plan will need to identify whether any upgrading of the downstream infrastructure or on site detention is required.

Heritage Tasmania Comments

The Development Application was referred to Heritage Tasmania for a comment and any advice.

Thank you for the opportunity to comment on the proposed Midlands Aquatic Centre Church St/South Parade Oatlands.

I understand that you have sought the views of Heritage Tasmania in accordance with Part 11.10.12 (a) of the Southern Midlands Planning Scheme 1998.

As no places entered on the Tasmanian Heritage Register are directly affected by this proposal, Heritage Tasmania has no statutory interest in this application. Our comments below do not constitute a representation under S.57 of the Land Use Planning and Approvals Act 1993, nor are they part of any formal assessment under the Historic Cultural Heritage Act 1995.

The proposal seems to be reasonably well considered and responds to the existing townscape. I would note that the proposed buildings have been broken up into four zones in an attempt to minimize visual bulk and impact, particularly on the High Street streetscape. The siting of the tallest building (the swimming pool structure) has also taken into account impact on High Street, by locating it towards the rear of the site.

Historic forms and proportions have been explored and some sympathetic materials are proposed however Southern Midlands Council may wish to further examine the proposed materials and ensure that they do not detract from surrounding values.

Roof massing and articulated form (including pitches) seems to have been carefully considered, as has the landscape plan, with planting including exotic species to the front of the site and natives towards the centre and rear.

Unfortunately the Heritage Impact Assessment (HIA) is not particularly informative however it is agreed that the relocation of the existing pool out of the gaol is a positive step for the management of that site. The HIA does not include any discussion on archaeology. If the intention is to approve the application it may be prudent to consider conditions regarding archaeology.

Please let me know if you require anything further. You may also wish to seek further advice from independent heritage professionals.

TasWater

The application was referred to TasWater in accordance with the *Water and Sewerage Industry (General) Regulations 2009*.

TasWater have provided a list of conditions that will be attached to any Planning Permit issued. The conditions relate to the increased demand on services and require detailed engineering drawings to be submitted and approved by TasWater prior to any works commencing on site (that will affect such services). TasWater have also imposed head-works charges on the development for the increased demand on services.

Conclusion

This has been a lengthy assessment of a complex new development.

The development invokes Clause 11.5 of the Southern Midlands Planning Scheme for the following reasons:

1. Development in the Historic Precinct Special Area
2. A Use/Development that is depicted as ‘Discretionary’ in the table of use/development for the Commercial and Residential Zone.
3. The development seeks a variation to the height and setback standard in the Residential Zone.

All of these matters can be assessed at Council’s discretion. All are subject to scrutiny and detailed assessment against the provisions of the Planning Scheme.

The applicant has provided a detailed assessment of the proposal and included professional reports regarding Traffic, Services and Environmental and Social Impacts.

Council is to consider the representations received. Council received some well-thought comments for and against this proposal. All comments have been addressed as part of this report. Conditions are reflective of the comments and concerns raised. Certain conditions should resolve many of these concerns.

Council is to consider the external advice and officer comments and recommendations in this report.

The proposal should be approved by Council in accordance with the recommendations below.

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Planning Scheme 1998* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for the Midlands Community Recreation and Aquatic Centre with the following conditions:

General

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

Amenity

- 4) Before any work commences a schedule specifying the finish and colours of all external surfaces must be submitted to and approved by Council's Manager of Development and Environmental Services. The schedule must provide for finished colours that will minimise visual intrusion on the township when viewed from streets within the settlement and when viewed from the Midland Highway. The schedule shall form part of this permit when approved.
- 5) The developer/operator shall seek written approval from Council prior to the installation of any external CCTV or other security cameras and security lighting on the land. All external security devices shall be sympathetic to the amenity of neighbouring residents.

Environment

- 6) The premises are to be operated such that noise emissions are limited to the degree necessary so as to ensure compliance with section 53 of the *Environmental Management and Pollution Control Act 1994*.
- 7) The developer shall implement the recommendations of the *SMC Oatlands Works Depot Site History Report, 2013* to the satisfaction of the Environmental Health Officer regarding site contamination and the safe remediation of the site as prepared by *SEMF*.

Landscaping

- 8) The landscaping works must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's Development Assessment Committee within six (6) months of the first use of the development. All landscaping must continue to be maintained to the satisfaction of Council.
- 9) Any further modifications to the submitted landscape plan shall require the prior approval from Council's Development Assessment Committee.

Parking & Access

- 10) At least forty five (45) parking spaces must be provided on the land at all times in accordance with Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney.
- 11) At least two (2) of the required parking space(s) must be provided for the use of people with disabilities as close as practicable to (a) suitable entrance(s) to the building. The parking space(s) must be signed and marked out to indicate that the space(s) is only for use by persons with disabilities and must be designed in accordance with Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney.
- 12) The areas set-aside for parking and associated access and turning must have: -
 - (a) A driveway access with a minimum 3 metres internal width and an average maximum longitudinal grade of 1 in 5 (20%) or, if the topography makes this impractical, an absolute maximum longitudinal grade of 1 in 4 (25%).
 - (b) Space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.
 - (c) An all weather pavement constructed and surfaced to the satisfaction of the Council's Manager of Development and Environmental Services.
 - (d) Line-marking or some other means to show the parking spaces to the satisfaction of Council.
 - (e) Drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.
- 13) The driveway must, unless separate entry and exits with a minimum width of 3.6 metres are provided, be a minimum of 5.5 metres wide for a distance of 7.50 metres from the carriageway of the road to allow vehicles to pass each other, or otherwise as required by Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney / Standards Australia (2002): *Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Sydney.
- 14) The vehicle access from the carriageway of the road onto the subject land must be located and constructed using an uncoloured reinforced concrete pavement in accordance with the construction and sight distance standards shown on standard drawings SD 1003 and SD 1012 prepared by the IPWE Aust. (Tasmania Division) (**attached**) and to the satisfaction of Council's Manager of Development and Environmental Services.
- 15) A parking plan prepared and certified by a qualified civil engineer or other person approved by Council's Manager of Development and Environmental Services must be

submitted to Council prior to or in conjunction with lodgement of a Building Application. The parking plan is to include:

- pavement details,
- design surface levels and drainage,
- turning paths,
- dimensions

and shall form part of the permit when approved.

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

Traffic Impact Assessment

- 21) All works required by the Traffic Impact Assessment (TIA) as prepared by Peter Freeman Traffic Solutions, 2013 in respect of access to the land must be completed to the satisfaction of Council's Municipal Engineer before the use commences.

Services

- 22) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.
- 23) The approved structure(s) must be sited clear of any easement and located at least 1.00 metre measured horizontally from any Council service mains.

Stormwater

- 24) The developer is to provide a stormwater management report, including detailed stormwater calculations, prior to, or in conjunction with, with the building plans for approval by Council's Manager of Development and Environmental Services. Any

upgrading of downstream infrastructure identified in the report is to be undertaken at the developers cost.

- 25) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council’s Development and Environmental Services and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.
- 26) The developer is to provide treatment to all stormwater from the site, including the reduction of gross pollutants and hydrocarbons using best practice environmental management, to the satisfaction of Council’s General Manager.

TasWater

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

Protection of Water Quality

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

Construction Amenity

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

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

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

- e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council’s Manager of Development and Environmental Services.
- 32) The developer shall submit a cartage route for the transportation of heavy materials to the satisfaction of the Manager of Works and Technical Services. The cartage route shall ensure minimal impact on the neighbouring amenity.
- 33) It is the responsibility of the developer to contact the Manager of Works and Technical Services at least 48 hours prior to the commencement of any works on site.
- 34) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 35) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council’s Manger of Works and Technical Services.

Hours of Operation

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

Monday to Friday	7:00 a.m. to 9:00 p.m.
Saturday	6:30 a.m. to 8:00 p.m.
Sunday and State-wide public holidays	6:30 a.m. to 8:00 p.m.

The following advice applies to this permit:

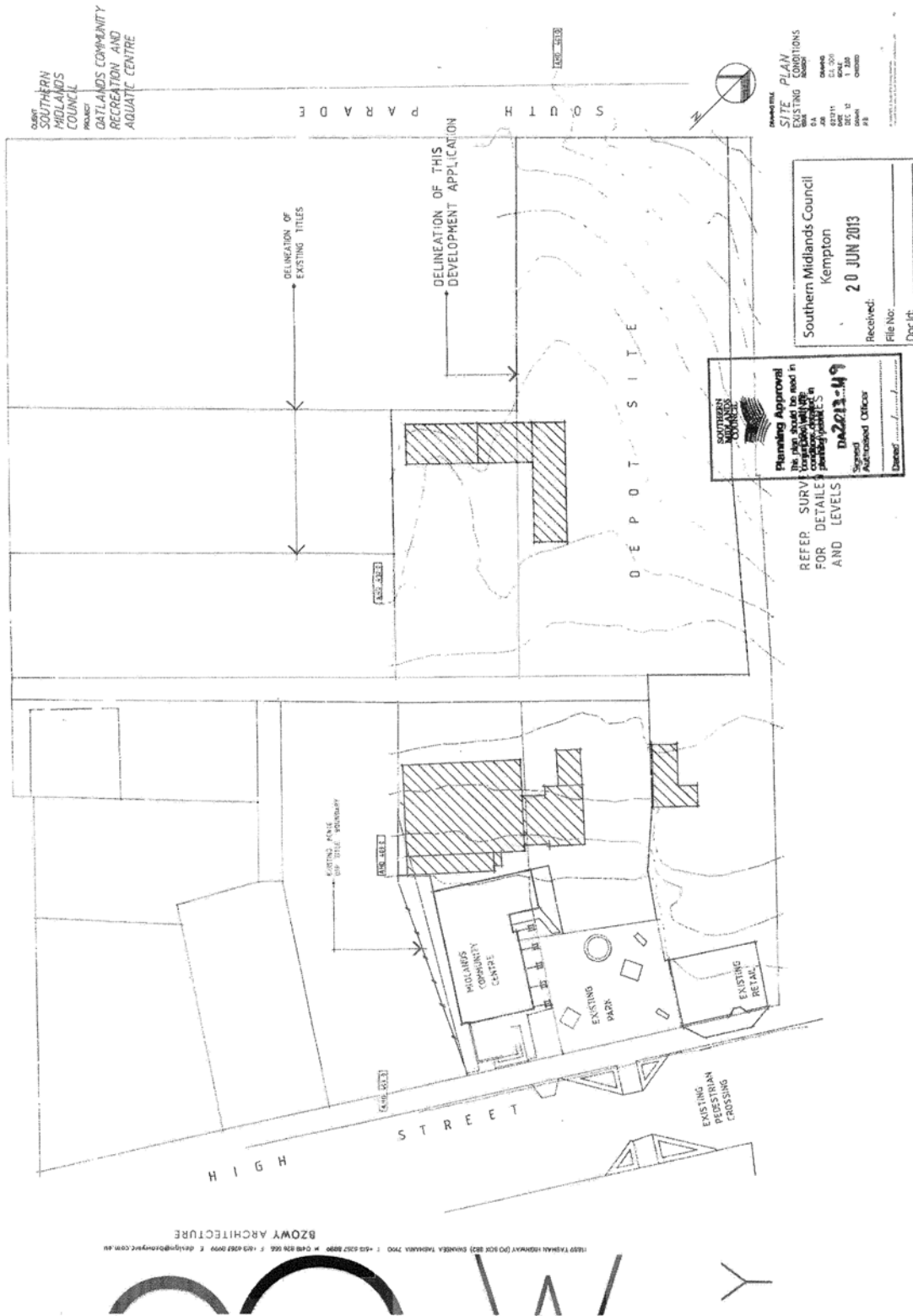
- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. This permit is in addition to a building permit. Construction and site works must not commence until a Building Permit has been issued in accordance with the Building Act 2000.
- C. The developer shall contact the Manager of Heritage Projects should any archaeological remains be found on site during construction.
- D. The Council shall consider a new pedestrian crossing in the High St upon the removal of the existing crossing.
- E. Directional signage for bus parking shall be considered to avoid congestion of the High St.

- F. Further development of the site (i.e. public open space or other recreational facilities) shall be subject to further approval by Council and in consultation with the Community.
- G. The SWMP shall be prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, the State Policy for Water Quality Management 1997 and the requirements of the Council's Municipal Engineer and show the following -
- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
 - Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
 - Estimated dates of the start and completion of the works;
 - Timing of the site rehabilitation or landscape program;
 - Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
 - Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
 - Temporary erosion and sedimentation controls to be used on the site; and
 - Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: *AS/NZS 1547: On-site wastewater management*, Standards Australia, Sydney, 2000.
- H. Appropriate temporary erosion and sedimentation control measures include, but are not limited to, the following -
- Minimise site disturbance and vegetation removal;
 - Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
 - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - Gutters spouting and downpipes installed and connected to the approved stormwater system before the roofing is installed; and
 - Rehabilitation of all disturbed areas as soon as possible.
- I. Any containers located on site for construction purposes are to be removed at the completion of the project unless the necessary planning and building permit have been obtained by the developer/owner. Materials or goods stored in the open on the site shall be screened from view from people on adjoining properties, roads and reserves.
- J. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.

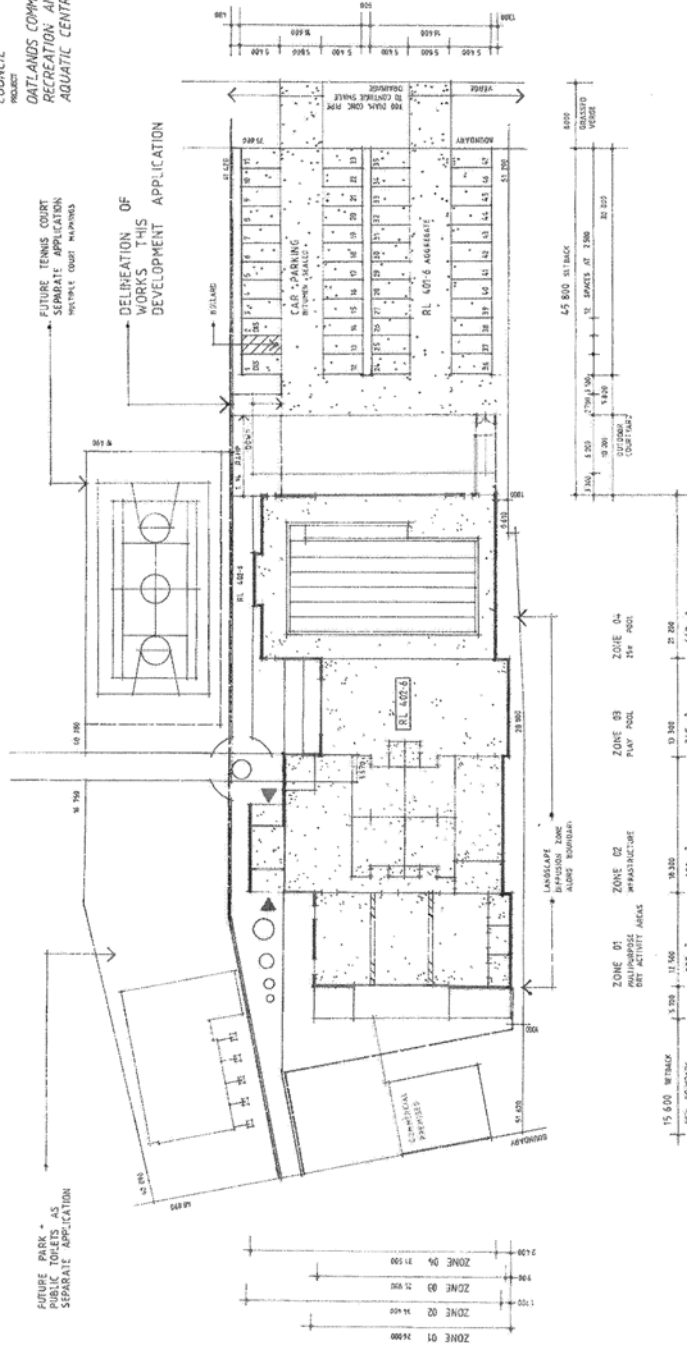
- K. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	



CLIENT
SOUTHERN
MIDLANDS
COUNCIL
PROJECT
DARTLANDS COMMUNITY
RECREATION AND
AQUATIC CENTRE



CONTRACT NO. 13/001
SITE PLAN
CIVIL WORKS
DATE 13/06/13
DRAWN BY J. BOWY
CHECKED BY J. BOWY
SCALE 1:500
DATE 13/06/13

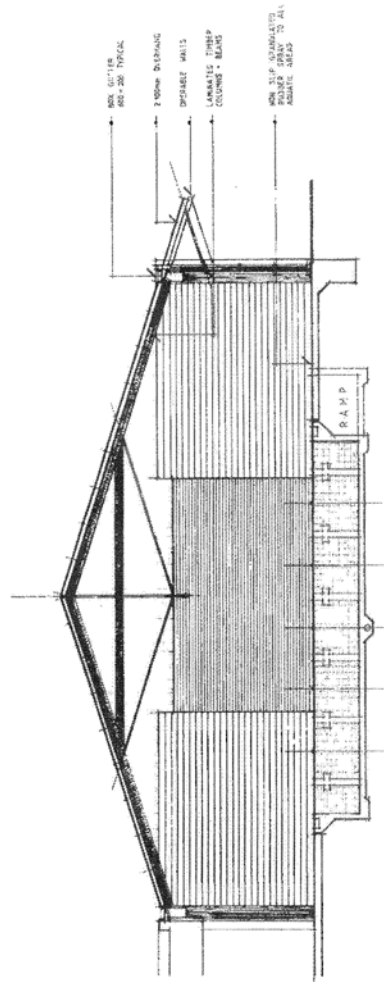
Southern Midlands Council
Kempston
20 JUN 2013
Received:
File No:
Doc No:

Planning Approval
The plan should be read in
conjunction with the
conditions of approval
issued in
planning permit
DATE: 13/06/13
Signed:
Authorised Officer
Dated: 13/06/13

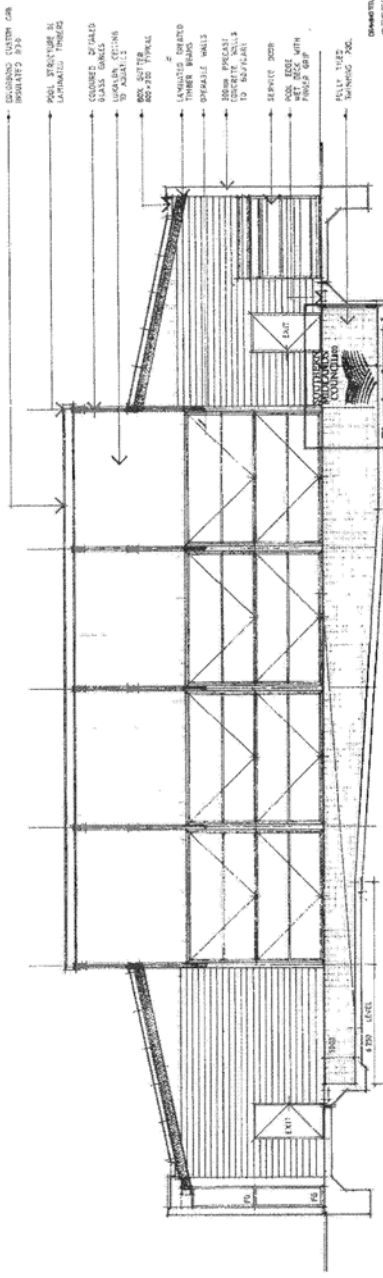
TOTAL FACILITY AREA
194,000

BZOWY ARCHITECTURE
10500 TOWNHALL HIGHWAY (PO BOX 802) SHARPSVILLE, VICTORIA 3700 T 0418 620 8899 M 0439 800 000 F 0410 057 8999 E design@bzowyarc.com.au

Client:
SOUTHERN
MIDLANDS
COUNCIL
Project:
DARTLANDS COMMUNITY
RECREATION AND
AQUATIC CENTRE



25m POOL TRANSVERSE SECTION



25m POOL LONGITUDINAL SECTION

BZOWY ARCHITECTURE
1095 TANKH HIGHWAY (PO BOX 202) SANGHA, DUBLIN 790 1 461 101 8000 H: 003 534 886 F: 003 534 8099 E: dz@bzowyarc.com.au

SECTIONAL

NO.	DATE	REVISION
01	15.06.13	ISSUE FOR PERMIT
02	15.06.13	ISSUE FOR PERMIT
03	15.06.13	ISSUE FOR PERMIT
04	15.06.13	ISSUE FOR PERMIT
05	15.06.13	ISSUE FOR PERMIT

Southern Midlands Council
Kempton
20 JUN 2013

Received:
Signed:
Authorised Officer

File No:
Doc No:

Dated: 20/06/13

Planning Approval:
The plan should be read in conjunction with the conditions detailed in planning permit DA/2013/017

12.2 SUBDIVISIONS

12.2.1 Development Application, (SA 2013/2), for a Subdivision (1 Lot Plus Balance – Subdivision) at 234 White Kangaroo Rd, Campania.

File Reference: 2112428 WHITE K

REPORT AUTHOR: PLANNING OFFICER (D CUNDALL)

DATE: 12TH SEPTEMBER 2013

ATTACHMENTS Plan of Subdivision
'Serve-AG Pty Ltd' Agricultural Appraisal Report, 1998
for 'Brightview'.

