

SOUTHERN  
MIDLANDS  
COUNCIL



PUBLIC COPY

COUNCIL MEETING  
AGENDA

23<sup>rd</sup> September 2015  
Council Chambers  
71 High Street, Oatlands  
Commencing at 10.00 a.m.

# COUNCIL MEETING

## AGENDA

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**ENCLOSED**

**Council Meeting Minutes & Special Committees of Council Minutes  
General Information Bulletin  
Enclosures**

- Item 12.1.1 Attachment 1 – Representations
- Item 12.4.1 Planning Report – Minutes of the 27<sup>th</sup> August 2014 Council Meeting  
Grounds of Appeal 76/14P  
Copy of Permit issued DA 2014/65 per consent decision of the  
Appeal 76/14P
- Item 14.3.1 Oatlands Highway Signage Project – Flyer.  
Feedback from Businesses.

18<sup>th</sup> September 2015

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 23<sup>rd</sup> September 2015  
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 Lord's 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 26<sup>th</sup> August 2015, as circulated, are submitted for confirmation.

### DECISION

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

## **5.2 SPECIAL COUNCIL MINUTES**

## **5.3 SPECIAL COMMITTEES OF COUNCIL MINUTES**

### **5.3.1 Special Committees of Council - Receipt of Minutes**

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

- Facilities and Recreation Committee – Meeting held 11<sup>th</sup> September 2015
- Lake Dulverton & Callington Park Management Committee (Record of Discussions only - due to lack of quorum) – Meeting held 14<sup>th</sup> September 2015

### **RECOMMENDATION**

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

### **DECISION**

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

### **5.3.2 Special Committees of Council - Endorsement of Recommendations**

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

- Facilities and Recreation Committee – Meeting held 11<sup>th</sup> September 2015

#### **RECOMMENDATION**

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

#### **DECISION**

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



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

### **5.4.1 Joint Authorities - Receipt of Minutes**

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

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

### **DECISION NOT REQUIRED**

### **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 Authorities, as circulated, are submitted for receipt:

- **Southern Tasmanian Councils Authority – Nil**
- **Southern Waste Strategy Authority – Nil**

**DECISION NOT REQUIRED**

## 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.

It is reported that no Council workshops have been held since the last ordinary meeting of Council.

## RECOMMENDATION

**THAT the information be received.**

## DECISION

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

## **7. QUESTIONS WITHOUT NOTICE**

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

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

**1.**

**2.**

**3.**

**4.**

## **8. DECLARATIONS OF PECUNIARY INTEREST**

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2005*, the chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter on the agenda, or any supplementary item to the agenda, which Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2005*.

## 9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

## RECOMMENDATION

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

## DECISION

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

## **10. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)**

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

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

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

***Councillors are advised that, at the time of issuing the Agenda, one representation had been received from a member of the community.***

***Mr Stephen Walker, of 99 High Street, Oatlands raises a number of questions relating to the recent erection of ‘RV Friendly’ Signs at Oatlands. He would like to attend the meeting to discuss the following:***

1. What privileges are conferred upon camper vanners as a consequence of the designation?
2. What benefits (social, commercial, financial) has the Council determined will be gained from such a designation for the SMC and the people of Oatlands?
3. Will the Council now act to collocate all camper vans in one designated trailer park in a suitably zoned area?
4. What costs will be incurred by the ratepayers for the provision of services, and how are those costs to be offset?

5. What measures does the Council have in place to ensure residents retain quiet enjoyment of their properties, eg against trespassers, dogs and peeping toms?
6. What action has the Council taken to provide additional security for property (against theft and damage), children and other vulnerable persons in the township as a consequence of yet more itinerant strangers remaining overnight and for extended periods?
7. What will Council do to preserve the setting of our cultural and natural environment, eg management/policing of camper vanners' washing lines along our foreshore, controlling the parking of large vehicles in the heritage streetscape, or general noise and litter control?

*Responses are being compiled and will be available for the meeting.*

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

#### **10.1 PERMISSION TO ADDRESS COUNCIL**

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

- Nil

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

Nil



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

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

### **12.1 DEVELOPMENT APPLICATIONS**

#### **12.1.1 Development Application (DA 2015/87) for a proposed dwelling, machinery shed, vineyard and wine processing plant at land described as Corner of Horners & Pelham Road (CT 167167/1), Elderslie owned by M & C E Bancal**

*File Ref:* T2283972

**AUTHOR** PLANNING OFFICER (D CUNDALL)  
**DATE** 16<sup>th</sup> SEPTEMBER 2015

**ATTACHEMENT:** Development Application Plans and Drawings  
**ENCLOSURES:** Representations

#### **PROPOSAL**

The Applicants Matthieu and Carolyn Bancal have applied to the Council for a Planning Permit to use and develop their land for a dwelling, machinery shed, vineyard and wine processing plant at land identified as Lot 1 corner of Horners Road and Pelham Road, Elderslie (Certificate of Title 167167/1).

The proposed development is a new 297m<sup>2</sup> dwelling, 3ha of vines, a 240m<sup>2</sup> wine processing facility (shed), and a 144m<sup>2</sup> machinery shed. The location and design of these buildings is depicted in the attached "Development Application Plans and Drawings".

The Applicant intends to start a vineyard and make wine on the land in the 'wine processing facility'. It is not the intention of the Applicant to open a cellar door or associated restaurant and other facilities to the public. Such a land use/development is not included in the submitted Application.

There are two (2) proposed vehicle access locations to the land. One is on Horners road, via an existing farm gate, the other is from Pelham Road, also via an existing farm gate. Access improvements will be necessary to improve safety and minimise impact to Council roads.

The land has been previously used for agricultural uses such as grazing.