ENCLOSURE: Representation

THE PROPOSAL:

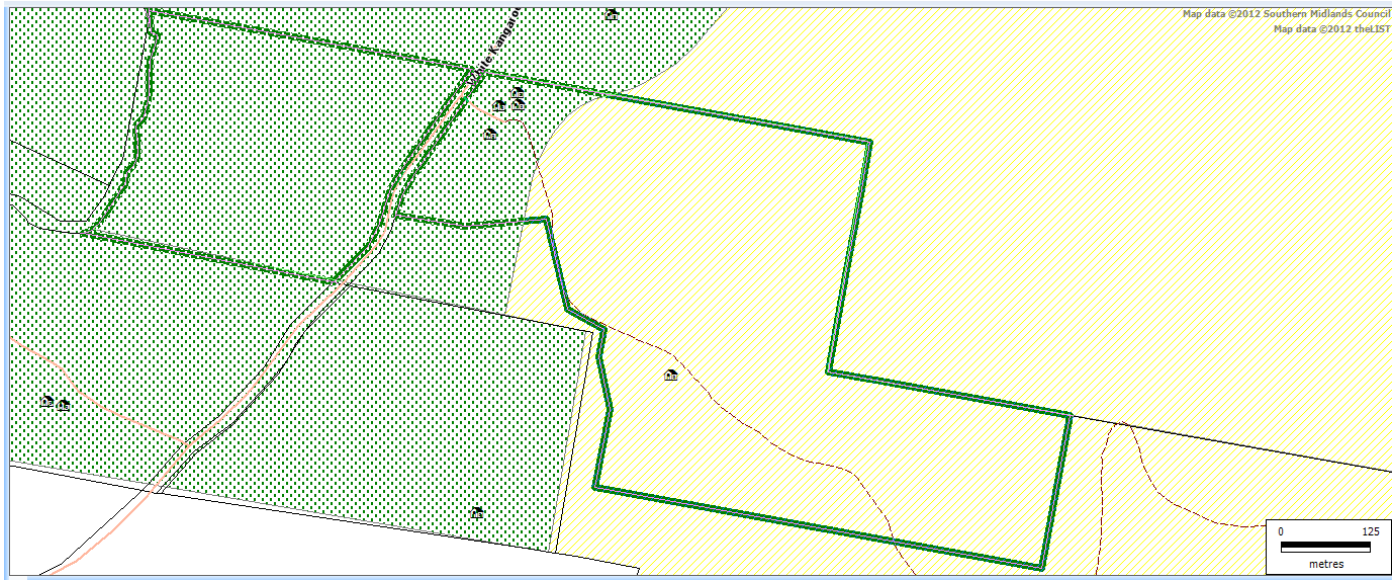
The applicant, Nick Griggs & Co Surveyors on behalf of the landowner Mrs Kathryn Lyne has applied to Council for the creation of a new lot at 234 White Kangaroo Rd, Campania. The existing lot is approximately 42ha and the applicant has applied to subdivide this land into a 13.9ha lot and a 27.5ha lot.

Plan Description

The proposed 13.9ha lot (lot 1 on the attached plan) contains a farmhouse, shearing shed, sheds and other improvements and has water access to the Coal River.

The proposed 27.5ha lot (lot 2 on the attached plan) has no road frontage, a shed, fencing and is mostly dry grazing pasture. The proposed lot 2 occupies a large portion of the hillside behind the existing house and would not be afforded water access.

The proposal is to subdivide land along a zone boundary that intersects the property to the east of the existing farm house. The zone boundary follows a contour along the hillside (see Map 1 Below).



Map 1 - The dark Green Hatched part of the property is the Intensive Agriculture Zone and the Light Yellow Part of the property is the Rural Agriculture Zone

It will be noted from ‘Map 1’ above that the zone boundary is located approximately 125m East of White Kangaroo Rd.

In order to divide the title along this zone boundary, an access from White Kangaroo Rd needs to be created. The applicant has applied for a 6m Right of Carriageway from the road to the Zone Boundary. The Right of Carriageway would use the existing access (see Attachment 1 Plan).

BACKGROUND

Council has a record of planning permits being issued for a subdivision in 1998 and again in 2001. The 2001 permit was for the same application as the 1998 application but with some minor changes.

The subdivision was to divide an approximately 136ha lot into a 42ha parcel and 94ha parcel. The 42 ha parcel is the subject of the current 2013 application i.e the landowner is applying to subdivide the land further.

The previous application was assessed under a previous planning scheme the *Richmond S.46 Planning Scheme No.3 1993*. Under the *Richmond Planning Scheme* a landowner could apply to the Council to subdivide land on the proviso it could be proven the land is a viable intensive agricultural unit with access to an adequate irrigation water supply and subdivision would not diminish the agricultural potential of the parent title. Accordingly the applicant of the day submitted an agricultural appraisal of the land justifying the

subdivision and viability of the land. This short but useful appraisal is attached to this report as ‘Attachment 2’.

It shall be noted that the current *Southern Midlands Planning Scheme 1998* does not contain this provision for subdivision (as subdivision has since been prohibited in the Rural Activity Zones unless in accordance with Part 10.12). The *Scheme* does however contain similar provisions regarding land capability and sustainability that shall be considered in this planning report.

The *Property Appraisal Report*, (Serve- AG Pty Ltd,1998), states that lot 1 (created in 2001 and now the subject of this 2013 application), although a ‘smaller’ 42ha lot, is still a viable agricultural unit. The land can sustain a mixture of agricultural enterprises such as sheep stud (and grazing), intensive cropping on the river flats and other cropping such as oats and bulbs on the hillside. The remainder of the property was 94ha and was deemed mostly suitable for grazing. The application was approved by Council and the 94ha lot was sold (currently undeveloped and used for farming with an adjoining property).

The 2013 application to create a new lot along the zone boundary that would further divide the farm. According to the *Property Appraisal Report*, (Serve- AG Pty Ltd, 1998) the land behind the house is the less viable part of the land and has no access to irrigation water at this point in time.

The applicant, was given the opportunity to provide further information to justify the viability of the land and justification against the intent of the Rural Zones but has not submitted any information to support the application.

LEGISLATIVE PERFORMANCE REQUIREMENTS

The proposal must be assessed by Council in accordance with the following requirements:

- *Land Use Planning and Approvals Act 1993*
- *Local Government Building and Miscellaneous Provisions Act 1993*
- *Southern Midlands Planning Scheme 1998*
- *State Policy on the Protection of Agricultural Land 2009*

Council is to assess the application under the *Land Use Planning and Approvals Act 1993*, in association with the *Southern Midlands Planning Scheme 1998*. Consideration has also been given to the *State Policy on the Protection of Agricultural Land 2009*.

THE APPLICATION

The application provided to Council consists of a Plan of Survey.

The Planning Officer has received multiple versions of this plan since its submission in March 2013.

The Applicant and the Planning Officer have had multiple discussions regarding the lot

layout and access arrangements and the provisions of the Planning Scheme regarding the division of Agricultural Land and the division of land along a zone boundary.

One of the reasons the applicant has submitted multiple versions of the plan is because the initial plans did not meet the basic criteria of the scheme, including lack of crucial detail and depicting a subdivision boundary that was not along the zone boundary; and depicting an access that did not meet the minimum sight distance requirements.

THE PLANNING SCHEME ASSESSMENT

Use/Development Definition

Under *Schedule 2 Use or Development Category Definitions* of the *Planning Scheme*, the proposed use and development is defined as an act of ‘Subdivision’ in accordance also with Part 10.12 of the Scheme ‘Variation to Subdivisions’ where the purpose of the proposed subdivision is to ‘divide a title along a zone boundary’.

Applications made under this Clause (10.12) are discretionary and invoke Clause 11.5; and accordingly:

- II. May be granted a Planning Permit by Council, with or without conditions; or
- III. May be refused a Planning Permit by Council

Extract SMPS 1998

A discretionary use or development must be advertised under S.57 of the *Land Use Planning and Approvals act 1993* for 14 days.

Public Notification and Representation

The application was advertised, and all adjoining owners notified on the 17th August 2013 for the statutory 14 day period. One (1) representation was received. The representation received by Council expressed concern for the further subdivision of agricultural land in this area, passive surveillance and security concerns and the low agricultural viability of the lot.

Representation	Planning Officer Response
<p>I wish to object to this proposed subdivision/boundary adjustment on the following basis</p> <p>i own land adjoining these persons</p> <p>i object on the basis that the block would not be visible from the road and therefore encourage criminal activity. all neighbouring</p>	<p><i>It is agreed that internal lots and lots without road frontage do not offer quality passive surveillance. Houses on these lots are generally isolated from the road and may not be visible to passing traffic and neighbourhood watch.</i></p> <p><i>Also agreed that the land does not have any water access; though potentially a land-owner could apply for irrigation</i></p>

<p>properties have open type farm sheds which is the norm in this area, these are all well off the road for security reasons, it this was allowed and undesirables purchased this property it would give them easy access to fuel, batteries and other commonly stolen items including fencing material.</p> <p>the proposed block does not have any water on it or to it and therefore is not suitable to either grazing or horticulture.</p> <p>all adjoining properties run sheep and a subdivision of this nature tends to attract persons owning sheep killing type dogs or motorbikes used to terrorise lambing ewes on neighbouring properties.</p> <p>the lack of water would mean no grazing therefore creating a horrendous fire hazard every summer.</p> <p>the land size is not large enough to be a commercial enterprise and therefore would not remain as grazing/farming type which it is currently surrounded by.</p> <p>if this subdivision is allowed it adds to the continual degradation of farming land in the country. i have no objection to subdivisions adjacent to populous areas.</p> <p>in summary if this is allowed it will be to the detriment off all neighbouring properties.</p>	<p><i>water from the approved pipeline west of White-Kangaroo or apply for a licence for water from the Coal River.</i></p> <p><i>The creation of new lots in farming areas with very limited farming capability are more likely to attract people who do not intend to farm.</i></p> <p><i>The representor has argued that the creation of this lot would fetter the agricultural potential of their own land and states the issue of potential land use conflict.</i></p> <p><i>The proposed subdivision would create the smallest land lots in this area.</i></p> <p><i>Some of the matters raised in this representation will be further discussed as part of the assessment.</i></p>
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Part 11.10 Consideration of Other Matters

Council must also consider Part 11.10 of the scheme. This Part of the scheme details all the ‘Matters to be Considered’ in assessing Development Applications. The application

has the potential to meet most of the basic ‘Matters to be Considered’, but there are some matters that require further consideration in this report. These matters are listed below:

- a) *whether any proposed use or development within the Rural Activity Zones will significantly fetter the agricultural potential of that land or adjacent land;*
- b) *whether any proposed use or development on, or adjacent to, Prime Agricultural Land or Significant Agricultural Land will fetter the agricultural potential of that land;*
- c) *whether land in the Rural Activity Zones is proposed to be developed and used within its capability, as defined by the Land Capability Classification System; and*

These matters are best addressed through the assessment of the intentions of the Zone. They do however need to be documented in this report to demonstrate that the Planning Scheme requires in depth consideration of development that could potentially impact upon the capability of the land in the Rural Activity Zones.

Assessment of Part 10.12 Variations to Subdivisions

The council must consider three primary provisions in assessing the subdivision of land along a zone boundary. These provisions are to ensure that subdivision:

- I. Part 10.12 (b) (i)**
Would not conflict with the intent of the Zone
- II. Part 10.12 (b) (ii)**
Increase the number of lots likely to be used for the establishment of a dwelling unit where the land is not within a Residential Activity Zone (for the creation of a lot for a utility, boundary adjustment or public open space or road widening; and
- III. Part 10.12 (b) (iii)**
Would not adversely affect the heritage setting of a property or its relationship or its relationship to original settlement patterns

Part 10.12 (b) (i) – Would not conflict with the intent of the Zone

The intentions of the Rural Agriculture Zone and the Intensive Agriculture Zone are detailed below.

The different rural zones are used to achieve effective management of resources and development within rural areas.

Council must be satisfied that the proposed subdivision ‘would not conflict with the intent of the Zone’. These intentions are assessed below:

Zone: Intensive Agriculture Zone

Intent of the Intensive Agriculture Zone is to:

- a) give priority to the sustainable use of land within the Coal River Valley for intensive agricultural purposes;*

The further subdivision of this land would create the smallest land lot in the area. The *1998 Report* was justification for a previous subdivision indicating that the existing lot would be a sustainable agricultural unit that could make good use of the river flats, access to water and sustain other minor activities such as sheep stud or speciality crops on the hillside. The different types of activities and potential activities on this land are what make this a reasonable small farm. Dividing the land further would clearly negate the viability of this lot and diminish the sustainable future of farming in this area.

- b) protect agricultural land from development, including rural residential uses, which would reduce potential production values in the future and increase the potential for residential - v - agricultural use conflicts;*

The proposed lot is the less viable part of the land.

The subdivision of this land would create another lot of land that could be used for a dwelling.

The representation received has raised many concerns for the creation of a new lot and the potential for land use conflict.

There is potential for residential versus agricultural use conflict as a result of this development.

- c) encourage expansion and diversity of agricultural opportunities within the zone, with allowance for subdivision only for intensive agricultural uses;*

Dividing this land limits the opportunities for intensive agricultural uses.

The applicant was requested to provide further detail and justification for the proposal to subdivide agricultural land. Such a request is considered reasonable considering the intentions of the Rural Activity Zones and the provisions of Part 10 of the scheme. These parts of the scheme actively restrict and discourage the further subdivision of rural land.

The applicant did not include any justification with the application.

- d) ensure that buildings are predominantly integral and subservient to the agricultural use of the land;*

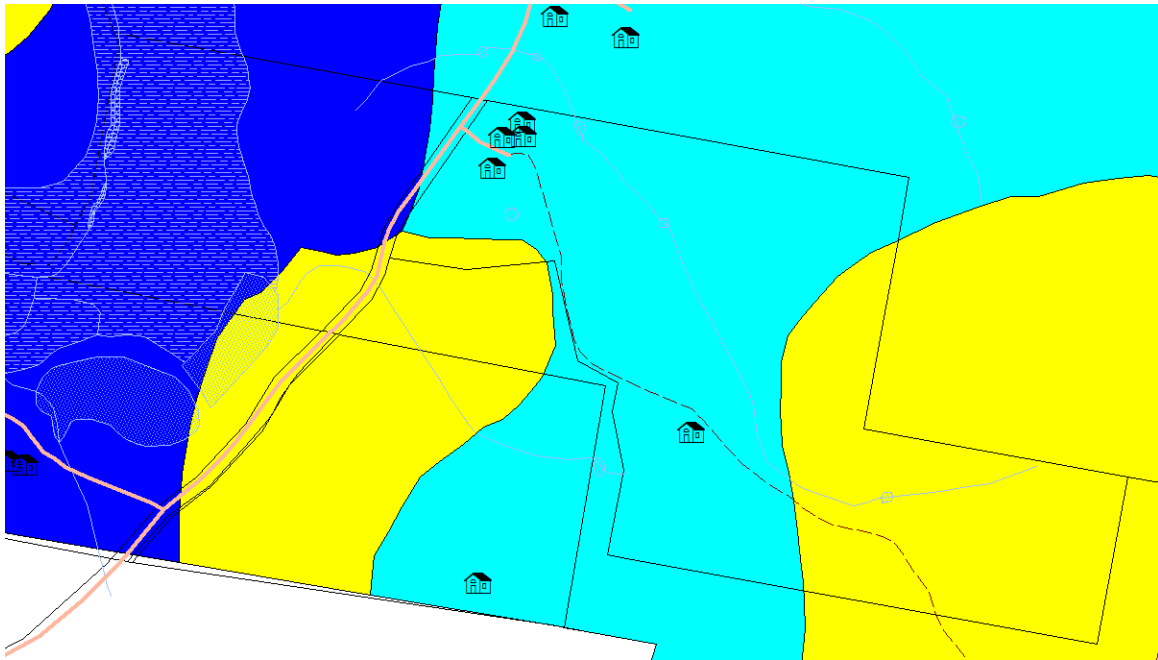
No buildings are proposed as part of this application. It is more than likely that the proposed lot would be used for a dwelling at some stage in the future.

The applicant has proposed to remove some 'old sheds' to make room for the Right of Way.

- e) *ensure that land is used and developed within its capability as defined by the Land Capability Classification System;*

The subdivision would not inhibit the ability for the land to be used in accordance with its capability as defined by the *Land Capability Classification System* (see Map 2 Below).

However the future establishment of a dwelling would reduce this ability. Some of this capability is also potentially lost without adequate water supply.



Map 2 – Land Capability Classification System. The light blue is Class 5+4; The dark blue is Class 4; and the yellow is Class 5. The lower rating indicates the higher classification. This map indicates that the higher quality land for more intensive cropping is on the western side of the road and parts of the eastern side of the road are lower grades but can still be used for some farming.

- f) *ensure that adjoining non-agricultural use or development does not unreasonably fetter agricultural uses.*

The adjoining land is used for farming and grazing.

Zone: Rural Agriculture Zone

The intentions of the Rural Agriculture Zone are similar to the Intensive Agriculture Zone and will be assessed accordingly.

Intent of the Rural Agriculture Zone is to:

- a) *give priority to the sustainable long term use of land for agricultural, pastoral, forestry and other rural uses;*

Subdividing this small farm further does not give priority to the long term sustainable use of land for agricultural, pastoral and other rural uses. It is effectively splitting a viable agricultural unit.

There is also a risk that granting a Planning Permit to divide a title along a zone boundary and creating smaller lots in this area would set a precedent for further subdivision along White Kangaroo with little consideration to retaining long term agricultural uses in the area.

- b) *recognise and protect the potential of land in the Kempton, Bagdad/Mangalore and Jordan valleys for future intensive agricultural use in anticipation of the completion of the South East Irrigation Scheme;*

Not applicable in this area.

- c) *encourage expansion and diversification of agricultural activities;*

The application does not meet this intent of the scheme.

- d) *protect rural land from development that may:*
- (i) jeopardise its long term capability for agricultural use;*
 - (ii) cause unplanned and premature demands on the Council for the provision of infrastructure services, or*
 - (iii) cause adverse impacts on the environment, catchment or productivity of the land and its general ability to sustain agricultural use;*

The implications of granting a planning permit for a subdivision along a zone boundary where it does not meet all the provisions of Part 10.12 would potentially set a negative precedent. Such a development does not further the intentions of this Planning Scheme or further the objectives of the *Resource Management Planning System (RMPS)*:

- to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity
- to provide for the fair, orderly and sustainable use and development of air, land and water
- to encourage public involvement in resource management and planning
- to facilitate economic development in accordance with the objectives set out in the above paragraphs

- to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State.

The section of the report titled '**Further Considerations and Implications for Granting of a Planning Permit**' further discusses this matter.

- e) *retain the prevailing rural character of the areas generally characterised by open paddocks and timbered ridges;*

The subdivision does not impact upon this intent.

- f) *allow for the development of activities that are associated and compatible with long term rural use of the land;*

A proposed lot would allow for a new dwelling. Other than this it is not clear how this subdivision would encourage long term rural use of the land in accordance with the other intentions of the zone.

- g) *ensure that land is used and developed within its capability as defined by the Land Capability Classification System; and*

This item has been discussed in the previous intentions for the *Intensive Agricultural Zone*.

- h) *ensure that adjoining non-agricultural use or development does not unreasonably fetter agricultural uses.*

This item has been discussed in the previous intentions for the *Intensive Agricultural Zone*.

Part 10.12 (b) (ii) - the likelihood of establishing a dwelling

This part of the scheme is not applicable to dividing a title along a zone boundary.

However it shall be noted that the new lot would most likely be used for the establishment of a dwelling. The *Property Appraisal Report*, (Serve- AG Pty Ltd,1998) would indicate strongly that the land is of marginal small scale agricultural value.

It would seem that the proposed lot would best be suited to a rural residential use. According to the *1998 Report* and the *Land Capability Classification System* it would seem the land has more value adhered to another parcel of land for grazing purposes or for the expansion of an existing farming enterprise; or even retained as part of the existing property as a valuable small-scale mixed use intensive agricultural property.

Part 10.12 (b) (iii) - the subdivision would not adversely affect the heritage setting of a property or its relationship or its relationship to original settlement patterns.

The land has a rich agricultural history dating back to European Settlement.

Original grant boundaries are evident in today's settlement patterns and Soldier Settlement Grants along White Kangaroo Rd.

This proposal would be a fairly minor change to a pattern that has been modified over the last 200 years. Though there is evidence of historically significant land use over time, there are no heritage listed properties in the immediate vicinity of this proposal.

The proposal does not have a significant impact on *Part 10.12 (b) (iii)*.

Zone Development Standards

Standards for Subdivision in the Rural Activity Zone

There is no minimum lot size specified in the rural zone. Table 6.2 of the scheme states that there shall be 'no subdivision' in this zone. The table states that a lot must have a 6m minimum frontage. The proposed lot has no road frontage. Access is proposed via a 6m right of carriageway.

Council should be reticent to approving development that has no road frontage.

Further Considerations and Implications for Granting of a Planning Permit

The applicant has applied to divide a title along a zone boundary. Council has received very few of these applications. Only one (1) is known to be received in the last 5 years.

There are many implications for granting a Planning Permit for this application.

There are ten (10) other properties along White Kangaroo Rd that have a zone boundary that intersects the land without any road frontage.

A Permit for this development would indicate to other land-owners that the subdivision of rural land along zone boundaries to create smaller lots is acceptable.

A permit would actively encourage further subdivision of rural land.

As the *Intentions* of the relevant zone state, residential development should be subservient to the rural use of the land.

It is well documented in Tasmania that rural land is heavily fractured through past subdivisions that have created multiple residential lots in isolation from any townships and services. This type of residential development without any planning or infrastructure creates great strain on service providers and fetters the potential use of the land. Effectively this type of unplanned development inhibits the growth and long term sustainability and capabilities of rural land. Excess ribbon housing development in intensive farming and rural areas creates challenges for landowners and businesses that want to conduct rural activities such as mining, quarrying, intensive farming, animal husbandry, forestry and other enterprises that require some attenuation from residential land users for environmental reasons such as noise, dust, odours etc.

More subdivision will result in a great inhibition to conduct rural activities and generate sustainable and on-going wealth from the land.

Access Concerns

The creation of lengthy ‘rights of carriageway’ to give access to newly created lots are a waste of land. Long access strips usually require fencing, maintenance and further divide and restrict the use of the land.

STATE POLICY

Council can consider the *State Policy on the Protection of Agricultural Land 2009* in its decision making and assessment. The current planning scheme (1998) was already advanced in the principles of this policy and reflective of the objectives of the *RMPS*. The intentions of the Agricultural Activity Zones all seek to recognise and protect agricultural land from conflicting usage or to actively encourage a use that is subservient to the agricultural use. ‘No subdivision’ is clearly stated in Part 6.5 of the Scheme.

The proposal does not clearly meet the objectives of the state policy. These are to enable the sustainable development of agriculture by minimising:

- a) Conflict with or interference from other land uses; and
- b) Non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.

Conclusion

The Development Application has been assessed against the relevant Parts and Provisions of the *Southern Midlands Planning Scheme 1998*.

The application was advertised for the fourteen (14) day statutory timeframe and received (1) one representation against the development with concerns for the potential to create conflicting land use in the area.

The applicant only provided a Plan of Survey and did not provide any justification for the subdivision of rural zoned land.

In assessing this development the Council must be satisfied that the application meets three clear and distinct Parts to the scheme:

- I. Part 10.12 (b) (i)**
Would not conflict with the intent of the Zone

- II. Part 10.12 (b) (ii)**
Increase the number of lots likely to be used for the establishment of a dwelling unit where the land is not within a Residential Activity Zone; and

III. Part 10.12 (b) (iii)

Would not adversely affect the heritage setting of a property or its relationship or its relationship to original settlement patterns

Given that these parts have all been assessed, it can be concluded that the application should not be approved by Council. The application does not adequately meet the intentions of the Rural Activity Zones. The *Planning Scheme* is heavily weighted against the creation of new lots in the rural zone and the potential of granting a Planning Permit for this development would not set a good precedent for subdivision in this area.

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Planning Scheme 1998* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council refuse the application for Nick Griggs & Co Surveyors for a Subdivision (1 lot plus Balance) at 234 White Kangaroo Rd, Campania on the following Grounds:

- A. The proposal is not in accordance with Clause 10.12(b) (i) of the Southern Midlands Planning Scheme 1998 in that the proposal conflicts with the intent of the Rural Agriculture Zone and Intensive Agriculture Zone.**

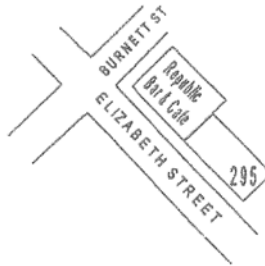
DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

NICK GRIGGS & CO. LAND SURVEYORS

ABN: 19 791 307 875

CADASTRAL SURVEYING
ENGINEERING SURVEYING
DRAUGHTSMEN



295 ELIZABETH STREET
NORTH HOBART, TAS 7000
PH: 03 6234 5022
FX: 03 6231 2412
EMAIL: nickgriggs@netspace.net.au
MOBILE: 0418 129 301

N. GRIGGS, B.Sc., L.S., F.I.S. AUST.

The General Manager
Southern Midlands Council
Development & Environmental Services
85 Main Street
KEMPTON TAS 7030

August 20, 2013

ATTENTION: Mr D Cundall
Planning Officer

Ref No 3880 NG

Your Ref: 2112428WHITEK

Dear David

**RE: DEVELOPMENT APPLICATION FOR SUBDIVISION (1 LOT PLUS BALANCE) :
"BRIGHT VIEW", 234 WHITE KANGAROO ROAD, CAMPANIA : MRS K A LYNE,
OWNER**

I refer to my letter of July 29, 2013 and to your recent advice that the Application was to be advertised on Saturday August 17, 2013. Thank you for letting me know that the Application was to be advertised.

Accordingly I enclose an updated Plan indicating access and frontage to Lot 2 by Right of Way.

I believe that provision of access by Right of Way to Lot 2 provides a practical solution to the Subdivision.

Please advise if you require any further information.

Yours faithfully
NICK GRIGGS & CO

Per:

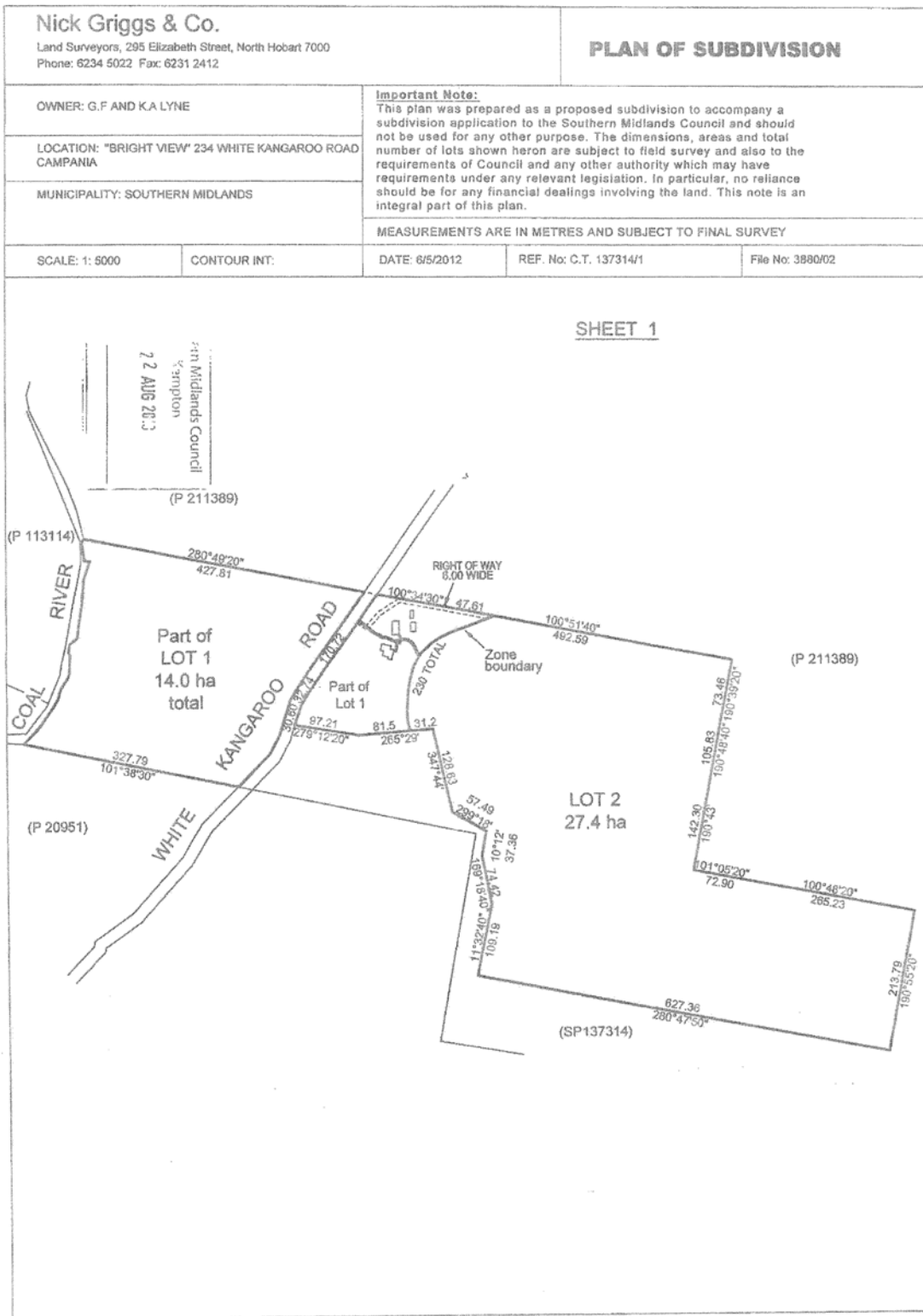
NICHOLAS GRIGGS

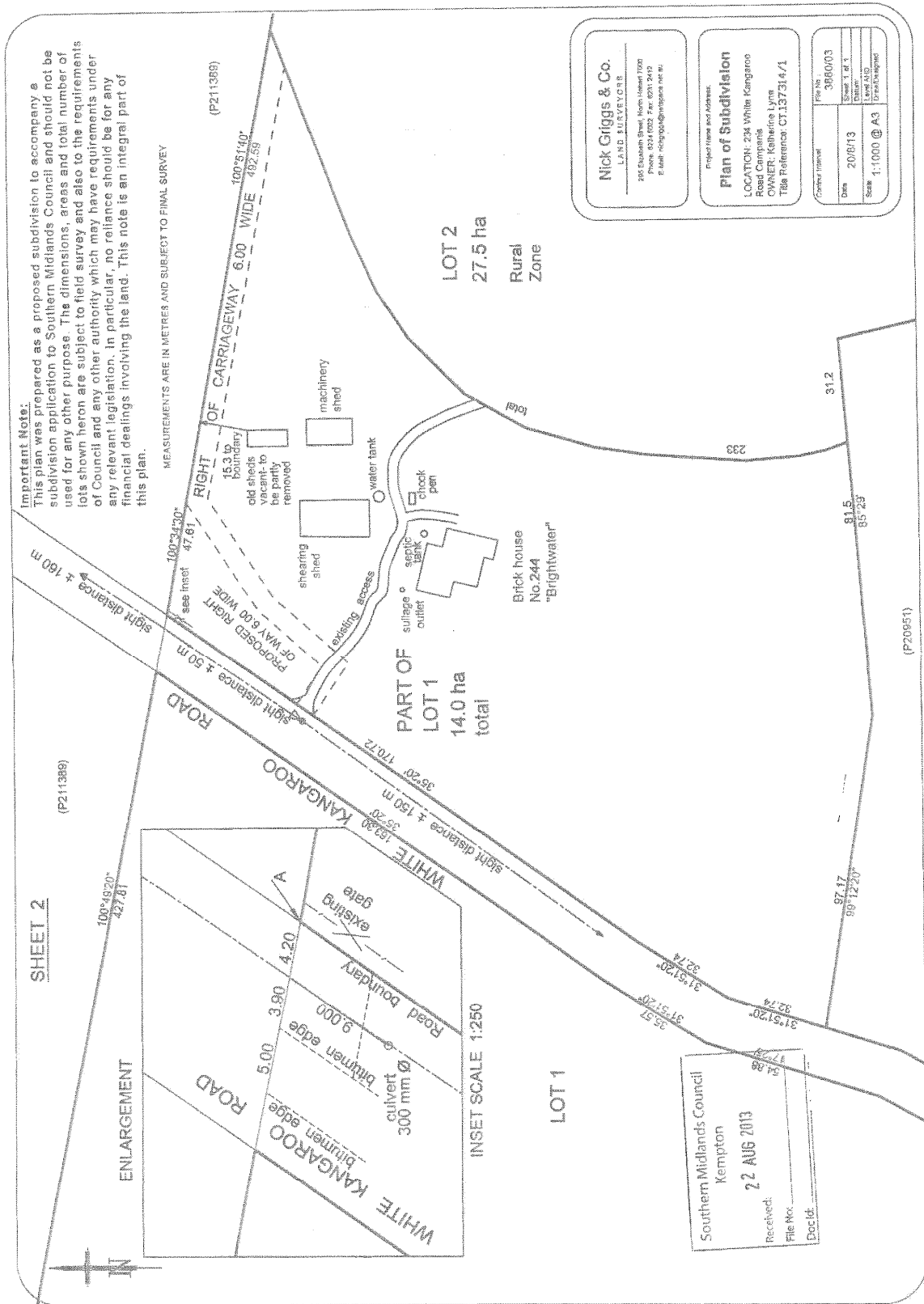
COPY TO:

Mrs K A Lyne

Southern Midlands Council Kempton 22 AUG 2013 Date No: _____

ENCL







PROPERTY APPRAISAL- 'BRIGHTVIEW'

Property Details

Location : White Kangaroo Road - Campania
 Aspect : Predominantly Westerly / North Westerly
 Size : Approx 122 hectares
 Rainfall : 500-550mm/annum

SERVE-AG PTY. LTD.
 Tasmanian Technopark,
 Dowsing Point,
 P.O. Box 149, Glenorchy. 7010
 Tasmania, Australia.
 Tel: (03) 6233 5522
 Fax: (03) 6273 6688
 E-mail: serveag2@tassie.net.au

Soil Types : Well structured Black Cracking Clays - River frontage (6 Hectares)
 Brown Loams – predominantly surrounding house and sheds (24 Hectares)
 Stony (Unsuitable for cropping) Brown Loams – hill country to the east of
 the homestead. (approx. 92 Hectares)

*Please refer attached Maps

Current Farm Business Enterprises :

- Stud Sheep – Poll Merino (Syde) - approx 900 DSE (Dry Sheep Equivalents)
- Cereals – Barley and Wheat
- Poppies
- Seed Cabbages and Onions

Current 'Off-farm' Enterprises

- Sheep Classing

Other Property Details

- 40 Megalitre water right allocation for farm irrigation
- Underground irrigation mains from river to Barn and Cabbage paddocks
- Excellent Shearing and Machinery Sheds

Evaluation of Existing Business Enterprises

'Brightview' has a diverse range of farm business enterprises encompassing small seed production to broad-acre type crops and stud sheep. A significant income is also derived from 'off the farm' in the area of professional sheep classing of which the proprietor Mr. Geoff Lyne has had considerable experience. To date, the overall economic viability of this business has relied on this diversification.

All the cropping on the property is strictly undertaken on soil types with minimal stone and which has access to irrigation water. This is illustrated in the attached map (No 3). The soils suitable for cropping totaling approximately 20 hectares lie predominantly within the proposed 'retained lot' (approx. 40 hectares). Therefore there would be approximately 20 hectares remaining within this lot which is taken up by houses, sheds, roads and paddocks suitable only for grazing. The cropping soils are well structured brown loams and 'self mulching' black cracking clays. These

soils have been cropped for some years now and would be still suitable for continual cropping providing appropriate crop rotations are undertaken. Minimum tillage practices and attention to farm hygiene will ensure the sustainability of existing farm enterprises into the future.

In the instance the property was sub-divided there may not be a requirement for the full 40 Megalitre water right currently in place. One option may be to provide a certain allocation (eg; 10 Megalitres) of water to the proposed 'sale lot' through existing underground mains infrastructure. This will provide the 'sale lot' with potential alternative enterprises such as small seed crops, irrigated pasture etc..

Farm Economics

Approximately 85% of the net farm income is generated from the cropping enterprises. The remaining income is derived from the sale of stud sheep and wool.

Of the cropping enterprises, the two key crops namely poppies and small seed provide the bulk of the crop income, whilst the cereals provide excellent rotation options and are suitable for grazing. The proposed change to a smaller farm acreage will have minimal impact on this income. The only enterprise affected would be the livestock enterprise where livestock numbers would need to be reduced commensurate with the available grazing land.

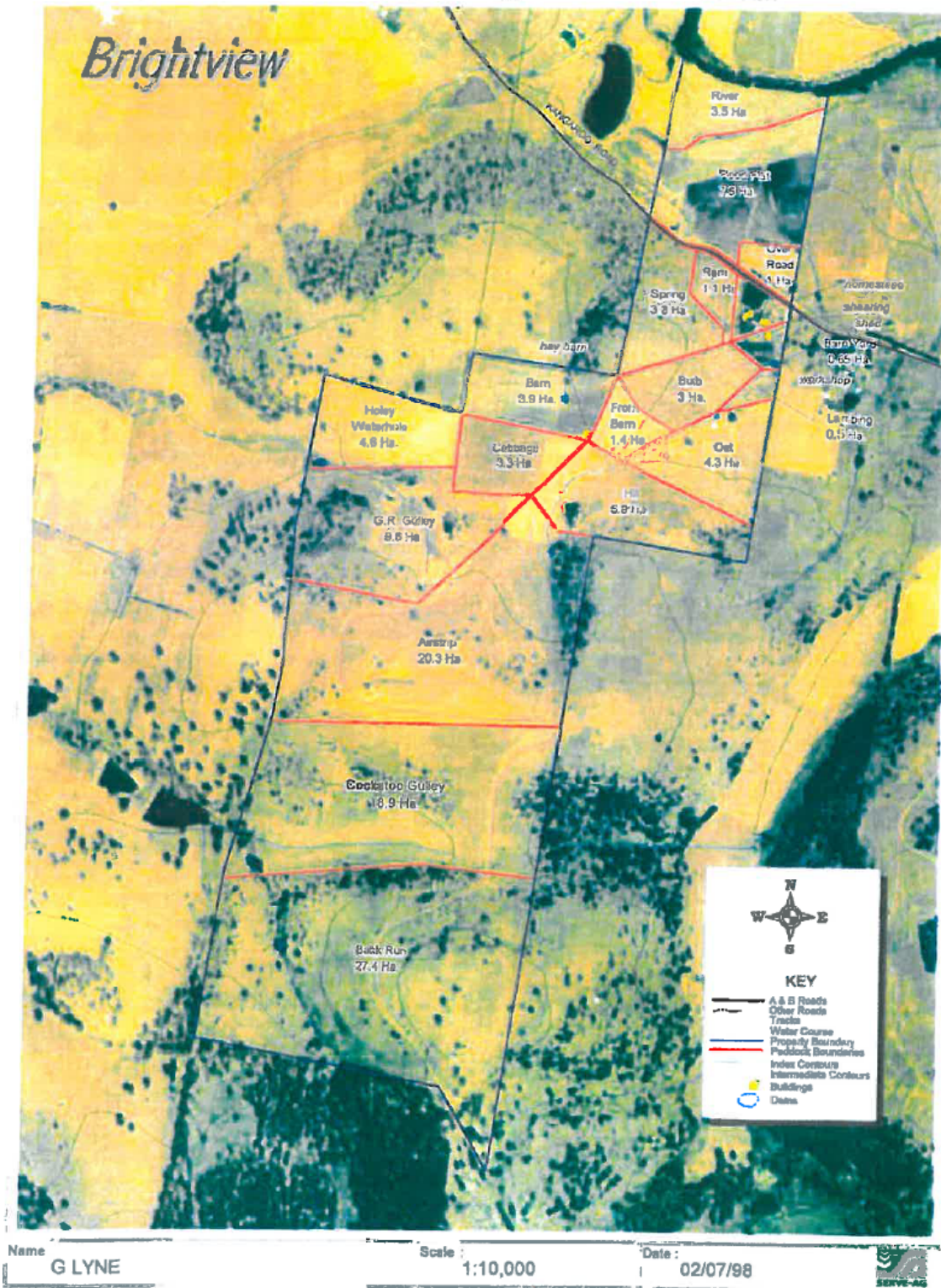
Currently the property owner spends approximately 70% of his time away from the farm as a professional sheep classifier. This contributes significantly to the total derived income and provides a stable and reliable cash flow for the overall business. Due to this commitment away from the farm, the attention particularly to the livestock business has limited it's potential. This has also added weight to the already inappropriate amount of weekend work. In addition, considering that two thirds of the property is suitable for grazing, the current income derived from this area is minimal. Reducing the overall farm acreage will alleviate the workload issue without having a large impact on the existing farm livestock income.

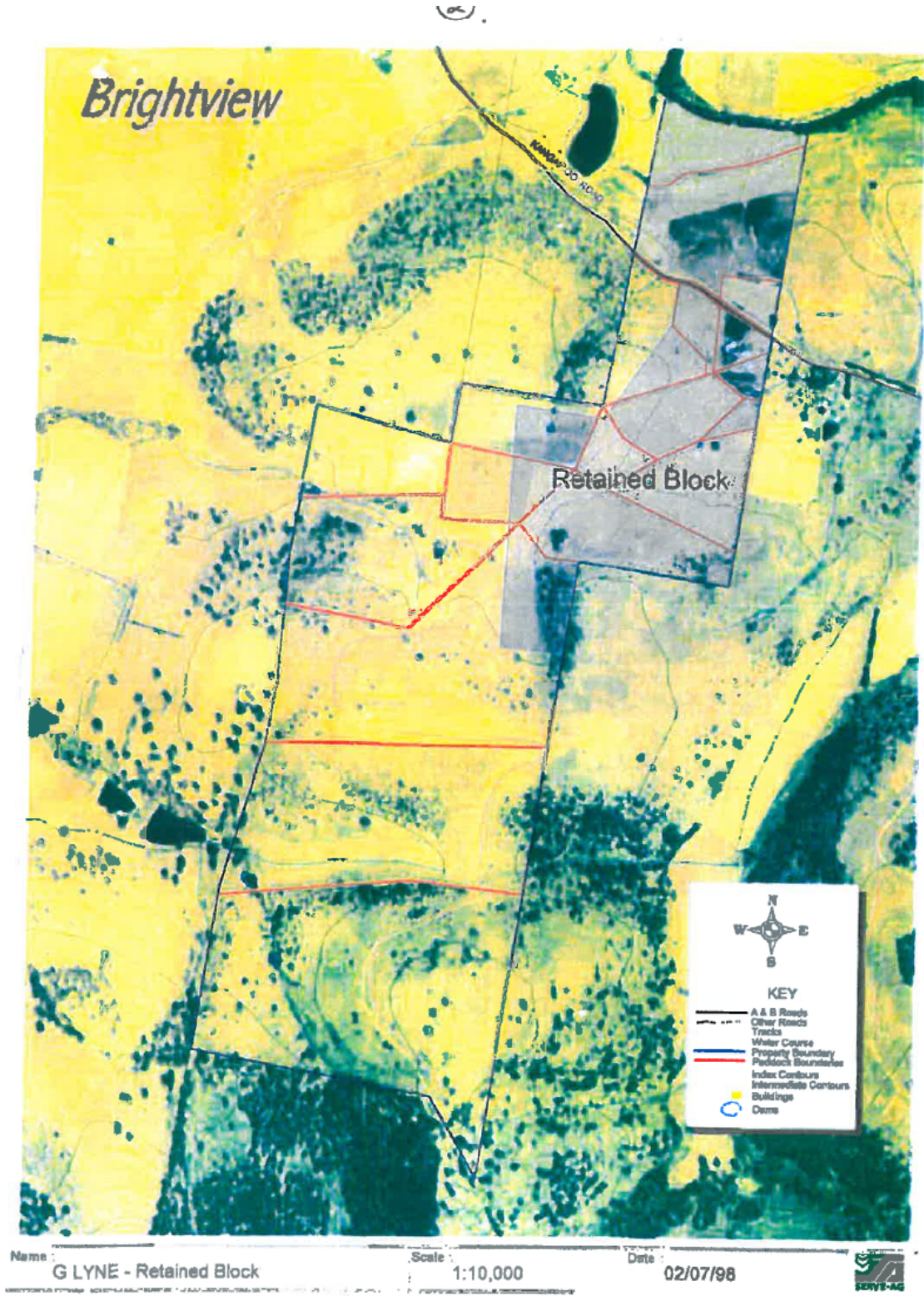
General Comments

The proposed area for retention as a farm business unit consists of the best soils for cropping as there is minimal stone, the soil types are suitable for intensive cropping and there is access to irrigation water (which minimises crop risk substantially). Currently the majority of the farm income is generated from this proposed area which can remain sustainable providing the property owner adopts sound agricultural practices. In light of the existing off farm commitments, reducing available farm area should result in a higher 'attention to detail' to existing and future farm business enterprises.