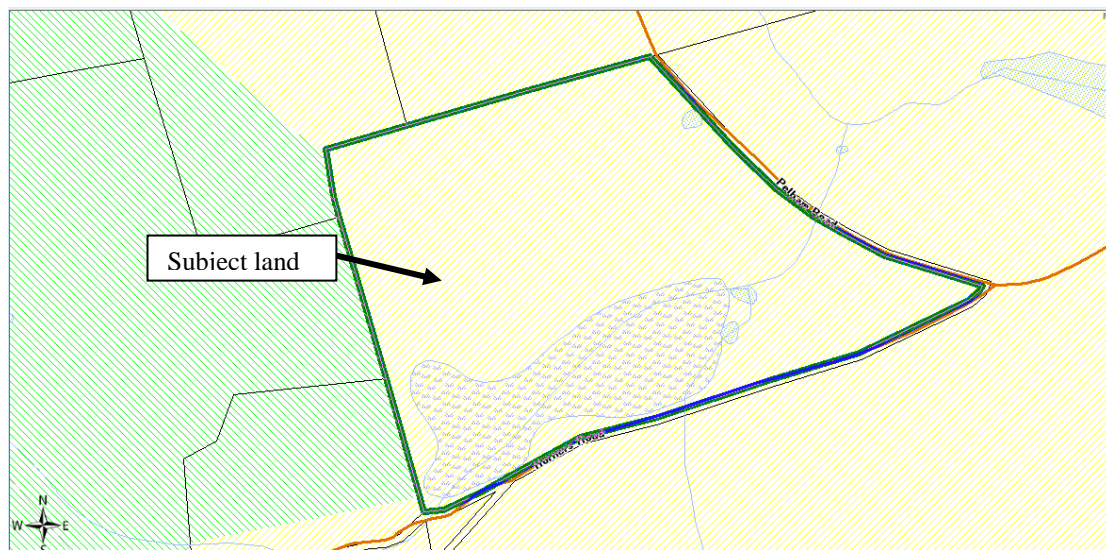
The Application has been lodged under the former *Southern Midlands Planning Scheme 1998* ("the Scheme"). The land is zoned Rural Agriculture. A new dwelling in this zone is a discretionary use/development.

The Development Application was advertised for the statutory 14 day time period under the *Land Use Planning and Approvals Act 1993* (“the Act”) and received two (2) representations objecting and raising concerns with the wine processing facility.

This report will assess the proposal against the relevant provisions of the Act and the Scheme. The Application is recommended for approval subject to conditions and advice.

## **THE SITE**

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



*Map 1\_The land, coloured light yellow, is the Rural Agriculture Zone. The subject property is highlighted and marked with an arrow and annotation.*

## **THE APPLICATION**

The Applicant has submitted a set of elevation drawings and a site plan to accompany the Development Application form. There is sufficient information within these documents for Council Officers to make a recommendation to the Council.

Council Officers have also held discussions with the Applicant, the Applicant’s architect and with persons that lodged a representation.

## **USE/DEVELOPMENT DEFINITION**

Under Schedule 3 ‘Use or Development Category Definitions’ of the Planning Scheme, the proposed development is a ‘multiple use or development’ defined as a ‘Dwelling (Single)’, and ‘Agriculture’ use and develop of the land. Such use/development is defined accordingly below:

### ***Dwelling (Single):***

*means the use or development of any land for a single dwelling unit which:*

- a) is in a separate building on its own allotment;*
- b) is occupied by a single household consisting of a single person, a family, or up to 8 unrelated persons;*

- c) *may include minor domestic outbuildings associated with a dwelling unit, such as garages and storage sheds; and*
- d) *may, within the Residential Activity Zones, include the parking of 2 commercial vehicles that are owned or operated by the occupants of the single dwelling on the basis that:*
  - (i) *not more than one of the vehicles is a truck; and*
  - (ii) *none of the vehicles are large trucks such as semi trailers, B-doubles or vehicles of similar size and/or function.*

***Agriculture:***

*means the use or development of any land for commercial and other non-domestic farming operations involving the cultivation of plants and/or the raising of animals. The term does not include the processing and packing of the produce derived from other land, nor does it include Agricultural Training/Research, Aquaculture, Forestry, Animal Intensive Farming, Industry (Rural), Plant Nursery, Plant and Garden Centre or Produce Stall.*

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

Under the Scheme, ‘Dwelling (Single)’ is a discretionary use/development in the *Rural Activity Zone* and invokes Clause 11.5. Subsequently the dwelling use/development:

*I. May be granted a Planning Permit by Council, with or without conditions, provided it complies with all relevant development standards and does not, by virtue of an other provision of this Scheme, invoke Clause 11.6 (prohibited use or development);*

*or*

*II. May be refused a Planning Permit by Council*

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

Agricultural use of land is considered a continued, ‘as of right’ use of the land in the Rural Zone. However the proposed buildings associated with the Agricultural use require planning permission. The proposed buildings are ‘permitted’ in the Rural Zone.

Council does not have discretion to refuse the agricultural development of the land.

**PUBLIC NOTIFICATION AND REPRESENTATIONS**

The application was advertised on the 3<sup>rd</sup> October 2014 for fourteen (14) days and received two (2) representations objecting and raising concerns with the wine processing facility.

The representations are attached in their entirety to this report for the Council's information only as 'Attachment 2 – Representation'. The names and personal details in the representations have been otherwise omitted from the contents of this report.