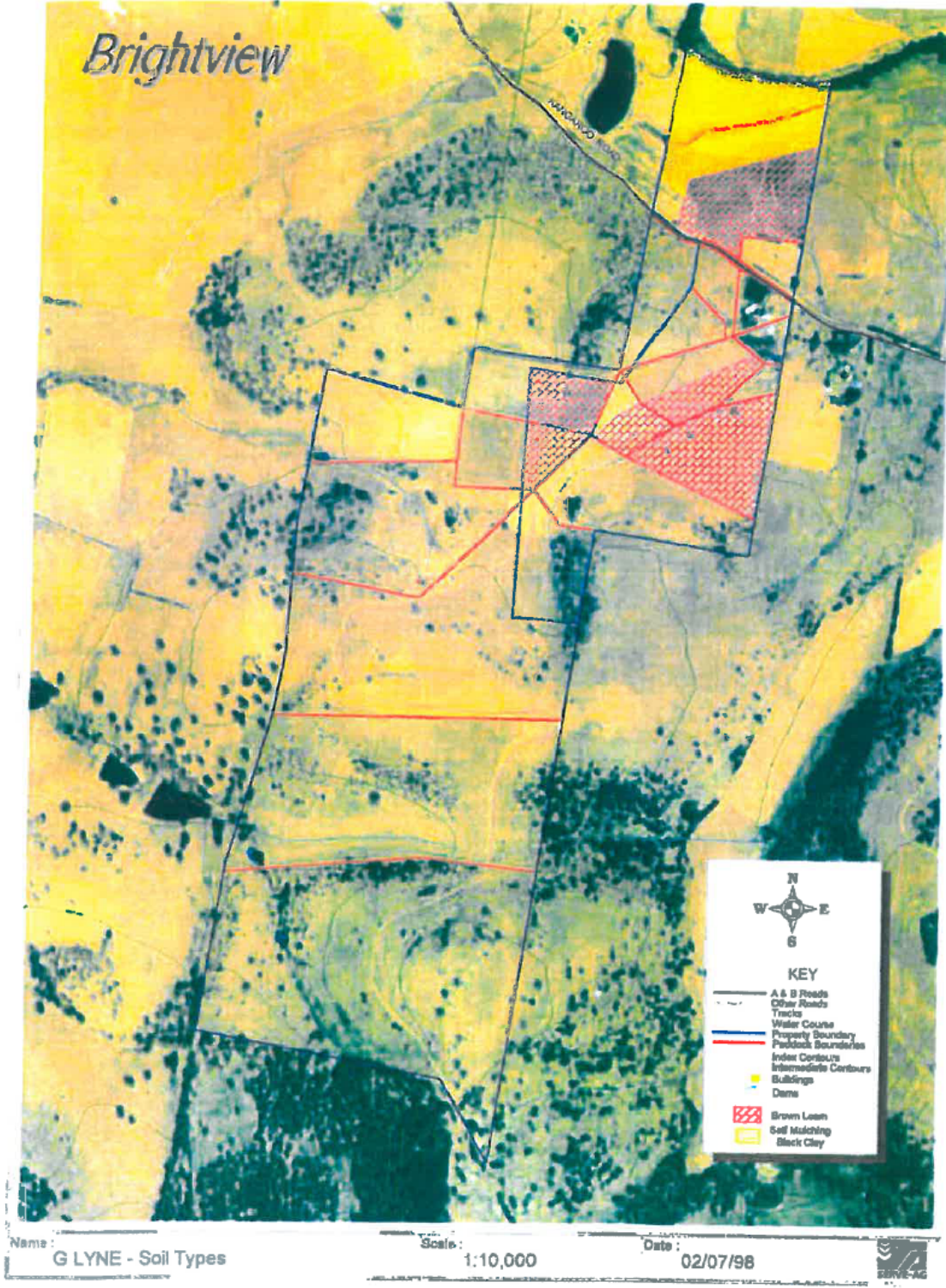
The sale of land will also improve the overall equity of the business, however, it is not the main factor in determining the viability of the business. Focus on sustainable and sound management through intensive farming practices will not only maintain or improve farm viability but will also minimise unnecessary workload pressures.

(1)





③



12.3 MUNICIPAL SEAL (PLANNING AUTHORITY)

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

NIL REPORT.

12.4 PLANNING (OTHER)

Nil.

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

13.1 ROADS

Strategic Plan Reference – Page 13

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

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.

Nil.

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 Improve lighting for pedestrians.
1.4.1b Contestability of energy supply.

Nil.

13.5 SEWERS

Strategic Plan Reference – Page 15

1.5.1 Increase the number of properties that have access to reticulated sewerage services.

Nil.

13.6 WATER

Strategic Plan Reference – Page 15

1.6.1 Increase the number of properties that have access to reticulated water.

Nil.

13.7 IRRIGATION

Strategic Plan Reference – Page 15

1.7.1 Increase access to irrigation water within the municipality.

Nil.

13.8 DRAINAGE

Strategic Plan Reference – Page 16

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

Nil.

13.9 WASTE

Strategic Plan Reference – Page 16

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

Nil.

13.10 INFORMATION, COMMUNICATION TECHNOLOGY

Strategic Plan Reference – Page 16

1.10.1 Improve access to modern communications infrastructure.

Nil.

13.11 SIGNAGE

Strategic Plan Reference – Page 16

1.11.1 Signage that is distinctive, informative, easy to see and easy to understand.

Nil.

13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)

13.12.1 Manager - Works & Technical Services Report

File Ref: 3/075

AUTHOR MANAGER – WORKS & SERVICES (J LYALL)

DATE 19TH SEPTEMBER 2013

ROADS PROGRAM

Maintenance Grading – Lovely Banks Road (includes minor resheeting) and Lemont areas.

Yarlington Road realignment – surveyor engaged to prepare site survey to determine new alignment / distances etc.

BRIDGE PROGRAM

Brown Mountain Road Bridge Replacement - temporary by-pass to be constructed. Engineering assessment to be undertaken in week commencing 23rd September 2013, which includes site testing for installation of temporary bridge.

Swanston Road Bridge replacement – Surveyor engaged to prepare check survey.

WASTE MANAGEMENT PROGRAM

All Waste Transfer Stations are operating with no issues.

TOWN FACILITIES PROGRAM

Footpath - Grange Road, Kempton (right hand side) – works deferred due to weather conditions.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 RESIDENTIAL

Strategic Plan Reference – Page 17

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

Nil.

14.2 TOURISM

Strategic Plan Reference – Page 18

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

Nil.

14.3 BUSINESS

Strategic Plan Reference – Page 19

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.

14.4 INDUSTRY

Strategic Plan Reference – Page 20

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

Nil.

14.5 INTEGRATION

Strategic Plan Reference – Page 21

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

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. |

14.1.1 Heritage Projects program

File Ref: 3/097

AUTHOR MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

DATE 25^h SEPTEMBER 2013

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects

DETAIL

During the past month, Southern Midlands Council heritage projects have included:

- Brad has spent most of the month working for HESC preparing specification and tender documents for conservation work at the Barracks, Willow Court, New Norfolk, in conjunction with HBS staff and contractors.
- Preparation for Development Application for works to the Commissariat and 79 High Street. Basic site clean-up and landscaping has been undertaken.
- Jen is progressing write-ups of the summer archaeology programs 2011-13 and will be presenting a paper on the Southern Midlands archaeology program to the Australasian Society for Historical Archaeology in Parramatta on October 5th.
- Continued liaison with student projects.
- Oatlands Court House amenities block is nearing completion.
- Gaol arch works have been delayed due to stonemason availability – essential completion date is now Nov 30 in order to acquit grant.
- Design work is being undertaken on the Southern Midlands Convict Sites project (booklet and panels at selected sites).

- HESC will be presenting 3 courses in October (Historic Gardens and Landscapes, Burra Charter and Traditional Surface Finishes). Alan Townsend is taking the lead on HESC initiatives for October.

Note that Brad will be on leave 26th September to 28th October. During which time he will be undertaking an internship with the Planning/Heritage/Archaeology Department of Highland Council, Scotland and spending time at the North of England Civic Trust's Heritage Skills Initiative (presenting a guest lecture on Tasmanian Heritage Management).

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

15.2 NATURAL**Strategic Plan Reference – Page 23**

- | | |
|-------|--|
| 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 & Climate Change – General Report*File Ref: 03/082*

AUTHORS NRM PROGRAMS MANAGER (M WEEDING)

DATE 16th SEPTEMBER 2013**ISSUE**

Southern Midlands Landcare Unit and GIS Monthly Report

DETAIL

- Bushlinks 500 project. The Australian Government representative is going to visit the round 1 sites on the 8th October as part of the task of visiting all the Tasmanian funded project sites. An extension for time to deliver the project will now be made to the Aust Govt, as currently the project is to finish June 2014. The extension request is to take the project to June 2015.
- The CEEP (Community Energy Efficiency Program) Project to retrofit the Town Hall is all but complete. The changes have led to a significant improvement in energy efficiency. Please see separate Climate Change – Energy Efficiency report. |
- The Midlands Water Scheme will be undergoing an initial high pressure water testing phase in the next few weeks. Some of the water to be used will be ‘borrowed’ from Lake Dulverton, to be replaced some three to four week later, along with some additional water late in the year. M Weeding has been liaising with Parks And Wildlife and the Lake Dulverton Committee re the proposal to use some lake water. Maria Weeding is also continuing to work with the Parks and Wildlife Service to compile an Operational Plan for the management of the Midlands Water Scheme water for Lake Dulverton.
- Maria and Helen Geard continue the annual maintenance and replacement tree planting on the Lake Dulverton foreshore and Dulverton Walking Track. This includes weed control works. A working bee to clear some of the dead broome plants is planned for Saturday 21st Sept.
- The weed cutter for Lake Dulverton has been ordered and should be here in early October.

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

15.3 CULTURAL

Strategic Plan Reference – Page 23	
3.3.1a	Increase the retention, documentation and accessibility of the aboriginal convict, rural and contemporary culture of the Southern Midlands.
3.3.1b	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 24**

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

15.4.1 Shipping Containers being used as sheds without approvals

AUTHOR PLUMBING INSPECTOR AND COMPLIANCE OFFICER (S MITCHELL)

DATE 30TH AUGUST 2013

ATTACHMENTS 1. Building Certificate *Regulation No. 49* (Building Regulations 2004)

ISSUE

Council to consider the following report which has been prepared following a request to consider options for the imposition of fees (and/or a rebate system) to encourage compliance with respect to shipping containers.

BACKGROUND

The following is an extract from a report that was provided to the August 2013 Council Meeting, including decision:

This report is provided for general information and to enable Councillors to have a greater understanding of Council's legal obligations in respect of shipping containers used as sheds. It is envisaged that ratepayers may take the opportunity to contact their elected representatives in relation to this matter following a visit from a Council Officer and therefore this information pre-arms Elected Members with the facts.

Shipping containers are required to have Council approval for their use as a shed under the *Building Act 2000* and the *Land Use Planning and Approvals Act 1993*.

Shipping Containers are classified as buildings under the *Building Act 2000*. Council Officers are required to act in accordance with this legislation and must respond appropriately when presented with a proposal to place a shipping container on land or when a shipping container has been placed on land without obtaining the appropriate approvals first.

Un-approved shipping containers require Council's attention for many reasons:

- Council is required to enforce the relevant building and planning legislation.
- Land-owners and users are potentially at risk of action by Council or other land-owners for un-approved building works.
- Land-owners are faced with difficulty and complications during the sale of land if there is un-approved building on site.

- Un-approved containers present a high risk to land-users (especially children) as they are not designed or intended to be used as a permanent shed. They have not been certified or approved as safe buildings in accordance with the Building Code of Australia.
- Land use and development must be in accordance with the Planning Scheme and the standards of the relevant zone. This relates to the siting of the building and quite possibly its aesthetic appearance in the townships. Buildings must not be constructed over service easements or pose a risk or threat to other land users.

It has become apparent that property owners are using shipping containers as sheds on their land without obtaining Council approvals first.

Council Officers have been enforcing this matter when it is brought to their attention.

The reaction from the people who are the recipients of this action have all said ‘well why are you picking on me and what about everybody else who have these containers?’ and my response is always ‘I will get to everybody else eventually’.

The fact that these questions are being asked by members of the public confirms to Council Officers that many people are either unaware that they require Council Approval or they are assuming that Council is not enforcing the matter.

PROPOSAL or SOLUTION

The issue is finding a way to deal with these un-approved buildings in a fair and equitable manner acknowledging the fact that some land-owners may be unaware or have been misinformed about the requirements for the use of a shipping container on their land.

The proposal is that Council officers actively engage in a program of search and seek out these containers and process them accordingly. This is opposed to the ad hoc approach of waiting for them to come to us.

It is proposed that the program start with the towns first and then move into the country areas. This is considered to be the most logistically practical approach. It is envisioned that once Council begin this program that the community will become better informed of their obligations to seek approval from Council first.

It is intended that the deliberate actions of Council Officers to better enforce the relevant legislation will not only give land owners a legal position on the rights and use of these containers but tidy them up aesthetically especially in the towns where they may need painting or works or even relocation.

Councillors should also be aware there are some exemptions for the use of shipping containers where they are associated with an approved use of the land (i.e transport depot, storage yard or where they are used in association with the shipping goods) or where written approval from Council has been sought for the use of the container during building of an approved dwelling.

CONCLUSION

This report is provided to Councillors of Council's legal obligations to act on shipping containers placed on land without Council approval. Officers must act in accordance with the *Building Act 2000* and the *Land Use Planning and Approvals Act 1993*.

The issues and potential risks to Council and landowners have been detailed in this report to explain and justify the necessity for Council Officers to carry-out a deliberate approach to enforcing building compliance and explain some of the rationale behind the relevant laws.

It is recognised that some members of the community may be unaware of their obligations under the Building and Planning Acts and therefore this item is placed on the Council Agenda to best inform the Councillors and to inform the community.

RECCOMENDATION**THAT**

1. **The information be received and noted; and**
2. **An article be prepared for the Southern Midlands News as well as the next Council newsletter to provide an understanding in the Community of the requirements in respect of shipping containers used as sheds.**

C/13/08/070/19435 DECISION

Moved by Deputy Mayor M Jones OAM, seconded by Clr A O Green

THAT:

- a) **The information be received and noted;**
- b) **A further report be prepared for the next meeting which considers 'fee-related' options (if any) to encourage appropriate and timely actions; and**
- c) **Following consideration of the above report, an article be prepared for both the Southern Midlands News and Council Newsletter to provide an understanding in the community of the requirements in respect of shipping containers used as sheds.**

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr C J Beven	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr A O Green	
√	Clr J L Jones OAM	

FURTHER INFORMATION

During discussion of the report presented to the August 2013 Council meeting, Councillor's requested more information and in particular , asked that consideration be given to the fees which are required to be paid by the applicant. It was questioned whether the fees could be reduced or some incentive provided so as not to be too much of an impost to the applicant, mainly where there has been a long term use of former shipping containers as sheds.

This issue is something that all Councils are trying to trying to come to terms with as the use of ex shipping containers as sheds is becoming increasingly popular, and more so in recent years.

FINES FOR ILLEGAL BUILDING WORKS

Elected members should be aware that illegal building works can attract large fines from Council. A fine for building work without obtaining Council Approval can be an immediate fine of up to \$520.00. If the matter cannot be resolved this fine can escalate to as much as \$13,000.00. This scenario is highly unlikely as most compliance matters can be resolved amicably.

If somebody is issued with an infringement notice (i.e. the immediate fine of \$520.00) they must also make application to have the works approved and pay the applicable fees. This is in addition to the fine. Non-compliance can be a costly exercise to Council and the property owner. However a fine is not always issued.

COST TO COUNCIL

Building Compliance matters can be costly for Council. In most cases the Officer's time is absorbed by Council in dealing with non-compliance matters. The cost-recovery mechanism is generally through the application fees.

As mentioned above, Council could choose to fine landowners up front. But in order to encourage the landowner to work with Council and make the appropriate application, a fine does not always achieve the desired outcome and may even deter people from contacting Council. A better outcome is that the landowner uses their money in seeking the right approvals rather than paying fines to Council. A large fine could potentially make paying for approval fees more difficult depending on circumstances.

The philosophical view of the Development & Environmental Services business unit is that we always want to work with landowners to address the issues in rectifying illegal building works.

FEE STRUCTURE

The State Government through its legislative frameworks require Council to administer the controlling mechanisms for the building of all structures, planning, building and plumbing. It is reasonable that Council's fee structure should enable it to be on a reasonable cost recovery basis.

The following is the fee structures for a normal application for a shed or an ex shipping container up to the size of 50sqm floor area and over 50sqm floor area;

Fee Item	Container/Shed up to 50sqm	Container/Shed over 50sqm
Planning Application	\$150	\$150
Building Application	\$260	\$260
Plumbing Application	\$180	\$180
Building Surveying	\$445.50 GST inc	\$555.50 GST incl.
TOTAL	\$1035.50	\$1145.50

The cost will increase for both if the application is a discretionary application (requiring public notification) under the Southern Midlands Planning Scheme 1998.

The price of a standard "colour bond" shed 6m x 6m starts at \$5,000.00. This is shed only, without the construction and not including the cost of the concrete slab. This is another \$3,500.00 minimum bringing the cost to \$8,500 minimum (plus construction) so logically as the shed gets larger so does the cost.

The fee for a new shed is seen as reasonable compared to the total cost of construction.

The Building Surveying component as shown in the table above is if Council is contracted to undertake the assessment and the provision of a Certificate of Likely Compliance. If the Building Surveying role is undertaken by a private Building Surveyor then this component could cost more (this primarily, inter alia is brought about because of the considerably reduced travel time for site inspections and the like, where Council has offices in our local government area rather than in the middle of the City), the choice is up to the owner/applicant as to whom they choose.

PROPOSAL or SOLUTION

As a preamble to suggesting a solution to this matter, the fee structure has been looked at and carefully considered. As Councillors would understand, we must be competitive and consistent with the private sector as well as other Councils. Southern Midlands Council service delivery must be at least on a cost recovery basis and not demonstrate any anticompetitive elements.

If the land owner no longer wishes to retain the ex shipping container, then a 30 day period can be given for the owner to arrange for the removal. If after this 30 day period the offending structure has not been removed and the owner has not provided a satisfactory reason, an Infringement Notice will be issued.

CONTAINERS IN TOWNSHIPS - REQUIREMENTS AND FEE STRUCTURE

For the containers that are in the townships and wish to be kept by the land owner then they will need to have all the approvals by Council which include planning building and plumbing approvals.

The planning approval will differ depending on what Zone they fall under, the boundary setbacks, etc. If the application requires advertising the fee required is \$250.00.

Proposed Fee Structure

Application	Permitted Use	Discretionary Use
Planning Application	\$150.00	\$400.00
Building Application	\$260.00	\$260.00
Plumbing Application	\$180.00	\$180.00
Building Surveying (GST inc)	\$445.50	\$445.50
TOTAL	\$1,035.50	\$1,285.50

It is suggested that a rebate be offered as an incentive for property owners to come forward and make application to give these structures a legal standing for their use and permanency. The rebate period will be on offer for 3 months, the rebate may be say \$100 and after this period expires no rebate offered but the fee is still reasonable. No Infringement Notices or fines will be issued during this 3 month rebate period.

CONTAINERS IN THE COUNTRY - REQUIREMENTS AND FEE STRUCTURE

For the containers that are in the country areas (Rural Zones) a slightly different approach can be taken and not all the approvals may be required, for example planning and plumbing and building may be exempt/not applicable and the building surveying service can be done under a different aspect of the Building Act 2000.

Containers would have been purchased by the land owners for a specific use/purpose in mind usually a storage facility with the added benefit of being lockable; they have been purchased considerably cheaper than a proprietary made shed which is why they are becoming popular as sheds. The containers, however long they have been in use on an ‘out of town property’ could be processed by issuing a Building Certificate * with the proviso of some conditions being met prior to the issue of the Certificate.

***What is a Building Certificate?**

A Building Certificate is an alternative way to acknowledge the existence of a structure but does except any responsibility for the un-approved works in certain circumstances. (see attachment)

The conditions would be, but not necessarily limited to the following, but these are seen as the most important;

- Hold down by way of 4 concrete piers (minimum) connected to container (welded to the container and welded to appropriately sized steel member which is encased by the concrete footing);
- More ventilation required than is already provided on the container. (minimum of 0.3sqm on each side);
- A mechanism of fastening the door open when in use; and
- Painted a colour that blends into the local environment

The Proposed Fee Structure

Services	Permitted Use	Discretionary Use
Planning		\$400.00
Building Certificate prepared and signed by the General Manager	\$200.00	\$200.00
Building Surveyor assessment and preparing documents for G/M (GST inc)	\$132.00	\$132.00
Allowance of 2 x inspections(GST inc)	\$242.00	\$242.00
TOTAL	\$574.00	\$974.00

This fee structure applies for a single or multiple number of containers on a property as long as they are only single storey (not stacked on top of each other) and do not have other buildings attached that may require more assessment or it places them in another class of building. Councillors should consider a maximum number of containers in their deliberations to draw a distinction between storing containers and the use of the containers. The storing of containers would be a set use under the Southern Midlands Planning Scheme and not fall within the scope of this report.

It is proposed that this be a fixed fee across the board with most in the county area (Rural Zones) not requiring a planning permit or the need to advertise for a discretionary permit given that boundary setbacks would not normally be an issue on larger land holdings.

It is suggested that a rebate be offered as an incentive for property owners to come forward and make application to give these structures a legal perspective for their use and permanency and the rebate period will be on offer for 3 months, the rebate may be say \$100 and after this period expires no rebate offered but the fee is still reasonable. No Infringement Notices or fines will be issued during this 3 month rebate period.

CONCLUSION

It is considered that this is a fair and equitable outcome for all parties concerned and brings into control the use of ex shipping containers being utilised as sheds/storage on properties in the Southern Midlands local government area.

RECCOMENDATION

THAT:

- A. The information be received;**
- B. That Council endorse the proposed fee structure; and**
- C. Following consideration of the above report, an article be prepared for both the Southern Midlands News and Council Newsletter to provide an understanding in the community of the requirements in respect of shipping containers used as sheds.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

BUILDING REGULATIONS 2004 - REG 49

PART 8 - Miscellaneous 49. Building certificates

(1) An application for a building certificate is to be in an approved form.

(2) As soon as practicable after receiving an application for a building certificate, the general manager is to determine if he or she is entitled to do any of the following acts in respect of the building:

(a) issue an emergency order;

(b) issue a building notice;

(c) serve a building order;

(d) issue a plumbing notice;

(e) serve a plumbing order;

(f) issue a fire upgrade notice;

(g) serve a building order relating to a fire hazard;

(h) any other act under the Act.

(3) The general manager is to grant a building certificate in respect of a building if satisfied that –

(a) he or she is not entitled to do any of the acts referred to in subregulation (2); or

(b) he or she is entitled to do any such act but does not intend to do so and gives reasons for not doing so.

(4) A building certificate granted under subregulation (3) is to be in an approved form.

(5) If a building certificate is granted in respect of a building, no act referred to in subregulation (2) may be taken by the general manager –

(a) in relation to a matter which existed or occurred before the date on which the certificate was granted; or

(b) within 7 years after that date in relation to the deterioration of the building caused by reasonable wear and tear.

(6) If the general manager refuses to grant a building certificate, the general manager, by written notice, is to advise the person who applied for the certificate of –

(a) the refusal and the reason for that refusal; and

(b) any action required to enable the general manager to grant a building certificate in respect of the building.

(7) A refusal to grant a building certificate is to be in an approved form.

15.5 CLIMATE CHANGE**Strategic Plan Reference – Page 24**

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

15.5.1 Climate Change – General Report

AUTHOR: CLIMATE CHANGE & GIS PROJECT MANAGER – (G GREEN)

DATE: 18TH SEPTEMBER 2013

ISSUE

Progress Report on energy efficiency actions for Council buildings and facilities – specific to Action 3.2 in Council’s Climate Change Action Plan.

BACKGROUND

Southern Midlands Council’s Climate Change Action Plan was updated in June 2012. The Action Plan covers the following elements:

- Energy auditing (tracking electricity and fuel usage, and associated emissions, across all council functions on a quarterly basis).
- Energy efficiency (using data collected in energy auditing to guide actions that can effectively reduce energy usage and fuel consumption).
- Waste management – approaches to dealing with green waste (which generates the potent greenhouse gas methane if left unmanaged) collected at waste disposal sites and transfer stations.
- Natural resource management e.g. tree planting (for capture and storage of carbon in trees) and regenerative agriculture (to promote capture and storage of carbon in soils).
- Community programs such as energy efficiency advice and information sessions.

This report provides an update of progress made with Action 3.2 from the Action Plan which reads as follows:

ACTION	PROGRESS	RESOURCING	COLLABORATORS	TIMEFRAME
3.2 Energy usage tracking (electricity and fuel) to gauge performance, build upon the database of energy consumption, to track trends, and to establish appropriate and cost-effective ways to reduce energy consumption.	Quarterly reporting and review since 2008, with data back to 2005.	Internal	Planet Footprint	Current & ongoing

Detail - Electricity

Southern Midlands Council continued its solid progress with energy efficiency in 2012/13 cutting energy consumption by 6%, the same amount as the previous year. Energy usage and costs for Council's major facilities is provided in Table 1. Together with the fall in consumption of 6%, total cost for electricity (\$111,200) fell by 2.5% from the previous year. Had Council maintained electricity consumption at the same level as the previous year, the annual electricity bill would have cost Council \$7200 more than it did. Council has now avoided \$14,200 in electricity costs over the last 2 years due to efficiency improvement initiatives.

Table 1: SMC energy usage and costs for 2012/13

Site	Energy Use (kilowatt hours)				Energy Cost			
	2012/13	2011/12	2010/11	Difference between 2011/12 and 2012/13	2012/13	2011/12	2010/11	Difference between 2011/12 and 2012/13
Swimming Pool	121,775	118,670	158,854	+3%	\$15,016	\$12,850	\$13,510	+17%
Oatlands Offices	55,173	59,352	66,087	-7%	\$13,014	\$12,900	\$14,150	+1%
Tourism Centre	55,209	53,505	32,640	+3%	\$14,457	\$13,132	\$7,430	+10%
Kempton Offices	30,399	34,050	36,950	-11%	\$7,546	\$8,241	\$8,060	-8.5%
Oatlands Gaolhouse	20,052	27,060		-25%	\$5,531	\$7,035		-21%
Roche Hall	7,281	19,919		-63%	\$2,122	\$4,794		-56%
Whole Organisation	461,211	491,111	521,944	-6%	\$111,200	\$114,000	\$103,000	-2.5%

The best performing sites for the last financial year were:

- Roche Hall 63% reduction
- Oatlands gaolhouse 25% reduction
- Kempton Offices 11% reduction
- Oatlands Offices 7% reduction

Improvements in energy efficiency at both the Oatlands and Kempton offices were attributable to:

- the energy efficiency retrofit to the council chambers at Oatlands;
- improved awareness by staff on energy efficiency matters; and
- an incentive offered to staff by management to improve performance.

Continuing improvement in energy efficiency performance is an aspiration for the current year, with work to be investigated or conducted in the following areas:

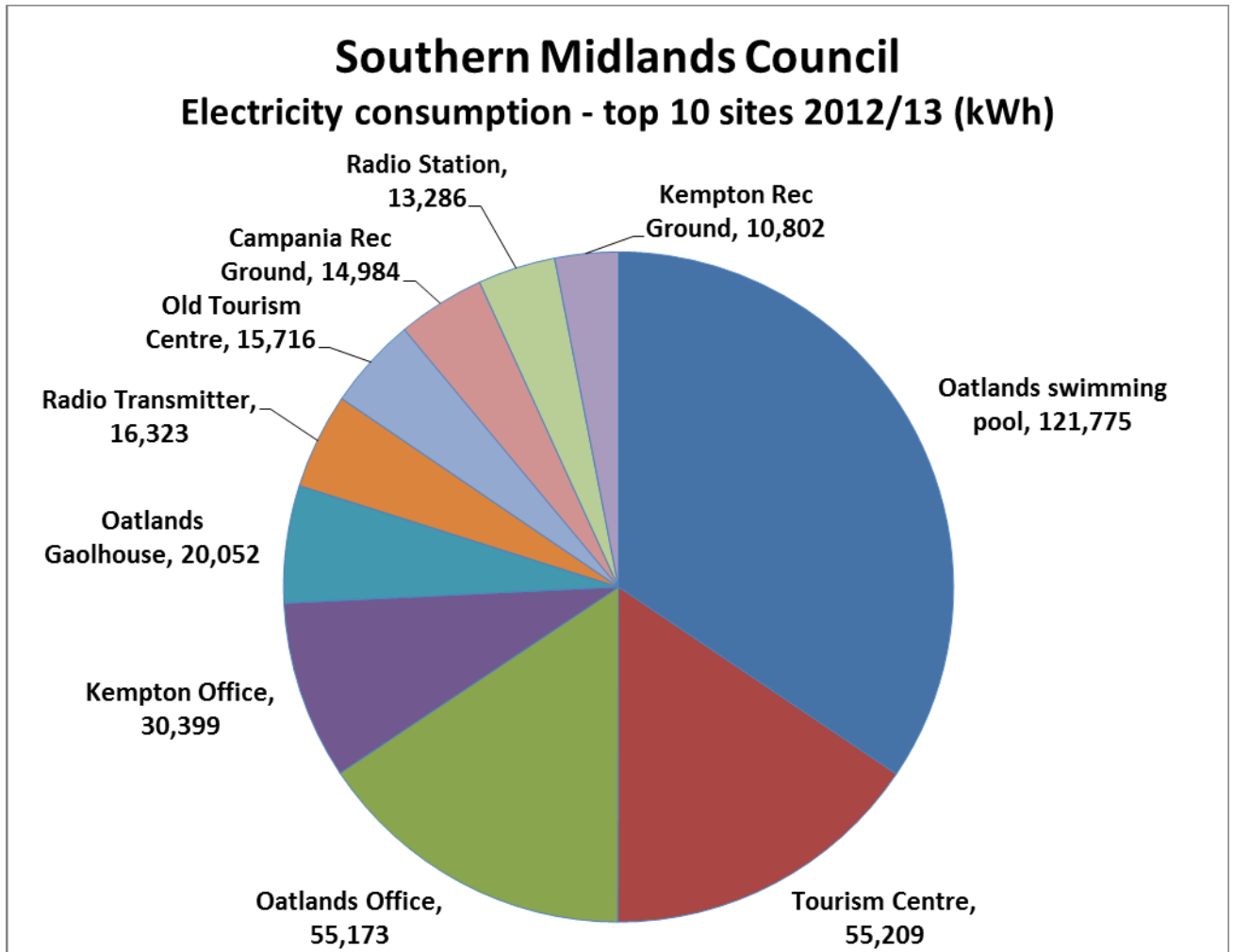
- Energy efficiency auditing (by Dr John Todd) has been undertaken for the Oatlands Gaolhouse and the Central Tasmanian Tourism Centre. This work has offer a range of potential solutions to reducing energy consumption at these sites.
- There will be financial case prepared for the upgrade of lighting in council offices to LED lighting.

- Australian Government funding for upgrade of hot water systems (to heat pump and solar systems) is also likely to improve energy efficiency performance. Facilities at Kempton, Oatlands and Campania Recreation Grounds are in the process of being upgraded.

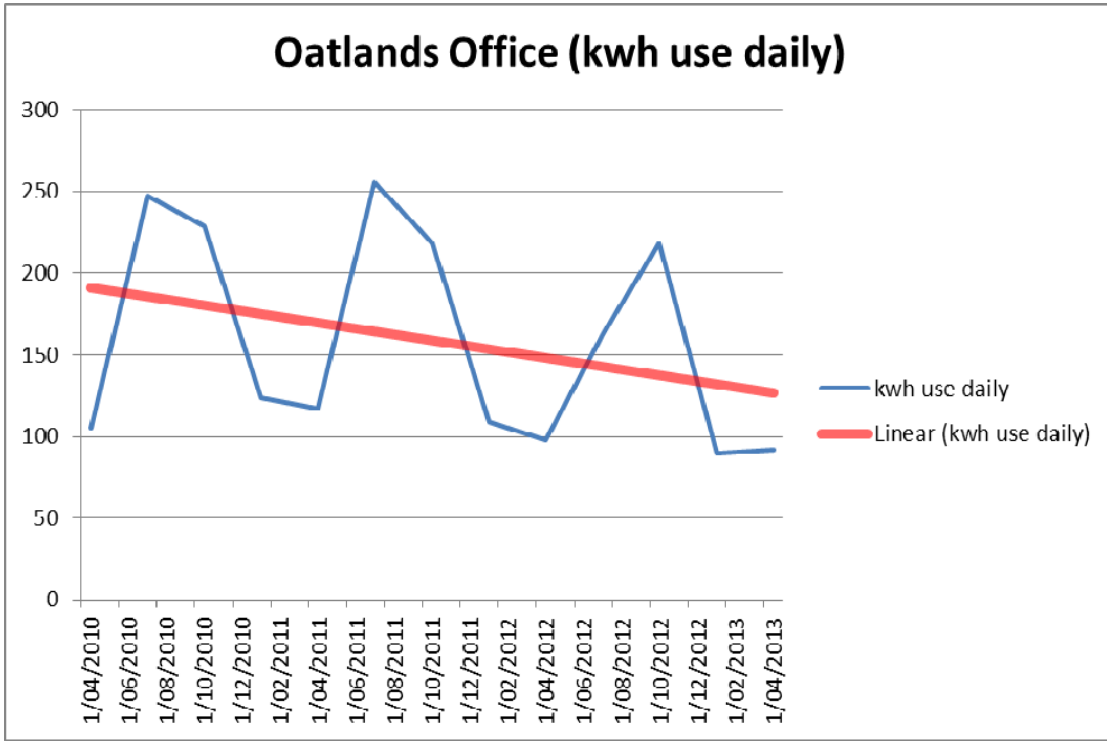
The energy efficiency retrofit to the Town Hall at Oatlands is now largely complete. This work was funded by a grant received from the Australian Government's Community Energy efficiency Program (CEEP) (\$27,000), together with a contribution of \$15,000 from Council. Increased energy efficiency performance is expected in the current financial year due to the actions under this project which have included:

- Replacement of 2000 W fan heaters with 160W 'thermofilm' under-desk personal heaters - 5 units.
- Rebuild front foyer - add comfort plus laminate glass, restore & seal double doors, and insulate ceiling with R4.1 batts.
- Public access point 2 – Stutzer Street side entry foyer - air-lock installed with new doors and 'closer' to restrict cold air entry to building.
- Double-glazed poly glass ceiling built & installed in the vaulted ceiling of the Works & Technical Services Section.
- Air leaks in all opening window sashes of Town Hall sealed. All fireplaces sealed.
- Roof of Works & Technical Services Section removed, R4.1 batts and sarking installed, iron reinstated.
- Double-glazed skylight unit built & installed in council's 'print room'.
- Perspex units retro-fitted to internal side of windows in offices and meeting rooms - for a 'double-glazed' effect.
- Sensor-operated lighting installed at appropriate locations (toilets and kitchen).

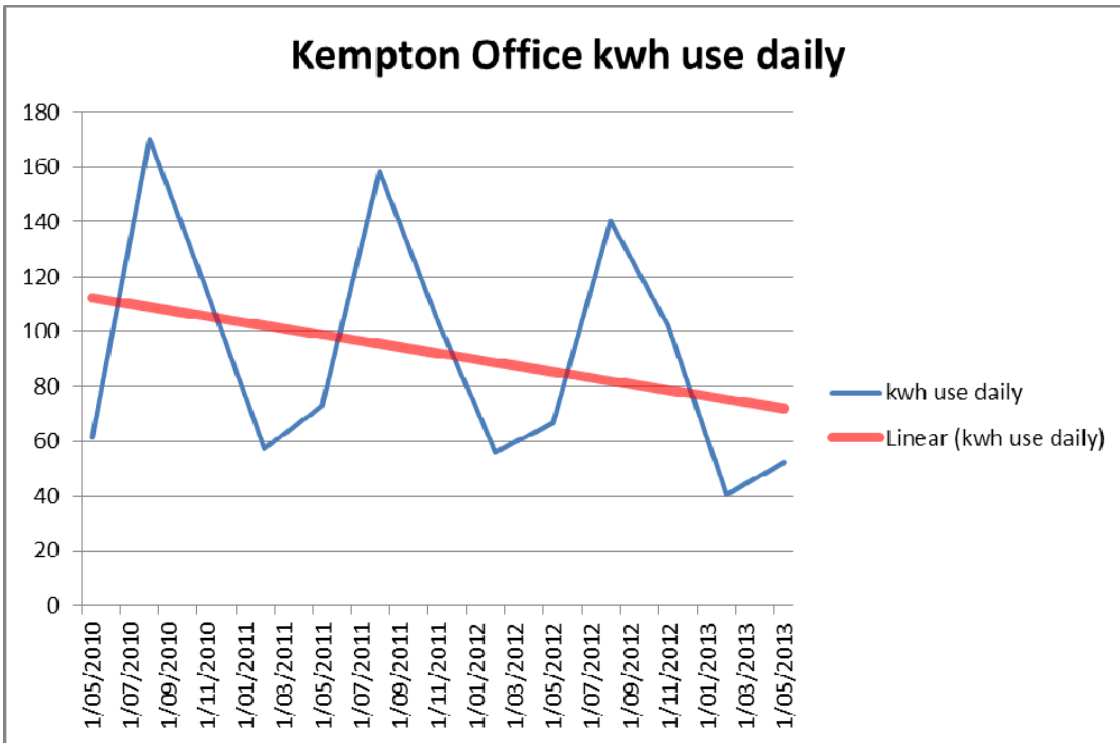
Top 10 Council sites in relation to energy consumption



Energy efficiency performance Oatlands offices (last 3 years)



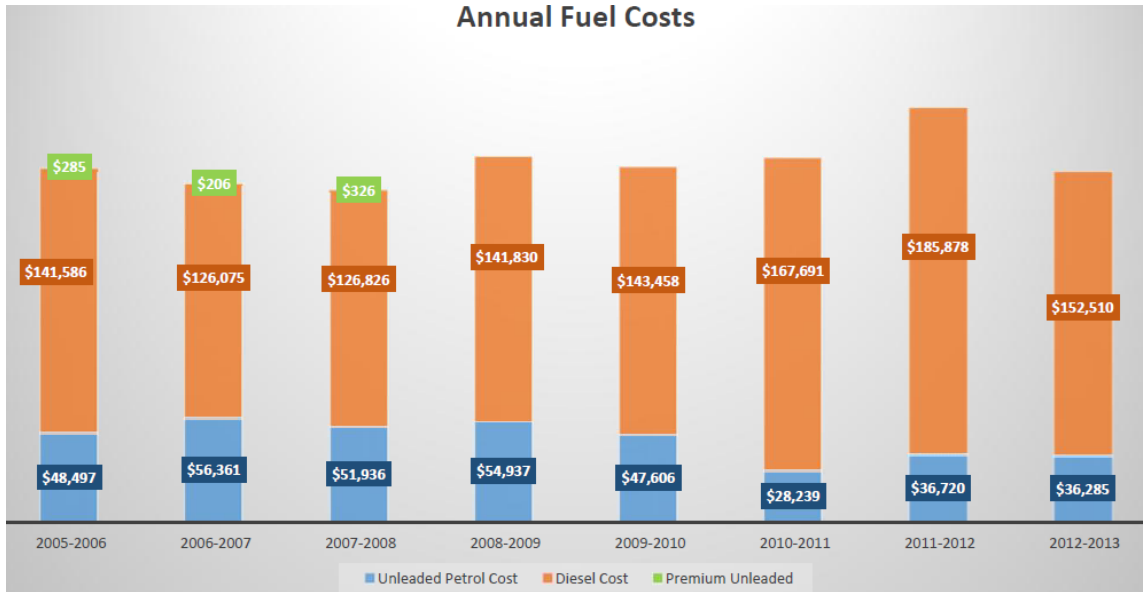
Energy efficiency performance Kempton offices (last 3 years)



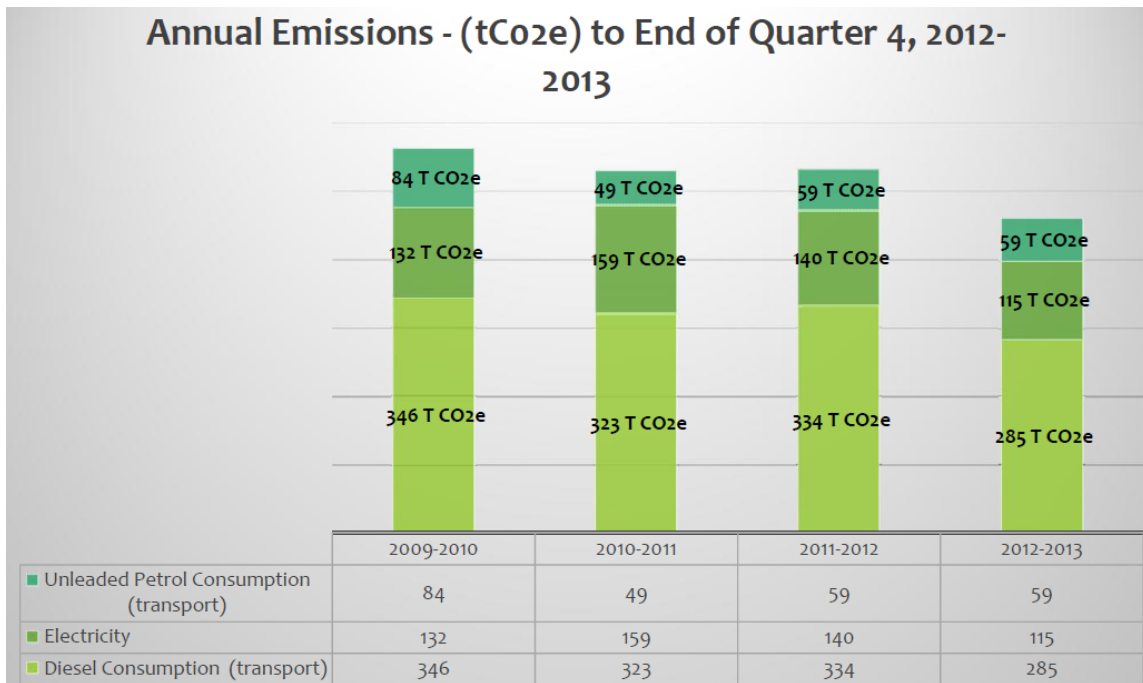
Detail – Fuel and emissions

Council performed positively in the last financial year in relation to fuel consumption and costs, as well as emissions – refer to the following two charts.

Fuel consumption and costs at Council since 2005



Annual emissions from Council’s activities since 2009



Human Resources & Financial Implications

Human resources

Management of Council’s approach to energy efficiency is undertaken by the Project Manager as part of existing duties (climate change, energy efficiency, vegetation and biodiversity management)(0.5 FTE).

Financial implications

Council contributes approximately \$2,500 annually towards auditing of electricity usage, fuel usage and greenhouse gas emissions (conducted for Tasmanian Councils by Planet Footprint). Grant income from the CEEP will amount to \$18,706 in the past financial year which covered materials for the Town hall refit, and a contribution to wages and administrative costs.

Community Consultation & Public Relations Implications

Community consultation - Not applicable

Public relations

There are potential positive public relations outcomes from Councils efforts in energy efficiency.

Web site implications - Not applicable

Policy Implications

At this stage Council does not have a formal policy on electricity efficiency measures, but has a fuel efficiency policy.

Priority – Implementation Timeframe - Not applicable

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

16 OPERATIONAL MATTERS ARISING LIFESTYLE

16.1 COMMUNITY HEALTH AND WELLBEING

Strategic Plan Reference – Page 25

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

Nil.

16.2 YOUTH

Strategic Plan Reference – Page 25

4.2.1 Increase the retention of young people in the municipality.

Nil.

16.3 SENIORS

Strategic Plan Reference – Page 26

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

Nil.