Council Officers provide a comment in response to the representation in the table below (Table 1). The Officer comments appear in *Italics* in the table below:

<b>Representation 1</b>
<p>I am a resident in Horners road, Elderslie. I, and my neighbour, #####, whom I am writing this letter on behalf off because he doen't have access to Email, would like to express our concerns about the proposed works to be done at the corner of Horners Road and Pelham Road, Elderslie, DA No: 2015/87, C/T: 167167/1. I am currently getting my house built and the company I am using erected an advertising sign at the end of Horners Road on the 6th of August. The notice of Application for Planning Permit sign from the council was erected behind the building company's sign, so it's not visible easily. I will forward photo's of this at a later date.</p> <p>##### and I have only just become aware of the proposed works and would like more time to research the possible impact a vineyard and wine processing plant would have on the area.</p> <p>Thank You for your time in reading this Email.</p> <p><b>SECOND PART OF REPRESENTATION...</b></p> <p>I'm writing to you to raise my concerns regarding the wine processing plant proposed for construction in Horners Road Elderslie.</p> <p>After being a resident in Horners road for a number of years I know the area well. I am currently building my dream home and look forward to living in the serenity that is this beautiful area.</p> <p>I now live halfway up the valley, of which I know is a tunnel for noises to travel. My main concern is the noise pollution a wine processing plant will make. My research tells me they create high noise levels from pumps, chillers and crushers. I am aware I live in a rural area and have many farms around me. These farms use noisy farm machinery, this does not bother me as these farming noises aren't going on for long periods of time like I fear this plant will be.</p> <p>I would gratefully appreciate you looking into this matter. I look forward to your response.</p>

*The representation was received in two (2) parts from this person.*

*The Planning Officer responded to the concerns of the resident regarding the statutory notification process. Council Officers have been inclusive of such concerns per the Objectives of the Resource Management and Planning System of Tasmania (RMPS).*

*The public notification of the Development Application was undertaken correctly in accordance with the Land Use Planning and Approvals Act 1993 and the Land Use Planning and Approvals Act Regulations 2004.*

*Council should note that the notice of DA 'sign' on the property boundary was located on the nearest timber post to the letterboxes at the entrance to Horners Road. The sign is clearly visible to anybody that either stops at this intersection or accesses the mailboxes. This was the most appropriate location for the sign.*



*Photo 1*



*Photo 2*

*The proposed wine processing facility is approximately 1.2km from this persons dwelling. The properties are separated by other properties, including hobby farms, homes, bush land and hills.*

*The proposed location of the wine processing facility is adjacent to a motorbike and offroad vehicle track. The subject land is also surrounded by farmland. These are compatible land uses.*

*Council's Environmental Health Officer (EHO) has assessed the application with Council's Development Assessment Committee and confirms the proposed facility is an acceptable distance from boundaries and other sensitive land uses in the area. This should provide sufficient attenuation – especially given the facility is for processing wine which is only once a year.*

*A permit for the wine processing facility is not at the discretion of Council.*

## **Representation 2**

I am a resident in Horners road, Elderslie. I, and my neighbour, #####, whom I am writing this letter on behalf off because he doen't have access to Email, would like to express our concerns about the proposed works to be done at the corner of Horners Road and Pelham Road, Elderslie, DA No: 2015/87, C/T: 167167/1. I am currently getting my house built and the company I am using erected an advertising sign at the end of Horners Road on the 6th of August. The notice of Application for Planning Permit sign from the council was erected behind the building company's sign, so it's not visible easily. I will forward photo's of this at a later date.

##### and I have only just become aware of the proposed works and would like more time to research the possible impact a vineyard and wine processing plant would have on the area.

Thank You for your time in reading this Email.

## **SECOND PART OF REPRESENTATION...**

I would like to submit a strong objection to the above proposal on the following grounds –

- I was unable to visit the Council and view the proposed development until I was on a rostered day off on Thursday 20<sup>th</sup> August. I understood this was within the timeframe as the notification period ended at 4:30 pm Friday 21<sup>st</sup> August.
- There was no signage visible on your boundary line.
- I did not receive a letter notification. A copy was handed to me when I visited the Council on 20/8.
- My objection is not with the proposed development as a whole but the positioning of the processing plant. According to the plans viewed this plant will be 320m directly in front of the main bedroom and living areas of my house.

Upon viewing the plans I carried out some research and am of the opinion that there are a number of major issues associated with this type of operation being so close to my residence. Some of these issues are-

- The odour that will emanate from the plant
- noise
- possible attraction of pests eg rats
- A question regarding water consumption and storage. I understand a large amount of water will be required and as there is no town water available will there be a number of large water tanks on site.
- How the water will be obtained, if by road, Horners Road is only gravel road and damage will occur.

In addition as a ratepayer I was not impressed with the reception I was given by the Planning Officer in your Kempton Office when I visited there.

I gained the impression he did not believe me when I stated I had received no written notification of the development and his manner became quite abrupt.

As mentioned I am aware that the time for objection has lapsed but feel the need to express my concern.

*The public notification of the Development Application was undertaken correctly in accordance with the Land Use Planning and Approvals Act 1993 and the Land Use Planning and Approvals Act Regulations 2004. A copy of the letter sent to this person was provided at the time of visiting the Council Chambers.*

*Officers have been inclusive of these persons concerns per the Objectives of the Resource Management and Planning System of Tasmania (RMPS) and input into the planning process.*

*The proposed location of the wine processing facility is adjacent to a motorbike and off-road vehicle track. The subject land is also surrounded by farmland. These are compatible land uses.*

*The facility is 370m from this persons dwelling and 290m from the shared property boundary. The facility is 20m from the Horners Road. This is a gravel road with minimal traffic. The road primarily serves, hobby farms, farms, dwellings, the motorbike track and forestry operations. The facility is not expected to impact the roadway or road users or vice versa.*

*Council's Environmental Health Officer (EHO) has assessed the application with Council's Development Assessment Committee and confirms the proposed facility is an acceptable distance from boundaries and other sensitive land uses in the area. This should provide sufficient attenuation – especially given the facility is for processing wine which is only once a year.*

*Council Officers are satisfied that cartage of water to the facility is minimal as water is only typically used for cleaning, and flushing equipment. Cartage on Council roads will be acceptable. Storage of water in tanks is acceptable.*

*A permit for the wine processing facility is not at the discretion of Council.*

## **ASSESSMENT - THE SOUTHERN MIDLANDS PLANNING SCHEME 1998**

### **Development Standards of the Rural Agriculture Zone**

In accordance with Part 6.3 of the Scheme, buildings shall not exceed 10m in height and maintain a 20m minimum setback from the front (road alignment) and 10m minimum setback from side and rear boundaries.

The proposed dwelling and shed meet the standards for height and building setbacks from the property boundaries.

### **Rural Character Standards**

The aim of the provisions below is to ensure that development does not detract from the character of the rural areas. To satisfy this aim the design and appearance of new development should:

- a) *have minimal impact on the existing landscape character of the surrounding area;*
- b) *not significantly alter or impact on the appearance of the natural environment, watercourses or the skyline;*



- c) *be of a scale and design that is not intrusive within the rural landscape;*
- d) *be constructed of materials, colours and finishes complimentary to existing rural buildings and the rural setting; and*
- e) *require minimal excavation for building sites and the construction and location of access roads to avoid the unsightly appearance of major cut and fill works.*

The proposed machinery shed and wine processing facility are a size and scale typical for a working rural environment. There is a similar shed near the junction to Horners Road/Pelham Road as can be clearly seen in *Photo 2* of this report.

The dwelling is located 250m from the Pelham Road. The proposed materials, size, scale and location of the dwelling does not intrude on the rural landscape.

Any permit issued should ensure the access road follows natural contours of the hillside to avoid unsightly cut and fill.

## **OTHER MATTERS TO CONSIDER**

This Section of the report will briefly outline and assess the other matters to consider as prescribed in Part 11.10 of the Planning Scheme. This Part of the Planning Scheme draws on the Intent of the Rural Zone and the relevant schedules to building a dwelling in the Rural Zone.

### ***Services (water and sewer)***

The dwelling and wine processing facility will be serviced by an onsite wastewater system. Council's Environmental Health Officer has assessed the site and has determined that the land has the capacity to contain and treat onsite waste water subject to a Special Plumbing Permit issued by Council.

There is not a town water supply so accordingly the landowner will need to provide water tanks to service the dwelling and facilities.

### ***Dwelling in the Rural Zone (fettering of land)***

Land in this area is used for rural and rural residential purposes. The dwelling is located a considerable distance from property boundaries and should not interfere with other farming operations. Council Officers accept that the proposed dwelling supports an agricultural use of the land.

### ***Access***

Access to the land is proposed at two (2) locations. From Horners Road and from Pelham Road.

The Pelham road access point is currently a farm gate, accessed over a short piped concrete culvert. There is no road base or gravel to facilitate safe access. Sight

distance is acceptable for the use of the land. However the access must be widened, drained and sealed to the Tasmanian standards for municipal works and to the satisfaction of the Manager of Works and Technical Services. A condition to this effect must be included on any permit issued.

The Horners Road access is currently also a farm gate. The gate is a short distance from the edge of the gravel road. The access will need to be improved to meet the Tasmanian standard. This is will require minimal works. A condition to this effect must be included on any permit issued.

## **CONCLUSION**

This report has assessed a Development Application for a proposed dwelling, machinery shed, wine processing plant and vineyard on land described as Lot 1 corner of Horners Road and Pelham Road, Elderslie (Certificate of Title 167167/1).

The Application received two (2) representations raising concerns with the wine processing facility and the statutory notification process.

Notice of the lodgement of the Application for public comment per Section 57 of the *Land Use Planning and Approvals Act 1993* was only given due to the statutory status of a dwelling in the rural zone per the *Planning Scheme*. This is the only discretion invoked by the proposed use/development. The wine processing facility is not at the discretion of Council.

Council Officers addressed the concerns of the persons that lodged the representation in this report and also provided further information to these persons regarding this matter.

Overall the Development Application has met the relevant standards of the Planning Scheme. The dwelling is an acceptable distance from boundaries and should not fetter agricultural land usage in the area or appear unsightly in the rural landscape.

Access to the land will need to be improved for road safety and to minimise negative impact on Council Roads.

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

## **RECOMMENDATION**

**THAT, in accordance with the provisions of the *Southern Midlands Planning Scheme 1998* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for a dwelling, machinery shed, vineyard and wine processing plant at land described as Corner of Horners & Pelham Road, Elderslie and that a permit be issued with the following conditions:**

## CONDITIONS

### General

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

### Services

- 2) 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.

### Access

- 3) A vehicle access, to each proposed location, must be provided from the road carriageway to the property boundary. The vehicle access must be located and constructed in accordance with the construction standards shown on standard drawings SD 1012 and SD 1009 prepared by the IPWE Aust. (Tasmania Division) (attached) and to the satisfaction of Council's Manager of Works and Technical Services (Jack Lyall 6254 5008). The works and drainage shall be modified to suit the onsite conditions and to the satisfaction of the Manager of Works and Technical Services.
- 4) The Applicant must provide not less than 48 hours' notice to Council's Manager of Works and Technical Services (Jack Lyall 6254 5008) before commencing construction works within a council roadway.
- 5) The Developer is to contact the Manager, Works & Technical Services to arrange a site inspection within two (2) working days of completion of works.
- 6) Internal access roads must be located over existing tracks or along natural contours to reduce visual impact through excavation and filling and erosion from water run-off. Access constructed with an all weather pavement surfaced and drained to the satisfaction of the Council's Manager, Works & Technical Services.

### Stormwater

- 7) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Plumbing Inspector (Shane Mitchell 6259 3003) and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.