16.4 CHILDREN AND FAMILIES

Strategic Plan Reference – Page 26

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 26

4.5.1 Encourage community members to volunteer.

16.5.1 PROPOSED SOUTHERN MIDLANDS COUNCIL POLICY - VOLUNTEERS

AUTHOR MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (A BENSON)

DATE 19TH SEPTEMBER 2013

ENCLOSURES The following enclosures were included with the report to the last Council meeting and have not been included with this report

- A. Draft Volunteer Policy
- B. SMC Volunteer Supervisor’s Handbook
- C. Volunteer Induction Handbook
- D. Volunteer WH&S and Risk Management Handbook

ISSUE

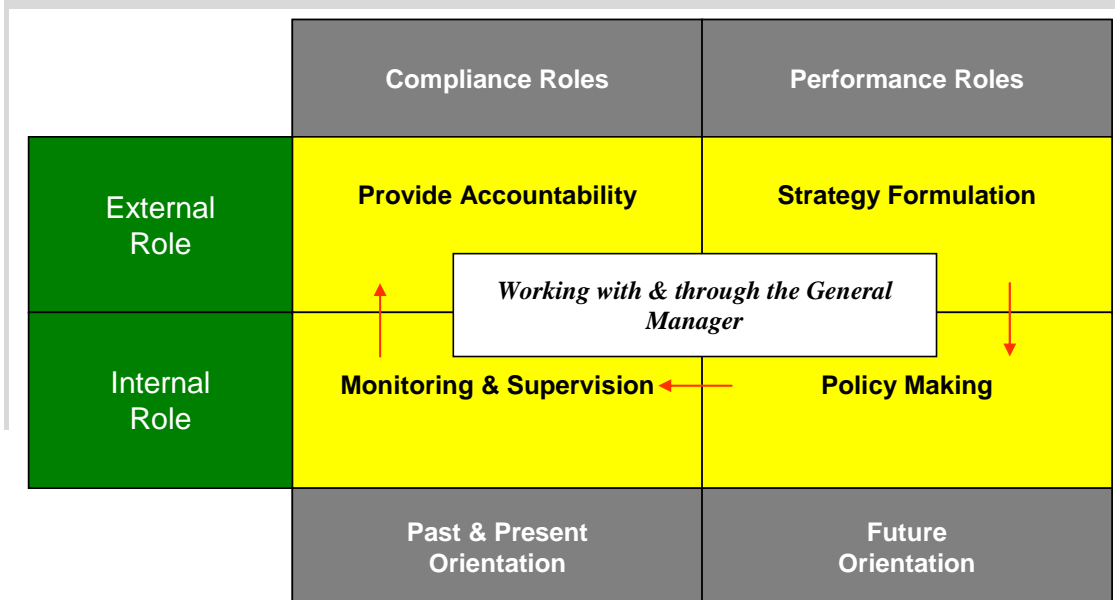
Consideration of a Volunteer Policy and associated documents

BACKGROUND

This matter was the subject of a report to the August 2013 Council meeting, namely

FRAMEWORK FOR ANALYSING COUNCIL’S GOVERNANCE FUNCTION

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



This framework has been drawn from Professor Robert Tricker's work on International Governance, where he developed the model in the figure above which clarifies the twin responsibilities of conformance and performance Tricker, R., International Corporate Governance: Text Readings and Cases, New York: Prentice Hall, 1994, p.149.

DETAIL

Having a volunteer policy provides a foundation for Council's volunteering programs. It sets out how Council will involve volunteers in a range of roles and functions across the local government spectrum, whilst ensuring Council and its officers understand their duty of care to the Volunteers.

This policy and its associated documents assist in:

- Clarifying volunteer roles and responsibilities
- Establishing values, beliefs and direction for volunteer involvement
- Ensuring continuity over time and from staff to staff
- Formalises current practice.

This document underpins volunteer management in Council by articulating

- How Council and its officers involve volunteers in the organisation's operations
- How Council protects Volunteer rights
- Who is responsible for managing volunteers
- The benefits of involving volunteers.

RECOMMENDATION

That Council

- 1 Receive and note the report;**
- 2 Receive the draft Volunteer Policy for consideration at the September 2013 Council meeting;**
- 3. Receive and note the SMC Volunteer Supervisor's Handbook**
- 4. Receive and note the Volunteer Induction Handbook**
- 5. Receive and note the Volunteer WH&S and Risk Management Handbook**

C/13/08/074/19436 DECISION

Moved by Clr J L Jones OAM, seconded by Deputy Mayor M Jones OAM

THAT Council

1. Receive and note the report;
2. Receive the draft Volunteer Policy for consideration at the September 2013 Council meeting;
3. Receive and note the SMC Volunteer Supervisor’s Handbook
4. Receive and note the Volunteer Induction Handbook
5. Receive and note the Volunteer WH&S and Risk Management Handbook

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr C J Beven	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr A O Green	
√	Clr J L Jones OAM	

The draft Southern Midlands Volunteer Policy, along with accompanying documents; the draft SMC Volunteer Supervisor’s Handbook, draft Volunteer Induction Handbook and the draft Volunteer WH&S and Risk Management Handbook were tabled at the August 2013 Council meeting for Council’s consideration. As Councillors are aware, the process for any policy document is, that it is tabled at one meeting and then “lays on the table” until the next meeting, to enable Councillors sufficient time to work through and consider all of the ramifications of the strategy/policy, before the document is finally considered for adoption at the following meeting.

Minor modifications have been made to the documents based on the feedback from the last meeting.

RECOMMENDATION

THAT Council

- 1. Receive and note the report;**
- 2. Adopt the SMC Volunteer Policy;**
- 3. Adopt the SMC Volunteer Supervisor’s Handbook;**
- 4. Adopt the SMC Volunteer Induction Handbook; and**
- 5. Adopt the SMC Volunteer WH&S and Risk Management Handbook.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

16.6 ACCESS

Strategic Plan Reference – Page 27	
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.

Nil.

16.7 PUBLIC HEALTH

Strategic Plan Reference – Page 27	
4.7.1	Monitor and maintain a safe and healthy public environment.

Nil.

16.8 RECREATION

Strategic Plan Reference – Page 28

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

16.8.1 Mangalore Recreation Ground – Declared Training Area for Dogs

AUTHOR MANAGER, COMMUNITY & CORPORATE
DEVELOPMENT (A BENSON)

DATE 19TH SEPTEMBER 2013

ISSUE

Council support for the Mangalore Recreation Ground being declared as a “Training Area” under s21 Dog Control Act 2000

BACKGROUND

This matter was the subject of a report to the August 2013 Council meeting, namely

In respect to Item 2, dogs in a Declared Area

[EXTRACT]

Dog Control Act 2000

Division 2 - Declared areas

20. Exercise areas

A council may declare an area to be an area where dogs may be exercised subject to any specified conditions.

21. Training areas

A council may declare an area to be an area where dogs may be trained subject to any specified conditions.

22. Prohibited areas

(1) A council may declare an area containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.

(2) A person must not take a dog that is not a guide dog or a hearing dog into a prohibited area.

Penalty: Fine not exceeding 10 penalty units.

23. Restricted areas

(1) A council may declare an area to be an area where dogs, other than guide dogs or hearing dogs, are restricted from entering –

(a) during specified hours, days or seasons; or

(b) during specified hours, days or seasons unless they are on a lead.

(2) A person must not take a dog that is not a guide dog or a hearing dog into a restricted area otherwise than in accordance with the declaration.

Penalty: Fine not exceeding 5 penalty units.

24. Public notice of intention to declare areas

Before a council resolves to make a declaration under this Division in relation to an area, it is to –

(a) notify, by public notice, the details of –

(i) the area; and

(ii) any condition relating to the use of that area; and

(iii) in the case of a restricted area or prohibited area, the reasons for the declaration; and

(b) invite submissions to be lodged within 15 working days after the notice is published; and

(c) consider any submissions lodged.

25. Date and period of declaration

A council, by public notice, is to notify –

(a) the date on which a declaration under this Division takes effect, being a date at least 20 working days after a notice under section 24 is published; and

(b) the period during which the declaration remains in force.

26. Review of declaration

(1) A declaration under this Division is to be reviewed at least once every 5 years.

(2) In reviewing a declaration, a council is to take the actions referred to in section 24.

27. Signs

A council is to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.

28. Prohibited public areas

(1) A person must not take a dog into –

(a) any grounds of a school, preschool, kindergarten, creche or other place for the reception of children without the permission of a person in charge of the place; or

(b) any shopping centre or any shop; or

(c) the grounds of a public swimming pool; or

(d) any playing area of a sportsground on which sport is being played; or

(e) any area within 10 metres of a children's playground.

Penalty: Fine not exceeding 5 penalty units.

(2) This section does not apply to –

(a) a guide dog that is accompanying a wholly or partially blind person or is in training for that purpose; or

(b) a hearing dog that is accompanying a wholly or partially deaf person or is in training for that purpose; or

(c) a pet shop; or

(d) the premises of a veterinary surgeon; or

(e) a pet-grooming shop; or

(f) any other premises related to the care and management of dogs.

[END OF EXTRACT]

Councillors will have noted that there is a formal declaration process and public notification under s24 Dog Control Act 2000. Given that Council have been briefed previously in respect of the dog club's interest in participating in the use of the Mangalore Recreation Ground and there was no dissent in respect of this matter, the Manager Community & Corporate Development has arranged for the public notification to proceed in accordance with the Act and for Council to consider any public representations at the following Council meeting.

It is proposed that the following conditions apply to the Declared Training Area.

1. A supervising officer shall be appointed to oversee and take responsibilities for the activities on the day of each event;
2. A formal risk assessment must be undertaken prior to activities commencing, with a copy of that document being signed off and then tabled at the next Mangalore Recreation Ground Management Committee meeting;
3. All dogs to be on a leash and under control of a competent person whilst within the grounds, unless partaking in an activity that requires off leash work;
4. Check chains only are acceptable, no harnesses or fixed collars or halters. No check chain no train;
5. Dogs not participating in training sessions to be confined to trailers or placed into the care of a competent handler not participating in an active training session;
6. Dogs participating in training may, with permission, be allowed off leash whilst undertaking training in any activity that requires off leash work but must exhibit control at all times. Owners/trainers who exhibit any degree of loss of control will be requested to leash their dog;
7. No one to attempt to control more than two leashed dogs at any one time;
8. No one to attempt to control more than one unleashed dog at any one time;
9. All owners are responsible for cleaning up after their dog, droppings, grooming leftovers etc.;
10. Dogs in trailers and vehicles must have adequate access to water, shade and ventilation;

11. Dogs that exhibit ongoing aggression towards other dogs and/or persons must be muzzled until such times as their aggression is curbed;
12. No dogs within the buildings;
13. Respect shown at all times for other organisations equipment and needs;
14. No dogs on the ground whilst Equestrian club horses are present unless by invitation from the equestrian club(s). May be in trailers and/or vehicles whilst waiting to utilise the grounds only; and
15. Grounds, buildings and equipment must be left as found or better [clean up].

It is noted that the Southern Midlands Dog Management Policy 2011 will require amendment if/when Council formally declares the training area at the Mangalore Recreation Ground.

To assist in the public interpretation of the impacts of any such a declared training, given there is not such a facility in the Southern Midlands, a once off trial will be undertaken by the Tasshep dog club on the 1st September 2013 at the Mangalore Recreation Ground and the consequences of this trial day will be assessed in the next report to Council.

RECOMMENDATION

THAT COUNCIL

- 1. Endorse the actions of the Manager Community & Corporate Development in commencing the public notification process under s24 Dog Control Act 2000 for the establishment of the Mangalore Recreation Ground as a Declared Training Area.**
- 2. Endorse the proposed operating conditions of the training area, with them being enacted for the trial day event.**

C/13/08/083/19437 DECISION

Moved by Clr J L Jones OAM, seconded by Clr B Campbell

THAT COUNCIL

- 1. Endorse the actions of the Manager Community & Corporate Development in commencing the public notification process under s24 Dog Control Act 2000 for the establishment of the Mangalore Recreation Ground as a Declared Training Area.**
- 2. Endorse the proposed operating conditions of the training area, with them being enacted for the trial day event.**

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr C J Beven	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr A O Green	
√	Clr J L Jones OAM	

DETAIL

By advertisement in the Mercury on the 24th August 2013 and information on Council's web site, Council invited submissions to be lodged within 15 working days from the 24th August 2013 in respect of the intention of Council to consider Mangalore Recreation Ground, 22 Blackbrush Road, Mangalore as a declared training area under the Dog Control Act 2000. Tasshep Inc., an incorporated Dog Club wishes to undertake obedience and related training on the site at various times during the year.

No correspondence has been received in relation to this notice and therefore this report seeks to ask Council to formally declare Mangalore Recreation Ground, 22 Blackbrush Road, Mangalore as a declared training area under s25 Dog Control Act 2000. It is proposed that the declaration will take affect from the 1st October 2013 and be in force until 30th September 2018 at which time it will be subject to a further period of declaration at the discretion of Council.

Human Resources & Financial Implications – One additional sign required.

Community Consultation & Public Relations Implications – Public notification has been undertaken with no feedback being received. This initiative adds to the diversification of Council's Community facilities.

Policy Implications – Amendment of the SMC Dog Management Policy 2009 is required.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION**That Council**

- 1. Formally declare the Mangalore Recreation Ground at 22 Blackbrush Road as a dog training area under s25 of the Dog Control Act 2000;**
- 2. Undertake public notification in respect of this declaration as required under the Act; and**
- 3. Amend the Southern Midlands Council Dog Management Policy 2009 to recognise this declaration and include the previously defined conditions from the body of the Report, which would apply to the Declared Training Area.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

16.9 ANIMALS**Strategic Plan Reference – Page 28**

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 Control Officers Report

File Ref: 3/027

AUTHOR ANIMAL CONTROL OFFICER (G DENNE)

DATE 17TH SEPTEMBER 2013

ISSUE

Consideration of Animal Control Officer's monthly report.

DETAIL

Native Corners Road, Campania - On or about the 28th August at least 18 sheep were killed; 4 injured and 2 missing. Tasmania Police and myself attended the site, accompanied by the property owner. It was evident from the size of the bite wounds, and the extreme nature of the injuries, that a large dog[s] were responsible. Large paw prints were detected in the immediate vicinity. Following further investigations, a nearby resident advised that she had seen a large dog in the paddock where several of the sheep had been killed, although she did not observe the dog attacking.

Subsequent discussions with the owner of the dog seen at large, has not resulted in the desired outcome, although a number of Infringement Notices have been issued for relevant offences.

Councillors would be aware that there has been two newspaper articles concerning this matter, and based on the feedback I have received the general public understand and appreciate Councils predicament.

Refer Monthly Statement on Animal Control for period ending 31ST August 2013.

RECOMMENDATION

THAT the Animal Control Officer’s Monthly report be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

**SOUTHERN MIDLANDS COUNCIL
MONTHLY STATEMENT ON ANIMAL CONTROL
FOR PERIOD ENDING 31/08/2013**

Total of Dogs Impounded: 4
Dogs still in the Pound: _____

Breakdown Being:

ADOPTED	RECLAIMED	LETHALISED	ESCAPED
1	3		

MONEY RECEIVED

Being For:

Pound	\$4.55
Reclaims	_____
Dog Registrations	\$4178.51
Kennel Licence Fee	\$136.35
Infringement Notices	_____
Complaint Lodgement Fee	_____
TOTAL	\$4319.41

COMPLAINTS RECEIVED FOR PERIOD ENDING 31/08/2013

Dog at Large: 5
Dog Attacks: 1
Request Pick-ups: 1
After Hours Calls: 3
TOTAL 10

Number of Formal Complaints Received: -
Number of Infringement Notices Issued: 3 (Dog attack)

Animal Control Officer: **Garth Denne**

16.10 EDUCATION

Strategic Plan Reference – Page 28

4.9.1 Increase the educational and employment opportunities available in the Southern Midlands.

Nil.

17 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

17.1 RETENTION

Strategic Plan Reference – Page 29

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

17.2 CAPACITY AND SUSTAINABILITY**Strategic Plan Reference – Page 29**

5.2.1 Build the capacity of the Community to help itself and embrace the framework and strategies articulated by the Social Inclusion Commissioner to achieve sustainability.

17.2.1 Southern Midlands Council Community Small Grant Program 2013

AUTHORS MANAGER, COMMUNITY & CORPORATE
DEVELOPMENT (A BENSON) AND COMMUNITY
RECREATION OFFICER (G HUNT)
DATE 18TH SEPTEMBER 2013

ATTACHMENTS: 1. Assessment Analysis

BACKGROUND

Council would recall that the genesis of the Southern Midlands Council Community Small Grants Program was a recommendation in the Southern Midlands Recreation Plan Report – April 2006

[Extract]

Recommendation:

Introduce a separate grant allocation to focus on supporting sporting clubs and community groups in improving recreation programs and services within the municipality.

Rationale:

Similar to other Local Councils, a more formal grants scheme should be initiated to assist local clubs, groups and organisations to improve their programs and services. The funding should be in the order of \$20,000-30,000/year given the identified needs of the clubs/groups and the potential to achieve substantial roll-on benefits back to the community – this would formalise some of the funding now provided but under clear guidelines. It is suggested that the sport and recreation grants be focused on improving training and programming, supporting the start-up of new sports and recreational activities, supporting junior development programs and targeted programs for special need groups

This Report along with its recommendations was adopted. Originally Council determined that there should be two application rounds per year, and depending on the budgetary position, \$15,000 per round should be made available. Subsequently a set of Guidelines and Application titled Southern Midlands Community Small Grants were developed. During the 2010/11 budget discussions it was resolved that Council consolidate the funding rounds to one per year (September) and that the funding be revised to \$20,000 for that one round.

CURRENT POSITION

This is the eighth round of the Grants Program that Council have offered, with the application form and guidelines being continually refined to provide clear and concise information and criteria for Community group who apply for the grants. The Program time table is shown below

Opening Date	29 th July 2013
Closing Date	30 th August 2013 4.30pm
Fac & Recreation C'tee Assessment	12 th September 2013
Full Council Decision	25 th September 2013
Grant applicants to be notified	by 30 th September 2013

Twenty one applications were received identifying \$82,532 worth of projects, which in turn were requesting a total of \$53,392 of support from Council through the SMC Community Small Grants Program 2013. The funds available for distribution by Council for the projects is \$26,337 (incl GST).

As per the previous rounds, to assess the applications in an open, transparent and equitable manner, whilst maintaining a rigorous analysis against the established criteria, the Manager Community & Corporate Development put together a rationale decision making process to assist the Facilities & Recreation Committee in their deliberations.

The process consisted of;

- **Firstly**, a set of criteria in a matrix format to establish the initial eligibility of the applicants. This set of criteria was extracted from the grant guidelines as issued to the Applicants. This set of criteria required a YES, NO or N/A response. These are classified as *must comply*, if an Applicant does not meet this then the application is not further assessed.

MUST - Eligibility YES
A not for profit community group or voluntary association that is legally constituted as an incorporate body
A not for profit community group or voluntary association that is not legally constituted as an incorporate body but will operate this grant under the auspice of one - Name of auspicing body
The group or organisation is located in the Southern Midlands municipal area
The group or organisation is proposing an activity or project which will take place in the Southern municipal area, for the benefit of those who live, visit or conduct business in the municipal area.
The applicant is able to demonstrate financial viability and competence.
The applicant meets Council's insurance requirements (if applicable).
Is the applicant an educational organisation
If an education provider will the project/activity be open to all residents and does it have a broad community benefit.

If the application is for an equipment grants applicants are required to contribute at least 50% towards the cost of the equipment, has this been identified in the budget.

- **Secondly**, a set of criteria in a matrix format to establish the areas in which the grant did not cover. This set of criteria was extracted from the grant guidelines as issued to the Applicants. This set of criteria required a YES, NO or N/A response. These are also classified as *must comply*, if an Applicant scores a YES in response then the application is not further assessed.

MUST - NOs	Funds not available for the following
	Has the Applicant organisation previously failed to acquit Council assisted projects in line with the agreed terms.
	Actions/services previously disbursed.
	Fundraising purposes (donations).
	Program/projects by local schools/education providers that are exclusive to students Core school curriculum and activities cannot be considered.
	Projects with ongoing costs e.g. staff, salaries, administration, maintenance, insurance, rental or lease arrangements.
	Community Organisations who already receive Council funds to undertake a specific activity for which funding is being sought or community organisations wanting to do a specific activity that is already funded by Council.
	The purchase of land.
	Routine and regular maintenance work to existing facilities (e.g. gardening, cleaning).
	Facilities where little or no public access is available.
	Travel to sporting competitions or conferences for individual or community groups.

- **Thirdly**, a set of criteria that have been called the WANTS in a matrix format that are ‘weighted’ to gauge the extent to which the assessment team believe that the application meets the criteria detailed below. This set of criteria has been extracted from the grant guidelines as they are pivotal to the decision making process, eg risk assessment, funding sought from Council as a percentage of the total project costs, etc.

This set of criteria required a “raw scoring” of between 1 and 5 (5 being the highest/best category), which is then multiplied by the weighting to achieve a “refined score”. For example in Criterion 1 below, the weighting (WT) is 10 because it was felt that this criterion represents a very high priority. When the application is scored by an assessment panel member against this criterion if the

member of the assessment panel scores it as a 1, in the 1 to 5 range, this is then automatically multiplied by the weighting (WT), which arrives at a “refined score” of 10. Likewise if the member assessed it as a 5, in the 1 to 5 range which is then automatically multiplied by the weighting (WT) it comes up with a “refined score” of 50. Working this process through against each of the eleven criteria by each of the assessment panel members it arrives at a total as shown on the attached A3 Summary Sheet. Effectively in this model the highest collective score is determined to be the most deserving application.

WANT	WT
Criteria 1 Demonstrate considerable benefit to the community;	10
Criteria 2 Raise the awareness of or access to a service, program, group or issue or maximize the participation or use of facility;	10
Criteria 3 Demonstrate coordination with other groups in the Community;	5
Criteria 4 Address local issues by attempting to meet a Community need or gap;	15
Criteria 5 Show evidence of community support for the project;	10
Criteria 6 Enhance the lifestyle options for residents and visitors in the Community;	5
Criteria 7 Demonstrate an ability to manage the project through resource allocation, effective planning, clear goals and evaluation processes;	15
Criteria 8 Demonstrate the ability to be ongoing.	10
Criteria 9 Is the project reliant on other funds, if so have other funds been approved	5
Criteria 10 Grant funds applied for as a % of the total amount to complete the project (including in-kind contribution)	10
Criteria 11 Risk Assessment of this Project	10

- Potential Conflict of Interest** It was important to have at least eight people that assessed and scored the applications because of the high level of potential ‘conflict of interest’ that is present in such a small Community. When a Councillor or officer identified a conflict of interest (i.e. if an Elected Member or an Officer on the assessment panel is an office bearer for the organisation that was an applicant for a grant they were required to declare that interest and exit the

meeting, they did not enter into discussions nor score that application) and the automatic scoring in the spread sheet was adjusted by the averaging (ie if there was no conflict of interest with a application the totals of all eight scorers was summed and then divided by eight to achieve the average. If there was one conflict of interest then the totals of all seven scorers was summed and then divided by seven to achieve the average). Therefore with potentially eight assessors individually scoring eleven criteria, coupled with the weightings and then the averaging, no one assessor could influence the potential outcome of the scoring. In a further element of transparency the A3 Summary Sheet is available to all applicants so that they can gauge their level of success compared with the other applicants based purely on the identified criteria.