### Wastewater

- 8) Wastewater from the development shall discharge to an on-site waste disposal system in accordance with a Special Plumbing Permit issued by Council.

*Construction Amenity*

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

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

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

- a. **Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.**
- b. **The transportation of materials, goods and commodities to and from the land.**
- c. **Obstruction of any public roadway 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.**

- 11) **The developer must make good and/or clean any road surface or other element damaged or soiled by the development to the satisfaction of the Council’s Manger of Works and Technical Services.**

**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) **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.**

**DECISION**

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

*ATTACHMENTS: 12.1.1.1 Attachment 1: Development Application*

Application No: \_\_\_\_\_  
File No: \_\_\_\_\_  
Received by: \_\_\_\_\_  
Date Received \_\_\_\_\_  
Fees Received \$ \_\_\_\_\_



Council Offices,  
71 High Street Oatlands Tas 7120  
85 Main Street Kempton Tas 7030  
Email:  
mailto:southernmidlands.tas.gov.au  
www.southernmidlands.tas.gov.au  
ABN 68653459589

Use this form to apply for planning approval in accordance with section 57 and 58 of the Land Use Planning and Approvals

## Application for Planning Approval - Use and Development *for Commercial, Industrial, Agricultural and other Development*

Act 1993 (the Act).

Tick  if there has been a pre-application meeting with a Council officer:

Officer's name: David Cundall

Date: 26.05.2015 Yes:  No:

### Applicant, Owner & Contact Details:

Provide details of the Applicant and Owner of the land. (Please print)

Applicant: MCASB Family Trust  
Address: Cnr Horners and Pelham Road, (CT 167167/1)  
Elderslie  
Email: info@mcbtasmania.com.au

Phone No:  
Fax No:  
Mobile No: 0457 587 713

Owner: Matthieu and Carolyn Bancal  
Address: 33 PO Box  
Brighton Tas

Phone No: 0457 587 713  
Fax No:

### Present use of land/buildings:

Provide details of the land, including street address, title details and the existing use.

Address: Cnr Horners and Pelham Road  
Elderslie

Volume: CT-167167  
Folio: 1

Existing Use: Livestock Grazing Paddocks

### Description of Proposed Development:

For commercial and industrial proposals please include details of the activities proposed to be carried out on the site.

Use: Livestock Grazing Paddocks

Please use definitions in planning scheme Schedule 3

Development: Vineyard, wine processing plant, machinery sheds and dwelling

Tick  if proposed developed is to be staged:

Yes  No

Provide an estimate of the completed value of the proposed development works, including the value of all site works and any labour contributions by the Applicant or the Owner.

Est. value: \$ 750,000.00

Write 'Nil' if no works are proposed, e.g. change of use

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<b>Business Details: (if applicable)</b>					
<b>Existing hours:</b>			<b>New Proposed Hours</b>		
Weekdays	am to	pm	Weekdays	am to	pm
Saturday	am to	pm	Saturday	am to	pm
Sunday	am to	pm	Sunday	am to	pm
<b>Employees:</b>					
How many people are at present employed at the site? .....					
How many people will be employed implementation of development? .....					
Does the proposal provide for access for disable people?    yes <input type="checkbox"/> no <input type="checkbox"/> ✓ tick					
If so, identify on plans					
<b>Commercial Traffic:</b>					
Approximate number of commercial vehicles servicing the site at present: .....					
Approximate number of commercial vehicles servicing the site in the future: .....					

<b>Detail proposed machinery and or waste products applicable including any emissions to air and water: (if applicable):</b>	
Type: <u>Wine production waste</u>	Quantity: <u>50KL per season</u>
<small>Please attach further details separately.</small>	

<b>Description of Existing Municipal Services and / or Proposed New Municipal Services required: (if applicable)</b>	
<small>Please tick ✓ or answer other</small>	
Is the access already constructed <input type="checkbox"/> yes or <input checked="" type="checkbox"/> no	
How many existing car spaces currently provide <u>NIL</u>	How many new car spaces are proposed <u>6</u>

<b>Is this site or building listed on the Tasmanian Heritage Register?</b> If so, please attach a Works Application or provide a copy of the Works Exemption, which ever is applicable.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<small>If you have answered yes please provide a Works Application or Works Exemption</small>	

<b>Describe all new structures external building MATERIAL TYPES and colours: DWELLING</b>	
i) Walls	<u>Vertical hardwood boards</u> Colour <u>Natural finish</u>
ii) Roof	<u>Lysaght spandek roof sheeting</u> Colour <u>Colorbond Wallaby</u>
iii) Boundary fences, walls etc	..... Colour .....
iv) Surfacing of a) access road	<u>Locally sourced gravel</u>
b) parking area (s)	<u>Locally sourced gravel</u>

<b>Describe all new structures external building MATERIAL TYPES and colours: PROCESSING FACILITY</b>	
i) Walls	<u>Bondor Panels</u> Colour <u>Colorbond Wallaby</u>
ii) Roof	<u>Lysaght spandek roof sheeting</u> Colour <u>Colorbond Wallaby</u>
iii) Boundary fences, walls etc	..... Colour .....
iv) Surfacing of a) access road	<u>Locally sourced gravel</u>
b) parking area (s)	<u>Locally sourced gravel</u>

<b>Describe all new structures external building MATERIAL TYPES and colours:</b> PROCESSING FACILITY	
i) Walls	Lysaght spandek wall cladding ..... Colour Colorbond Wallaby .....
ii) Roof	Lysaght spandek roof sheeting ..... Colour Colorbond Wallaby .....
iii) Boundary fences, walls etc	..... Colour .....
iv) Surfacing of a) access road	Locally sourced gravel .....
b) parking area (s)	Locally sourced gravel .....