The following members of the assessment panel declared an interest and therefore stood aside in relation the nominated application

Clr Colin Beven	Campania Hall Management Committee
Deputy Mayor Mark Jones OAM	Oatlands RSL and Bowls Club
Clr Marie Connors	Chauncy Vale management Committee
Clr Don Fish	Lake Dulverton & Callington Park Management Committee
Andrew Benson	Brighton Equestrian Club (this club is a member of the Mangalore Recreation Ground Management Committee (MRGMC) and the funds are for the betterment of the Mangalore Recreation Ground – Andrew Benson is Secretary of the MRGMC)
Courtney Pennicott	Tunbridge Hall Management Committee
Greg Hunt	Bagdad Cricket Club

Considerations by the Committee prior to the process being undertaken;**Application 5** (application numbering is taken from the assessment sheet)

Applicant	Project	Total Project Costs	Grant Amount Sought	Would Accept
Brighton & Green Ponds RSLA	Hot water to Toilets	\$2,000	\$2,000	\$2,000

This application met all of the requirements of the Program, however given it is a public building and no one was aware that it did not have a hot water supply in the toilet, it was agreed by the Committee that this is a core responsibility of Council and therefore should be withdrawn from the assessment process with the cost of this being covered out of the Facilities & Recreation Committee budget.

Application 7 (application numbering is taken from the assessment sheet)

Applicant	Project	Total Project Costs	Grant Amount Sought	Would Accept
Chauncy Vale Management Committee	Gate plus some Painting works	\$1,550	\$1,550	\$1,160

This application met all of the requirements of the Program. It was noted by the Committee that the Chauncy Vale Management Committee does have a small annual budget allocation from Council, like the Lake Dulverton & Callington Park Committee, however it was noted that the Lake Dulverton & Callington Park Committee do submit a range of projects each year for consideration by Council in the budget cycle in addition to their standard budget allocation, which allows for extra works to be undertaken for the Community benefit in this public space. Likewise the Committee felt that the Chauncy Vale Management Community had not had the same opportunity, but in future that the Chauncy Vale Management Committee should be encouraged to submit projects in the sanctuary as part of the normal budget cycle. The Committee felt that given the application was for Minor Capital Works therefore this package of works should be withdrawn from the assessment process with the cost of this being covered out of the Facilities & Recreation Committee budget for this year only.

Application 10 (application numbering is taken from the assessment sheet)

Applicant	Project	Total Project Costs	Grant Amount Sought	Would Accept
Imagine Campania Inc	Community Notice Board	\$4,378	\$3,000	\$3,000

This application met all of the requirements of the Program. It was observed by the Committee that many Notice Boards within the Communities of the Southern Midlands are in very poor condition and that it should be a responsibility for Council to provide a program of Notice Board replacement across the Southern Midlands given that many of the information brochures and notices that are pinned on the boards are Council documents. It was observed that Notice Boards are really a low tech equivalent of Council’s web site and a core method of information distribution. It was felt that Council has an obligation to provide these facilities with an enhanced image being portrayed by a smart notice board with a Council logo in partnership with the local Community group who would “service the management” of the information on the lockable Notice Board. The Manager Community & Corporate Development was asked to provide further information to the next Facilities & Recreation meeting in respect of consistent design and price, with Campania being the first Notice Board to be installed and with Imagine Campania Inc being asked to be the custodian of the Notice Board by inserting and removing the information on the Board. The Committee felt that this is a core responsibility of Council and therefore this application should be withdrawn from the assessment process with the cost of this being covered out of the Facilities & Recreation Committee budget.

Further Consideration

It was noted that some applications have included works to be undertaken on private land. The Committee felt that this is an anomaly in the current criteria and that the guidelines should be revisited to clearly state that works on private property would not be eligible for funding under this grant program. It was felt that the expenditure of Council funds on private land would be inappropriate and indefensible. It was also felt that those applications in this round that fell within the category as mentioned above, should not be precluded from assessment, however it was noted that if the assessment process was followed rigorously then such applications would normally receive a low score and not be ranked in the funded group. It is also noted that in the lifetime of the Program no funds have been spent on privately owned land.

The Assessment Outcomes

The following table represents the outcomes of this rigorous assessment which initially were assessed in the order shown on the attached spread sheet. This table represents the order of priority as determine through the process by the Committee.

		Total	Grant	Would		Ranking	Recommend
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Applicant	Project	Project Costs	Amount Sought	Accept	Score	Following Assessment	Allocated Amount
Tunbridge Town Hall Committee	Restore Hall & Kitchen	\$4,807	\$3,000	\$3,000	393	1	\$3,000
Jericho Volunteer Fire Brigade	Elect & Plumb upgrade	\$3,334	\$3,000	\$3,000	389	2	\$3,000
Aust Red Cross	RC Centenary – benches	\$3,046	\$3,000	\$3,000	383	3	\$3,000
Brighton Equestrian Club	Equip. for Hall/Ground	\$3,893	\$3,000	\$2,625	378	4	\$3,000
Campania Hall Mgt Committee	Security Cameras	\$1,742	\$1,742	\$1,000	376	5	\$1,742
Oatlands RSL & Bowls	Sun Shelters	\$3,700	\$2,200	\$1,100	371	6	\$1,280
M.I.L.E. 2	Install Security System	\$3,452	\$3,000	\$3,000	351	7	\$3,000
Bagdad Cricket Club	New Synthetic pitch	\$3,917	\$2,800	\$2,000	350	8	\$2,000
Lake D'ton & Cal. Park Mgt Committee	Mahers Cottage works	\$5,900	\$3,000	\$1,000	322	9	\$1,000
Colebrook Golf Club Inc	Practice Area/Nets	\$7,361	\$3,000	\$2,500	320	10	\$2,500
Anglican Parish of SM	Heating - Kempton – St Marys Church	\$1,635	\$1,635	\$1,215	307	11	\$1,215
Hobart Gun Club	Safety Improvements Trap Area	\$5,665	\$2,965	\$1,600	299	12	\$1,600
M.I.L.E. 1	Back Yard makeover	\$3,370	\$2,500	\$2,500	299	13	\$0
Oatlands District Historical Society	Cottage Chimney & Plumbing	\$4,120	\$3,000	\$1,600	272	14	\$0
Inspirational Scrappers	Scrapbook Equipment	\$1,200	\$1,000	\$1,000	269	15	\$0
Runnymede Vol FB & Cricket Club	Water Bore & Pump	\$10,040	\$3,000	\$3,000	262	16	\$0
Parattah Jubilee Hall Committee Inc	Electrical Upgrade	\$3,000	\$2,000	\$1,200	208	17	\$0

Wholly Horses Inc	Holding Yards/stables	\$4,422	\$3,000	\$3,000	206	18	\$0
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There were two applications that both scored 299, those being the Hobart Gun Club and the MILE 1 project. It was considered by the Committee that given MILE had achieved success with one of its projects, that the Hobart Gun Club should be funded.

The monies allocated by the Facilities & Recreation Committee amounted to \$26,337 (100% of the budget allocation for 2013/2014 plus a carryover from non-allocated fund from the 2012/2013 financial year) against a total request of \$ 53,392

RECOMMENDATION

A number of separate recommendations have been provided to ensure that a quorum is maintained (due to declarations of pecuniary interest).

THAT

1. **The Report be noted**
2. **The rigorous and transparent process undertaken by the Assessment Panel of the Facilities & Recreation Committee be endorsed;**
3. **The withdrawing of the Brighton & Green Ponds RSLA application from the assessment process and the project being funded from the Facilities & Recreation Committee budget be endorsed;**
4. **The withdrawing of the Chauncy Vale Management Committee application from the assessment process and the project being funded from the Facilities & Recreation Committee budget be endorsed;**
5. **The withdrawing of the Imagine Campania Inc. application from the assessment process and the project being funded from the Facilities & Recreation Committee budget be endorsed; and**
6. **The Manager Community & Corporate Development be requested to review the Program Guidelines to preclude the expenditure of Council funds on private land.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

RECOMMENDATION**THAT**

- 1. The application from the Jericho Volunteer Fire Brigade for \$3,000 be approved;**
- 2. The application from the Australian Red Cross for \$3,000 be approved;**
- 3. The application from the Tunbridge Town Hall Committee Inc for \$3,000 be approved;**
- 4. The application and annotated as M.I.L.E. 2 from Midlands Initiative for Local Enterprise Inc for \$3,000 be approved;**
- 5. The application from the Bagdad Cricket Club for \$2,000 be approved;**
- 6. The application from the Colebrook Golf Club Inc for \$2,500 be approved;
and**
- 7. The application from the Hobart Gun Club for \$1,600 be approved.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

RECOMMENDATION

THAT the application from the Brighton Equestrian Club for \$3,000 be approved.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

RECOMMENDATION

THAT the application from the Lake Dulverton & Callington Park Management Committee for \$1,000 be approved.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

RECOMMENDATION

THAT the application from the Oatlands RSL & Bowls Club Inc for \$1,280 be approved.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

RECOMMENDATION

THAT the application from the Campania Hall Management Committee for \$1,742 be approved.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

RECOMMENDATION

THAT the application from the Anglican Parish of the Southern Midlands for \$1,215 be approved.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

17.3 SAFETY

Strategic Plan Reference – Page 30

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

Nil.

17.4 CONSULTATION

Strategic Plan Reference – Page 30

5.4.1 Improve the effectiveness of consultation with the Community.

Nil.

17.5 COMMUNICATION

Strategic Plan Reference – Page 30

5.5.1 Improve the effectiveness of communication with the Community.

Nil.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

18.1 IMPROVEMENT

Strategic Plan Reference – Page 31	
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

18.1.1 Review of Southern Midlands Council Policy – Code for Tenders and Contracts

AUTHOR: MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (A BENSON)

DATE: 18TH SEPTEMBER 2013

ENCLOSURE: 1. Proposed Amendment - Code for Tenders and Contracts

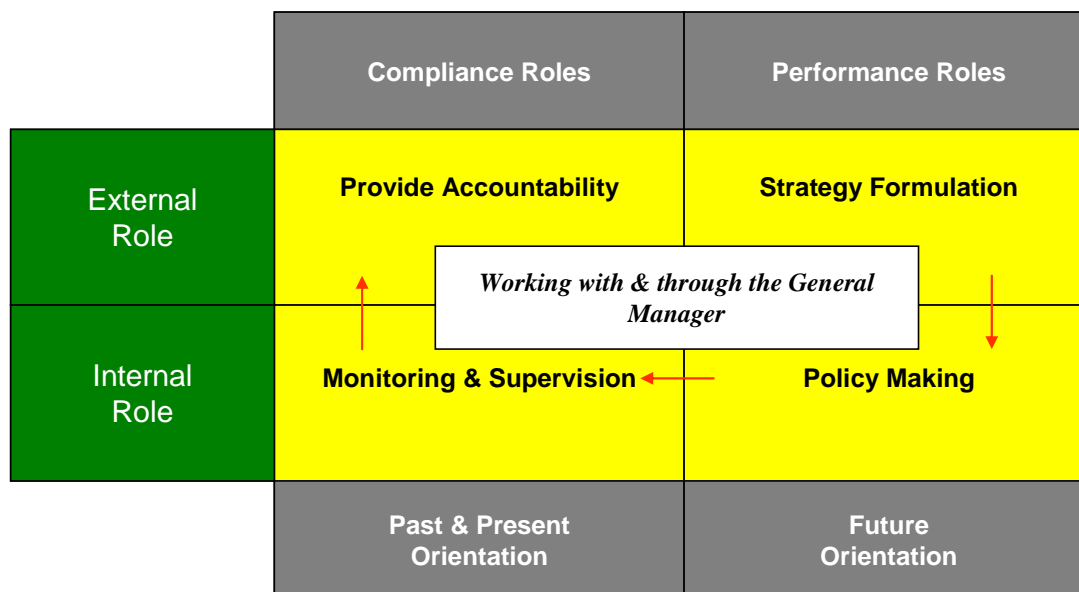
ISSUE

Review of SMC Code for Tenders and Contracts

BACKGROUND

FRAMEWORK FOR ANALYSING COUNCIL’S GOVERNANCE FUNCTION

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



BACKGROUND

Council over many years has had purchasing policies, however in 2005 the *Local Government Act 1993* required Councils in Tasmania to develop a Code for Tenders and Contracts. The document attached to the agenda item, is basically the same document that was approved in 2005, however in the ensuing years the *Act* was changed to increase the threshold in respect of the requirement to go to tender.

In the first iteration of this Code the tender threshold was \$50,000 or greater as shown below.

Procurement Value	Minimum Requirement
\$10 000 and below	<p>Verbal Quotations</p> <p>At least three verbal quotations will be obtained.</p>
Between \$10,000 and \$50 000	<p>Written quotations</p> <p>At least three written quotations will be obtained.</p>
\$50,000 and greater	<p>Public Tender</p> <ul style="list-style-type: none"> • Our tenders will be advertised in the Saturday edition of the Mercury newspaper. • Where possible and practical, at least 50% of the tenderers should be from within the municipal area.

In this the first review of the Code the tender threshold has been changed to \$100,000 or greater as shown below, in accordance with the *s333A and s333B Local Government Act 1993*.

Procurement Value	Minimum Requirement
\$30,000 and below	<p>Direct Purchase - Verbal Quotations</p> <p>No formal quotations are required however the General Manager may at his discretion obtain verbal quotations, of which at least one will be sought from a local business (if available).</p>
Between \$30,000 and \$99,999	<p>Written quotations</p> <p>The General Manager may at his discretion obtain at least three written quotations, of which at least one will be sought from a local business (if available).</p>

\$100,000 and greater	<p>Public Tender</p> <p>will advertise each tender at a minimum in the Mercury newspaper. Other advertising may be utilised as required.</p> <ul style="list-style-type: none"> • Each tender will be advertised on Council website. • Council will seek at least one tender from a local business (if available).
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CONCLUSION

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

RECOMMENDATION

That Council:

- 1. Receive and note the report; and**
- 2. Receive the proposed changes to the Code for Tenders and Contracts for consideration at the October 2013 Council meeting.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

18.2 SUSTAINABILITY**Strategic Plan Reference – Page 32 & 33**

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 Tasmanian Library Advisory Board – Local Government Representative

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)

DATE 17TH SEPTEMBER 2013**ISSUE**

To seek interest from members for nominations on the Tasmanian Library Advisory Board.

BACKGROUND / DETAIL

A representative of Local Government has been invited to join the Tasmanian Library Advisory Board, the Tasmanian Library Advisory Board provides advice to the minister for Education on matters relating to library information services in Tasmania.

The *Libraries Amendment Act 2000* requires that LGAT submit a list of six names for nomination by the Minister to fill four positions on the Board. The requirement of the Act is for the list of names to represent a mix of urban and rural interests, of whom at least one if from the north, at least one is from the north-west and at least one is from the south of Tasmania.

The Tasmanian Library Advisory Board meets up to four times a year in varying locations around the State. The meetings are for a full day and will generally include time for consultation with individuals and representatives of community organisations on the evening before the board meeting.

There is no remuneration payable to members, however travelling expenses are covered. The appointment will be for a period of two years from 1st January 2014 to 31st December 2015.

Human Resources & Financial Implications – Nil

Community Consultation & Public Relations Implications – Nil.

Policy Implications – Nil.

Priority - Implementation Time Frame – nominations need to be returned by the 4th October 2013 to be considered by the LGAT General management Committee. Contact details and a curriculum vitae must be provided in support of nominations.

RECOMMENDATION

THAT Council determine whether to nominate a person to represent Local Government on the Tasmanian Advisory Library Board.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

18.2.2 Tasmanian Heritage Council – Local Government Representation

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)

DATE 17TH SEPTEMBER 2013

ISSUE

To seek interest from members for nominations on the Tasmanian Heritage Council

BACKGROUND / DETAIL

The Local Government Association of Tasmania has been requested to put forward nominations for a Local Government representative to be appointed to the Tasmanian Heritage Council.

The term of the incumbent LGAT representative, Ald Sandra French, expires on 31st December 2013 and an expression of interest process is being used to fill this positions from 1st January 2014.

The Tasmanian Heritage Council is a statutory body consisting of 15 members who are appointed by the Minister for Environment, Parks and Heritage, Brian Wightman MP.

The Tasmanian Heritage Council's key functions are two-fold: to promote the retention of places having cultural heritage significance; and to facilitate the maintenance, preservation, restoration, reconstruction or adaptation of places of historic cultural heritage significance.

Broadly, the Tasmanian Heritage Council undertakes to:

- Work collaboratively with Federal, State and local authorities in the conservation of places of historic cultural heritage and advise the Minister if the measures necessary to preserve such places.
- Assist in the proper management of places of historic cultural heritage Significance. This includes adhering to the RMPS and keeping accurate records of such places.
- Facilitate and promotion of tourism in respect to Tasmania's historic cultural heritage and related to this, encourage public education and interest in places of cultural heritage significance.

Tasmanian Heritage Council representatives are paid \$3,850 per annum plus the reimbursement of travel and accommodation expenses where relevant. Sub-committees also meet and are paid separately. Half-day meetings are held once a month and are held in Hobart.

There is one ‘generalist representative’ position available for which applications are invited. The ‘generalist representative’ must have knowledge of heritage and cultural issues relevant to Local Government, a broad understanding of the operation of Resource Management and Planning Systems, and demonstrated strategic thinking abilities.

Human Resources & Financial Implications – Nil

Community Consultation & Public Relations Implications – Nil.

Policy Implications – Nil.

Priority - Implementation Time Frame – Local Government nominees are required to complete and return the enclosed Statement in Support of Nomination Form, Expression of Interest Form, a statement that addresses the selection criteria, and a current Curriculum Vitae. This needs to be returned by the 7th October 2013.

RECOMMENDATION

THAT Council determine whether to nominate a person to represent Local Government on the Tasmanian Heritage Council.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

18.2.3 Southern Midlands Council / Central Highlands Council – Minor Municipal Boundary Adjustment (Pelham area)

File Ref:

AUTHOR GENERAL MANAGER

DATE 19th SEPTEMBER 2013

ATTACHMENT: Nil

ENCLOSURE: Nil

ISSUE

Council to consider a request to adjust the municipal boundary between the Southern Midlands and Central Highlands Councils so that a property (PID 7179664) sits wholly within the Southern Midlands Council area.

BACKGROUND

Mr & Mrs Bannister who reside at 418 Pelham Road, Elderslie have written to Council with a request to have their entire property recognised as wholly within the Southern Midlands Council area. At present, the property consists of two separate adjoining Titles. One Title is entirely within the Southern Midlands and consists of 40.47 hectares, and the second Title is split between the Southern Midlands (16.18 hectares) and Central Highlands (28.44 hectares). Rates and charges are levied by both Councils on the second property.

In terms of process, the *Local Government Act 1993* provides the following:

“16. Municipal areas

(1) The State is divided into municipal areas.

(2) A municipal area is an area specified in Column 1 of Schedule 3.

(3)

(4) The Local Government Board, whether or not as a result of a review under Part 12A, may recommend to the Minister that a boundary of a municipal area be adjusted if–

(a) the adjustment is of a minor nature; and

(b) any council affected by it consents; and

(c) the Board has considered any objections received in relation to the matter.

(5) The Governor, by order and on the recommendation of the Minister, may –

(a) adjust a boundary of a municipal area on the recommendation of the Local Government Board; and

(b) if the municipal area is divided into electoral districts, adjust any boundary of any electoral district as may be necessary.

(5A) A council affected by an adjustment under subsection (5) is to pay the costs associated with that adjustment.

(5B) Each municipal area is defined by reference to the relevant plan or plans specified in Column 1 of Schedule 3.

(6) The Governor, on the recommendation of the Minister, may amend or substitute any item in column 1 of Schedule 3 or substitute that Schedule in an order made under section 214E relating to municipal areas to give effect to that order.”

DETAIL

Mr & Mrs Bannister have also written to the Central Highlands Council and the Department of Premier and Cabinet - Director of Local Government.

In summary, the Director of Local Government has confirmed that the proposal is considered as being a minor boundary adjustment, and the Local Government Board can recommend such a change without the need for a full Board review. This requires the consent of both Councils.

Council is therefore required to consider providing its consent to adjust the municipal boundary to achieve the desired outcome of the property being entirely within the Southern Midlands Council area.

Subject to the consent of both Councils, the process involves:

1. A boundary adjustment to be drafted;
2. Proposed changes advertised and any objections considered by the Local Government Board;
3. Board then makes a recommendation to the Minister.

The changes take effect after the Minister accepts the recommendation.

Human Resources & Financial Implications – Subsection 16 (5a) of the Act provides that a council affected by the change is to pay the costs associated with the adjustment. Costs, in this case, are to be borne by the Southern Midlands Council as it will benefit from the adjustment. The costs involved include advertising the changes and the cost of submitting the proposed change with the Central Plan Registry (awaiting advice of estimated cost from Local Government Division).

For information, the Central Highlands currently levy an amount of \$464.40 per annum, which includes General Rates (\$428.40) and Fire Service Levy (\$36.00). The property has an Assessed Annual Value of \$3,780 (area within the Central Highlands). Assuming that the AAV would simply be added to the existing Southern Midlands assessment, this would equate to approximately \$265 per annum.

Community Consultation & Public Relations Implications – Refer comment above.

Council Web Site Implications: *Nil.*

Policy Implications – N/A.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT Council, in accordance with section 16(4)(b) of the Local Government Act 1993, consent to the minor boundary adjustment, recognising that it will meet the costs of the adjustment.

Note: Recommendation may be amended following receipt of advice from the Local Government Division in relation to costs.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

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

6.3.1	Maintain current levels of community equity.
6.3.2	Major borrowings for infrastructure will reflect the inter-generational nature of the assets created.
6.3.3	Council will retain a minimum cash balance to cater for extra-ordinary circumstances.
6.3.4	Operating expenditure will be maintained in real terms and expansion of services will be funded by re-allocation of service priorities or an increase in rates.
6.4.4	Sufficient revenue will be raised to sustain the current level of community and infrastructure services.