### Personal Information Protection Statement

The personal information that Council is collecting from you is deemed personal information for the purposes of the Personal Information Protection Act 2004.

The intended recipients of personal information collected by Glenorchy City Council may be:

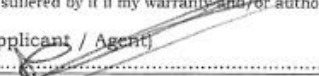
- Officers within Southern Midlands Council;
- Data service providers engaged by Council from time to time;
- Any other agent/contractor of Southern Midlands Council;

The supply of the information by you is voluntary. If you cannot provide or do not wish to provide the information sought, Southern Midlands Council may be unable to process your application or request.

Council is collecting this personal information from you for the purposes of managing, assessing, advising upon and determining the relevant application, or other Council related matters.

You may make application for access or amendment to your personal information held by Council.

Enquiries concerning this matter can be addressed to the Freedom of Information Officer, Southern Midlands Council, PO Box 21 Oatlands 7120 or Phone 6254 5000.

<b>Applicant's Declaration</b>	<b>APPLICANT</b>
I/we hereby apply for a planning permit to carry out the use and/or development described in this application and the accompanying plans. I/we declare that the information contained in the form is correct. By providing Council with the plans and documents attached to this application ("Documents"), I:	
<ol style="list-style-type: none"> <li>warrant to Council I own all copyright in the Documents or am a licensee of the copyright owner with the right to grant the following authority;</li> <li>authorise Council to copy the Documents, attach copies to Agendas for any relevant Council meetings and release copies to the public upon request; and</li> <li>acknowledge Council is relying on my warranty and authorisation and may seek recovery of any damages suffered by it if my warranty and/or authority is incorrect.</li> </ol>	
Signed (Applicant / Agent) 	Date 31/7/2015

<b>Owner's Declaration</b>	<b>OWNER</b>
I/we hereby give my/our permission for the lodgement of this application.	
Signed (Owner/s) 	Date 31/7/2015
Signed (Owner/s) 	Date 31/7/2015
Name/s (Please Print) Matthieu Bancel / Carolyn Bancel	
Titles/s (If the owner is a company) trustees	

### Check List

Before you lodge your application please check that you have provided the following:

- Fully completed Planning Application Form
- Full copy of current Title including Certificate of Title, Title Plan and Schedule of Easements (if any)
- Three copies of
  - The plans
  - Application Fees
- Covering letter providing additional information if you feel that this will help Council assess your application
- Written permission of the owner to making of the application.
- Statutory Declaration that you have notified the owner of the making of this application. (Applies to land other than Council and Crown land where the applicant is not the owner.)

Please note that the Council has the right to request additional information.

## **Information!**

### **11.10 CONSIDERATION OF APPLICATIONS**

#### **11.10.1 Matters to be considered by Council:**

- (a) In the determination of an application for a Planning Permit the Council shall ensure the application is in accordance with the scheme objectives, the specific intent of the relevant Zone and all relevant aims and provisions of the Scheme.
- (b) In addition to (a), the Council shall take into consideration:
- (i) any representation received in relation to an application which has invoked Clause 11.5;
  - (ii) any relevant proposals, reports, guidelines and or requirements of Council, its officers or other public authorities;
  - (iii) any advice received from:
    - a) the Heritage Advisory Committee in relation to sites within the Historic Precinct Special Area or listed in Schedule 4, Buildings and Works of Historic Significance; or
    - b) the Chauncy Vale Management Committee in relation to sites within the Chauncy Vale Wildlife Sanctuary;
  - (iv) whether any part of the land is subject to:
    - a) landslip, soil instability, or erosion;
    - b) excessive slope;
    - c) ponding or flooding;
    - d) risk of bushfire;
    - e) a Protected Catchment District under s.26 of the Water Act 1957;
    - f) soil contamination; or
    - g) environmental or safety hazards or constraints;
  - (v) whether the proposed use or development will be supplied with adequate potable water, sewage and sullage disposal, stormwater disposal, refuse disposal, and power to a standard which is adequate for the health of occupiers and/or users;
  - (vi) whether the proposed use or development is satisfactory in relation to:
    - a) its siting, height, scale and appearance, including finishes and colours with regard to surrounding land and buildings;
    - b) protection of any important natural features on the site or within the surrounding area;
    - c) protection of any important historic and architectural features on the site or within the streetscape or landscape;
    - d) its impact on adjacent properties caused by reduction of sunlight/daylight, privacy and views;
    - e) any existing buffer areas, covenants shown on a sealed plan, or easements affecting the site;
    - f) proposed hours of operation;
    - g) siting, type and size of advertising signs;
    - h) impact on traffic movement and pedestrian safety;
    - i) provision and siting of parking and suitability of access for residents, employees, customers, service vehicles and other users of the site;
    - j) adequate water supply for fire fighting purposes; and
    - k) adequate refuse storage space;
  - (vii) the provision of adequate landscaping and private open space and/or communal outdoor space;
  - (viii) the provisions of Part 8 concerning access and new public road junctions;
  - (ix) the provision of parking;
  - (x) the adequacy and capacity of existing infrastructure and services to cater for the proposed use or development including roads, footpaths, water, sewerage and power;

#### **11.10.2 External Advice**

- (a) Council may seek the advice of any organisation or person in its consideration of an application.

### **11.11 APPROVAL OR REFUSAL OF AN APPLICATION**

- (a) Having determined an application for a Planning Permit, Council shall:
- (i) issue a Planning Permit specifying any conditions and, where relevant, the reasons for those conditions; or
  - (ii) issue a written refusal for the use or development stating the grounds of refusal.

For office use only

Basic application fee	\$	<i>Date paid</i>
Advertising fee	\$	
<b>TOTAL:</b>	<b>\$</b>	<i>Receipt No.:</i>



# PROPOSED VINEYARD, DWELLING, PROCESSING FACILITY & MACHINERY SHED

## DEVELOPMENT APPLICATION DRAWINGS

LOT 1, SP167167  
CNR PELHAM & HORNERS ROAD  
ELDERSLIE TAS

## DRAWING REGISTER

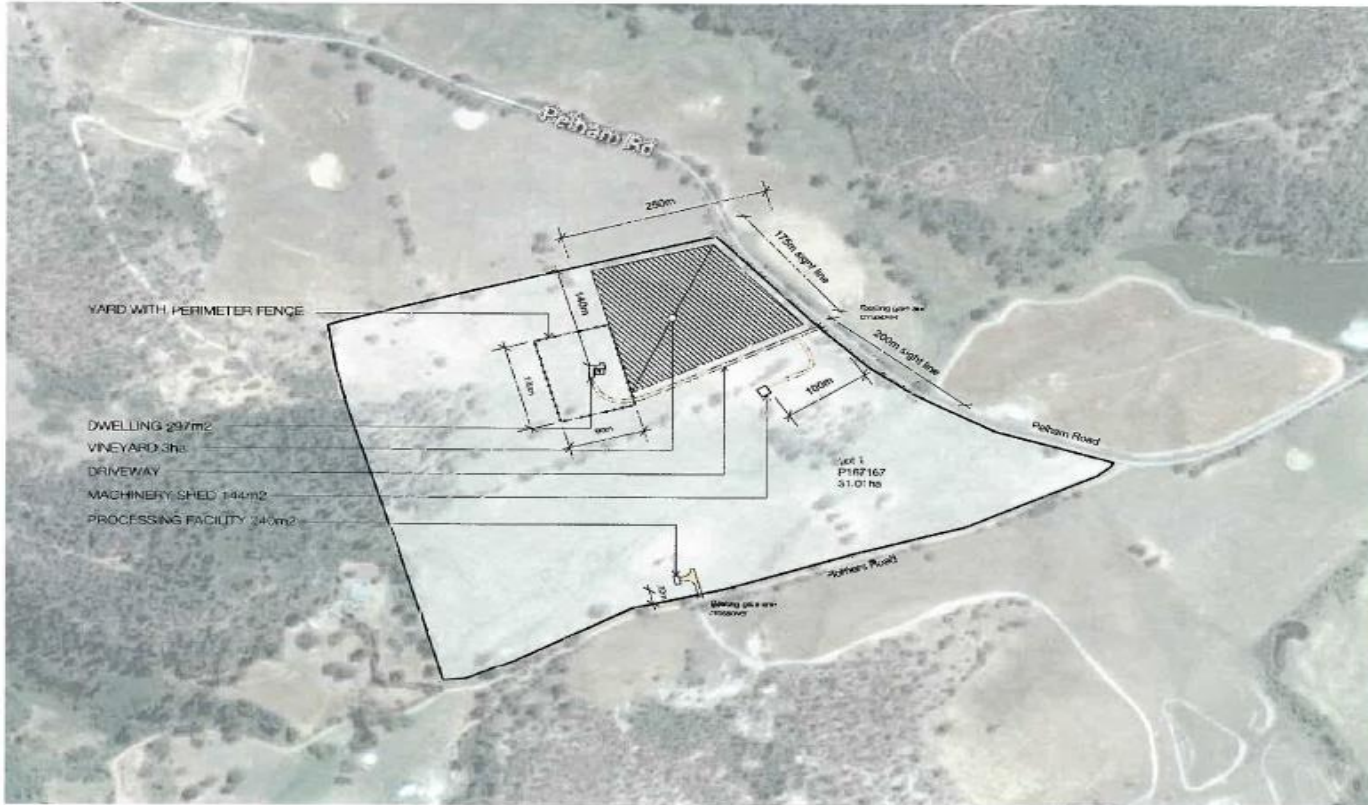
- A001 COVER PAGE & DRAWING REGISTER
- A101 SITE PLAN
  
- A102 DWELLING GROUND FLOOR PLAN
- A103 DWELLING FIRST FLOOR PLAN
- A104 DWELLING LOWER FLOOR PLAN
- A201 DWELLING ELEVATIONS
- A202 DWELLING ELEVATIONS
  
- A105 PROCESSING FACILITY PLAN & ELEVATIONS
- A106 MACHINERY SHED PLAN & ELEVATIONS



architecture  
development  
strategic design



DATE: 04/08/2015	REVISION: A	PROJECT NO:	15.638
PROJECT:	Elderslie Vineyard and Dwelling	DATE:	22/08/2015
CLIENT:	Matt & Carolyn Bancal	DRAWN BY:	EG
DWG:	Coverpage & Drawing Register	CHECKED BY:	SH
S. Group © Copyright 2015. 22 Cameron Street Launceston, Tasmania PO Box 1271 Launceston TAS 7250 Australia T: 03 63111408 E: info@sgroup.com.au W: www.sgroup.com.au		PROJECT NO: 15.638 DWG NO: A001	