18.3.1 Monthly Financial Statement (August 2013)*File Ref: 3/024*

AUTHOR FINANCE OFFICER (C PENNICOTT)

DATE 19th SEPTEMBER 2013

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1st July 2013 to 31st August 2013 (including Notes)
- b) Current Expenditure Estimates
- c) Capital Expenditure Estimates

Note: Refer to enclosed report detailing the individual capital projects.

- d) Rates & Charges Summary – as at 16th June 2013
- e) Cash Flow Statement - July 2013 to August 2013.

*Note: Expenditure figures provided are for the period 1st July to 31st August 2013 – approximately 17% of the period.***Comments****A. Current Expenditure Estimates (Operating Budget)****Strategic Theme – Growth**

- **Sub-Program – Business** - expenditure to date (\$16,036 – 24.21%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

Strategic Theme – Lifestyle

- **Sub-Program – Childcare** - expenditure to date (\$5,000 – 50.00%). Expenditure of \$5,000 is the annual ‘one-off’ payment for the Family Date Care Service.

Strategic Theme – Community

- **Sub-Program – Capacity** - expenditure to date (\$8,292 – 23.68%). Expenditure includes annual ‘one-off’ payments to MILE (\$4,545) and Regional Councils Campaign (\$3,000).
- **Sub-Program – Consultation** - expenditure to date (\$2,198 – 43.34%). Expenditure of \$2,198 relates to Aurora expenses associated with the operation of the Radio Station. Part-reimbursement from Management Committee.

B. Capital Expenditure Estimates (Capital Budget)

Nil.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

STATEMENT OF COMPREHENSIVE INCOME FOR THE PERIOD 1st JULY 2013 to 31 AUGUST 2013				
	Annual Budget	Year to Date as at 31st AUGUST	% To Date	Comments
Income				
General rates	\$ 4,192,243	\$ 4,130,805	98.5%	Budget includes Interest & Penalties to be imposed to end of June 2014
User Fees (refer Note 1)	\$ 699,354	\$ 105,424	15.1%	
Interest	\$ 260,000	\$ 11,764	4.5%	
Government Subsidies	\$ 31,700	\$ -	0.0%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ -	\$ -	0.0%	
Other (refer Note 2)	\$ 235,188	\$ 13,667	5.8%	
Sub-Total	\$ 5,418,485	\$ 4,261,660	78.7%	
Grants - Operating	\$ 3,570,800	\$ 422,313	11.8%	
Total Income	\$ 8,989,285	\$ 4,683,974	52.1%	
Expenses				
Employee benefits	\$ 3,703,066	\$ 513,530	13.9%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ 3,046,484	\$ 552,035	18.1%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ 2,496,000	\$ -	0.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ 58,741	\$ 627	1.1%	
Contributions	\$ 169,088	\$ -	0.0%	Fire Service Levies
Other	\$ 204,004	\$ 44,225	21.7%	
Total expenses	\$ 9,677,383	\$ 1,110,418	11.5%	
Surplus (deficit) from operations	-\$ 688,098	\$ 3,573,556	-519.3%	
Grants - Capital (refer Note 3)	\$ 606,153	\$ -	0.0%	
Donations	\$ 3,500	\$ -	0.0%	
Sale Proceeds (Plant & Machinery)	\$ -	\$ -	0.0%	
Net gain / loss on disposal of non-current assets)	\$ 160,000	\$ -	0.0%	Budget Amount - Sale of Lots - Kandara Court
Surplus / (Deficit)	\$ 81,555	\$ 3,573,556	4381.8%	

NOTES

1. Income - User Fees (Budget \$728,389) includes:

- All other Programs *	\$ 259,854	\$ 67,944	26.1%
- Callington Mill	\$ 439,500	\$ 37,480	8.5%
	\$ 699,354	\$ 105,424	Actual Income Received (i.e. excluding Debtors)

2. Income - Other (Budget \$85,188) includes:

- Income (Private Works)	\$ 76,188	\$ 17,596	23.1%
- Tas Water Distributions	\$ 155,000	-	0.0%
- Public Open Space Contributions	\$ 4,000	-	0.0%
- Other	\$ -	\$ -	0.0%
	\$ 235,188	\$ 17,596	

3. Grant - Capital (Budget \$619,292) includes:

- Roads To Recovery Grant	\$ 445,213	\$ -	0.0%	To be claimed in March 2014
Grant RDA Round 5	\$ 151,629	\$ -	0.0%	
- Community Centre (Interest Grant)	\$ 9,311	\$ -	0.0%	To be claimed in June 2014
	\$ 606,153	\$ -		

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2013/14

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 31 AUGUST 2013 17%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3484103	3484103	286323	3197780	8.22%
Bridges	428807	428807	7865	420942	1.83%
Walkways	175603	175603	18657	156946	10.62%
Lighting	89544	89544	0	89544	0.00%
Irrigation	2450	2450	0	2450	0.00%
Drainage	81322	81322	8693	72629	10.69%
Waste	548480	548480	50458	498022	9.20%
Public Toilets	55726	55726	8135	47591	14.60%
Communications	0	0	230	-230	0.00%
Signage	12300	12300	2053	10247	16.69%
INFRASTRUCTURE TOTAL:	4878335	4878335	382414	4495921	7.84%
GROWTH					
Residential	2900	2900	0	2900	0.00%
Mill Operations	610120	610120	98625	511495	16.16%
Tourism	188853	188853	0	188853	0.00%
Business	66250	66250	16036	50214	24.21%
Agriculture	5370	5370	0	5370	0.00%
Integration	27600	27600	0	27600	0.00%
GROWTH TOTAL:	901093	901093	114661	786432	12.72%
LANDSCAPES					
Heritage	291385	291385	44763	246622	15.36%
Natural	477908	477908	20809	457099	4.35%
Cultural	0	0	0	0	0.00%
Regulatory	789303	789303	102323	686980	12.96%
Climate Change	40376	40376	997	39379	2.47%
LANDSCAPES TOTAL:	1598972	1598972	168891	1430081	10.56%
LIFESTYLE					
Youth	160905	160905	19410	141495	12.06%
Aged	1500	1500	653	847	43.53%
Childcare	10000	10000	5000	5000	50.00%
Volunteers	32000	32000	430	31570	1.35%
Access	6405	6405	0	6405	0.00%
Public Health	7706	7706	145	7561	1.88%
Recreation	402126	402126	50858	351268	12.65%
Animals	70029	70029	10654	59375	15.21%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	690671	690671	87150	603521	12.62%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	35025	35025	8292	26733	23.68%
Safety	56650	56650	6417	50233	11.33%
Consultation	5070	5070	2198	2872	43.34%
Communication	15125	15125	1662	13463	10.99%
COMMUNITY TOTAL:	111870	111870	18569	93301	16.60%
ORGANISATION					
Improvement	7300	7300	0	7300	0.00%
Sustainability	1925878	1925878	307976	1617902	15.99%
Finances	223263	223263	14395	208868	6.45%
ORGANISATION TOTAL:	2156441	2156441	322371	1834070	14.95%
TOTALS	10337382	10337382	1094056	9243326	10.58%

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 JULY 2013

		BUDGET	EXPENDITURE	VARIANCE	COMMENTS
LIFESTYLE					
	RECREATION				
	C4070005	\$ 30,000	\$ -	\$ 30,000	TBC
	C4070004	\$ 7,500	\$ -	\$ 7,500	TBC
	C4070017	\$ 10,000	\$ -	\$ 10,000	
	C4070016	\$ 16,367	\$ 10,934	\$ 5,433	
	C4070006	\$ -	\$ 8,482	\$ (8,482)	TBC
	C4070020	\$ 2,500	\$ -	\$ 2,500	
	C4070021	\$ 5,000	\$ -	\$ 5,000	
	C4070001	\$ 2,600	\$ -	\$ 2,600	
	C4070022	\$ 25,000	\$ -	\$ 25,000	
		\$ -	\$ 377	\$ (377)	Grant Funded - Health Communities Program
		\$ -	\$ 9,137	\$ (9,137)	Grant Funded - CEEP
		\$ 98,967	\$ 28,930	\$ 70,037	
	COMMUNITY				
	C5030001	\$ 3,000	\$ -	\$ 3,000	
		\$ 3,000	\$ -	\$ 3,000	
	ORGANISATION				
	SUSTAINABILITY ADMINISTRATION				
	C6020007	\$ 7,500	\$ -	\$ 7,500	
	C6020007	\$ 7,400	\$ -	\$ 7,400	
	C6020007	\$ 3,500	\$ -	\$ 3,500	
	C6020007	\$ 15,000	\$ -	\$ 15,000	
	C6020007	\$ 10,000	\$ 8,313	\$ 1,687	
	C6020007	\$ 23,000	\$ 4,577	\$ 18,423	
	C6020007	\$ 5,000	\$ -	\$ 5,000	
	C6020007	\$ 8,286	\$ -	\$ 8,286	
	C6020007	\$ 5,000	\$ -	\$ 5,000	
	WORKS				
	C9990002	\$ 6,000	\$ -	\$ 6,000	
		\$ 2,000	\$ -	\$ 2,000	
		\$ 662,536	\$ 32,523	\$ 662,536	
		\$ 144,000	\$ -	\$ 144,000	
		\$ 60,000	\$ -	\$ 60,000	
		\$ 7,000	\$ -	\$ 7,000	
		\$ 36,000	\$ -	\$ 36,000	
		\$ 1,009,222	\$ 45,414	\$ 963,808	
	GRAND TOTALS	\$ 5,495,825	\$ 336,745	\$ 5,159,080	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 JULY 2013

		BUDGET	EXPENDITURE	VARIANCE	COMMENTS
WASTE	C110001	\$ 5,000	\$ -	\$ 5,000	
	C110002	\$ 10,000	\$ -	\$ 10,000	
		\$ 15,000	\$ -	\$ 15,000	
PUBLIC TOILETS					
	C1110001	\$ 5,000	\$ -	\$ 5,000	
		\$ 5,000	\$ -	\$ 5,000	
	C113001	\$ 10,000	\$ 332	\$ 9,668	
		\$ 10,000	\$ 332	\$ 9,668	
GROWTH		\$ -	\$ -	\$ -	
RESIDENTIAL		\$ -	\$ -	\$ -	
TOURISM		\$ -	\$ -	\$ -	
HERITAGE		\$ -	\$ -	\$ -	
	C3010004	\$ 58,900	\$ 40,813	\$ 18,087	\$35,900 TCF Grant, \$23K Council
		\$ 4,000	\$ -	\$ 4,000	
		\$ -	\$ 16,736	\$ (16,736)	
		\$ 96,000	\$ 89,534	\$ 6,466	
	C3010009	\$ 7,500	\$ -	\$ 7,500	
	C3010003	\$ 20,000	\$ -	\$ 20,000	
	C3010002	\$ 7,500	\$ -	\$ 7,500	Grant Funded
	C3010008	\$ 67,500	\$ 3,423	\$ 64,077	Loan Funded
		\$ 261,400	\$ 150,506	\$ 110,894	
NATURAL					
	C3020004	\$ 5,240	\$ -	\$ 5,240	
	C3020004	\$ 2,100	\$ -	\$ 2,100	
		\$ 7,340	\$ -	\$ 7,340	
LANDSCAPES					
	C3040001	\$ 20,000	\$ -	\$ 20,000	
	C3040001	\$ 3,500	\$ 337	\$ 3,163	
	C3040001	\$ 5,000	\$ -	\$ 5,000	
	C3040001	\$ 2,500	\$ -	\$ 2,500	
		\$ 31,000	\$ 337	\$ 30,663	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 JULY 2013

	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
BRIDGE ASSETS				
C1030003	\$ 567,000	\$ 149	\$ 566,851	Brown Mountain Road (Coal River B637)
C1030043	\$ 166,000	\$ -	\$ 166,000	Lyalis Road - Burns Creek (Total Replace B365)
C1030028	\$ 57,600	\$ 2,536	\$ 54,464	Rothwood Road Bridge (No. 1137)
C1030023	\$ 678,000	\$ -	\$ 678,000	Swainston Road - Little Swainport RV (B 1716)
C1030044	\$ 81,700	\$ 1,231	\$ 80,469	Grahams Creek Road (Grahams Creek B2510)
C1030045	\$ 26,440	\$ -	\$ 26,440	Daniels Road - Marshalls Ck
C1030041	\$ 142,600	\$ 26,522	\$ 116,078	Kheme Road (Brralee Creek B5175)
C1030013	\$ -	\$ 51,685	\$ 51,685	Shene Road B4636
	\$ 1,708,740	\$ 83,592	\$ 1,625,148	Fields Road Bridge (B1851)
	\$ 50,000	\$ -	\$ 50,000	Footpaths - General (Program to be confirmed)
WALKWAYS				
C1040014	\$ 50,000	\$ 550	\$ 49,450	Bagdad Township - East Bagdad Road (Le Compte to Highway)
C1040005	\$ 10,000	\$ -	\$ 10,000	Campania Township - Reeve Street (Vicinity of Store)
C1040005	\$ 80,000	\$ 6,280	\$ 73,720	- Reeve Street (500 metres) - Review Management Plan (Site Plan) / Walking Tracks (Bush Reserve)
C1040015	\$ 5,000	\$ -	\$ 5,000	Colebrook Township - Kerb & Gutter / Footpath improvements
	\$ 15,000	\$ -	\$ 15,000	Kempston Township - Nil
	\$ -	\$ -	\$ -	Mangalore Township - Nil
	\$ -	\$ 3,685	\$ (3,685)	Oatlands Township - High Street (Kean's / School area)
C1040016	\$ 8,000	\$ -	\$ 8,000	Tunnaack Township - Various (to be confirmed)
	\$ 7,000	\$ -	\$ 7,000	
	\$ 225,000	\$ 10,515	\$ 214,485	
	\$ -	\$ -	\$ -	Nil Projects
	\$ -	\$ -	\$ -	
DRAINAGE				
C1090014	\$ 21,882	\$ 8,060	\$ 13,822	Bagdad - Swan Street - Kerb & Gutter (eastern side - 250 metres)
C1090015	\$ 75,000	\$ 1,840	\$ 73,160	- Swan Street - Kerb & Gutter (western side - 360 metres)
C1090015	\$ 145,000	\$ -	\$ 145,000	- Swan Street - Kerb & Gutter (western side - 180 metres)
	\$ 10,000	\$ -	\$ 10,000	- North of Le Compte Place Subdivision
C1090016	\$ 12,000	\$ -	\$ 12,000	Colebrook - Colebrook Main Rd / Yarrington Rd (Junction to Rail)
	\$ -	\$ -	\$ -	Kempston - Nil
	\$ -	\$ -	\$ -	Oatlands - High SWWellington Street Junction
C1090017	\$ 5,000	\$ -	\$ 5,000	- Stanley Street / Lake Duvernoy - Extension
C1090018	\$ 13,000	\$ -	\$ 13,000	- Wellington Street (150 metres - kerb replacement)
C1090019	\$ 12,000	\$ -	\$ 12,000	Turnbridge
C1090020	\$ 20,000	\$ -	\$ 20,000	- Main Road (Vicinity of Community Club)
C1090021	\$ 6,000	\$ -	\$ 6,000	- Main Road (Junction with Allison Street)
	\$ 319,882	\$ 9,900	\$ 309,982	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 JULY 2013

INFRASTRUCTURE	ROAD ASSETS	BUDGET	EXPENDITURE	VARIANCE
	Resheeting Program	\$ 600,000	\$ -	\$ 600,000
	Reseal Program	\$ 350,000	\$ -	\$ 350,000
	Reconstruct & Seal			
	Bagdad			
	Nil			
	Colebrook			
C1010033	Eldon / Rhydaston Road (500 metres)	\$ 68,750	\$ -	\$ 68,750
	Dysart			
	Nil			
	Mangalore			
	Nil			
	Oatlands			
C1010023	Inglewood Road (1 km - Nais Rd to Viaduct)	\$ 137,500	\$ -	\$ 137,500
C1010027	Stonor Road (1km- From Midland Highway)	\$ 137,500	\$ -	\$ 137,500
	Whiteford / Woodside			
C1010022	Junction with Stonehenge Road (250 metres)	\$ 37,500	\$ 300	\$ 37,200
C1010028	Woodside Road (Baden Straight- 200 metres)	\$ 30,000	\$ -	\$ 30,000
	Green Valley Road - from Kenners to Bridge			
C1010032	Ciltonvale Road			TBC
C1010034	Balthooby Road - Road Improvements			TBC
C1010031	Stanley Street (William St, Le Thunderstone to Nelson)			TBC
C1010035	Stonor Road			TBC
C1010027	Stonor Road			
	Construct & Seal (Unsealed Roads)	\$ 39,375	\$ -	\$ 39,375
	Williams Road - Option 1 (Junction to Bridge-250 metres)			
	Minor Seals (New)			
	Nurns Road - Junction with Elderslie Main Road	\$ 7,000	\$ -	\$ 7,000
	Church Road	\$ 10,000	\$ -	\$ 10,000
	Hasting Street - Junction	\$ 15,000	\$ -	\$ 15,000
	Pelham Road (end of Elderslie Rd)	\$ 10,000	\$ -	\$ 10,000
	Unsealed - Road Widening			
	Rhydaston Road (vicinity of Elvens)- Stage 2	\$ 29,349	\$ -	\$ 29,349
C1020027	Yarrington Road - Realignment	\$ 20,000	\$ -	\$ 20,000
C1020033	Church Road (Corner widening)	\$ 20,000	\$ -	\$ 20,000
C1020034	Estate Road (Survey Investigation Only - \$5,000)	\$ 15,000	\$ -	\$ 15,000
C1020035	Green Valley Road - Vicinity of Erosion Gully (Survey Investigation)	\$ 5,000	\$ -	\$ 5,000
C1010036	Hill Lane, Bagdad - widening	\$ 15,000	\$ -	\$ 15,000
C1020037	Chancoy Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000
C1020038				
	Junction Road Realignment/ Other			
	Other:			
	Green Valley Road - Widening	\$ 83,000	\$ -	\$ 83,000
C1010036	Bartonvale Road (900 dia pipes - vicinity of Pooley Property) - was \$27K	\$ 27,000	\$ -	\$ 27,000
C1020026	Church Road (Intersection with Elderslie Road) - Survey & Acquisition	\$ 21,000	\$ 6,919	\$ 14,081
C1020036	Interraken Road - Corner Realignment (Rockton)	\$ 32,000	\$ -	\$ 32,000
C1010037	Campania - Reeve St / Clime Street	\$ 25,600	\$ -	\$ 25,600
C1010038	Campania - Reeve St / Hall Street	\$ 5,000	\$ -	\$ 5,000
	Huntington Tiers (Road to Tip - Guard Rail)	\$ 8,000	\$ -	\$ 8,000
C1010023	Inglewood Road - Sight Improvements	\$ 8,000	\$ -	\$ 8,000
	Woodside Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700
C1010039	Woodside Road - Landslip Area (vicinity Scotts Quarry)	\$ 15,000	\$ -	\$ 15,000
		\$ 1,801,274	\$ 7,219	\$ 1,794,055

SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED

	16/09/2013	21/09/2012
Arrears Brought Forward	\$352,040.89	\$251,900.24
ADD Current Rates and Charges Levied	\$4,124,506.03	\$3,934,654.41
ADD Current Interest	\$6,615.92	\$3,462.87
TOTAL Rates and Charges Demanded	\$4,483,162.84	\$4,190,017.52
LESS Rates and Charges Collected	\$1,659,998.49	\$1,241,160.50
LESS Pensioner Remissions	\$202,281.44	\$195,496.16
LESS Other Remissions	-\$4,406.98	-\$2,406.78
LESS Discounts	\$17,725.96	\$12,069.29
TOTAL Rates and Charges Collected and Remitted	\$1,875,598.91	\$1,446,319.17
UNPAID RATES AND CHARGES	\$2,607,563.93	\$2,743,698.35
	58.16%	65.48%
	41.84%	34.52%
	100%	100%
	37.03%	29.62%
	4.51%	4.67%
	-0.10%	-0.06%
	0.40%	0.29%

	INFLOWS (OUTFLOWS) (July 2013)	INFLOWS (OUTFLOWS) (August 2013)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities			
Payments	- 239,458.53	- 274,071.17	- 513,529.70
Employee costs	- 291,308.55	- 434,788.71	- 726,097.26
Materials and contracts	- 627.25	-	- 627.25
Interest	- 9,793.10	- 34,432.27	- 44,225.37
Other	- 541,187.43	- 743,292.15	- 1,284,479.58
Receipts			
Rates	57,079.91	819,356.99	876,436.90
User charges	111,609.87	48,302.62	159,912.49
Interest received	11,763.92	7,817.98	19,581.90
Subsidies	-	-	-
Other revenue grants	2,368.18	417,871.25	420,239.43
GST Refunds from ATO	-	-	-
Other	17,385.26	27,420.99	44,806.25
	200,207.14	1,320,769.83	2,841,746.80
	- 340,980.29	- 577,477.68	- 707,001.90
Net cash from operating activities			
Cash flows from investing activities			
Payments for property, plant & equipment	- 48,657.75	- 76,280.43	- 124,938.18
Proceeds from sale of property, plant & equipment	-	-	-
Proceeds from Capital grants	15,993.64	15,993.64	15,993.64
Proceeds from Investments	-	2,073.85	2,073.85
Payment for Investments	-	-	-
Net cash used in investing activities	- 48,657.75	- 58,212.94	- 106,870.69
Cash flows from financing activities			
Repayment of borrowings	- 4,704.53	-	- 4,704.53
Proceeds from borrowings	-	-	-
Net cash from (used in) financing activities	- 4,704.53	-	- 4,704.53
Net increase/(decrease) in cash held	- 394,342.57	519,264.74	124,922.17
Cash at beginning of reporting year	8,734,794.63	8,340,452.06	8,734,794.63
Cash at end of reporting year	8,340,452.06	8,859,716.80	8,859,716.80

19. INFORMATION BULLETINS

Refer enclosed Bulletin dated 19th September 2013.

Information Bulletin dated 4th September 2013 circulated since previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 4th September 2013 and 19th September 2013 be received and the contents noted.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

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

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

CLOSED COUNCIL AGENDA

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**

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

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

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

RECOMMENDATION

THAT Council endorse the decision made in “Closed Session”.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

23. CLOSURE