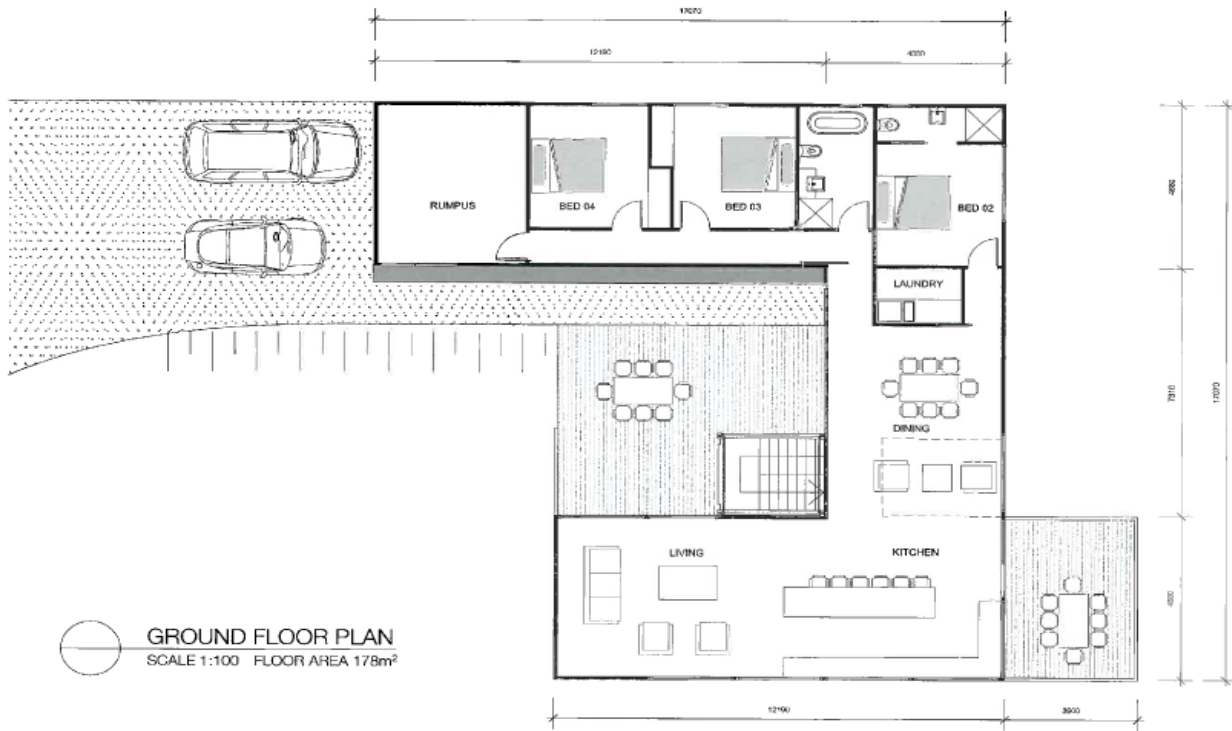
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3/05/2015

○ SITE PLAN  
SCALE 1:5000

○ architecture  
development  
strategic design



DATE: 20/05/2015	REVISION: A	PROJECT #	15.638
PROJECT: Elderslie Vineyard and Dwelling		DATE: 20/05/2015	ISSUE #
CLIENT: Matt & Carolyn Bancal		SCALE: A3	1:5000
DRAWN: SG		CHECK: SM	REVISION:
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**GROUND FLOOR PLAN**  
 SCALE 1:100 FLOOR AREA 178m<sup>2</sup>

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 3/09/2018

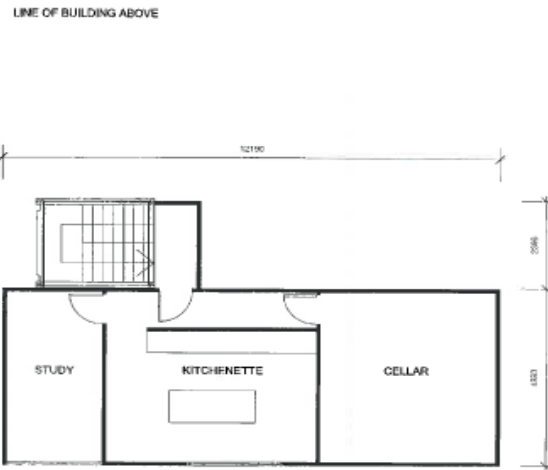

 architecture  
 development  
 strategic design



ISSUE DA	(DATE 20/06/2018) REVISION: A	PROJECT #	15.631
PROJECT	Elderslie Vineyard and Dwelling	CLIENT	Matt & Carolyn Bancal
DATE	20/06/2018	SCALE	1:100
DWG	Dwelling - Ground Floor Plan	DRAWN	SD
		CHECK	SHI
S. Group © copyright 2018 PO Box 1271 Launceston TAS 7250 Australia T: 01 53 111 403 E: info@sgroup.com.au W: www.sgroup.com.au		22 Cameron Street Launceston, Tasmania A10.	



**LOWER FLOOR PLAN**  
SCALE 1:100 FLOOR AREA 59.5m<sup>2</sup>



MC - KEMPTON  
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3/08/2015



architecture  
development  
strategic design

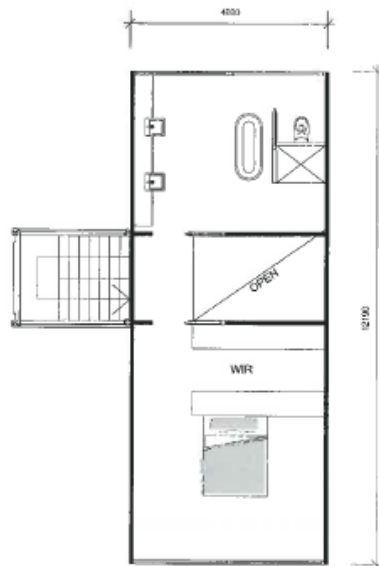


DATE: 04/07/2015	ISSUE: A	PROJECT #	15.638
PROJECT	Elderslie Vineyard and Dwelling	CLIENT	Matt & Carolyn Bancal
CLIENT	Matt & Carolyn Bancal	DWG #	A103
DWG	Dwelling - Lower Floor Plan	SCALE	1:100
		DATE	07/08/2015
		DRG	01
		REVISION	

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**FIRST FLOOR PLAN**  
 SCALE 1:100 FLOOR AREA 59.5m<sup>2</sup>

LINE OF BUILDING BELOW

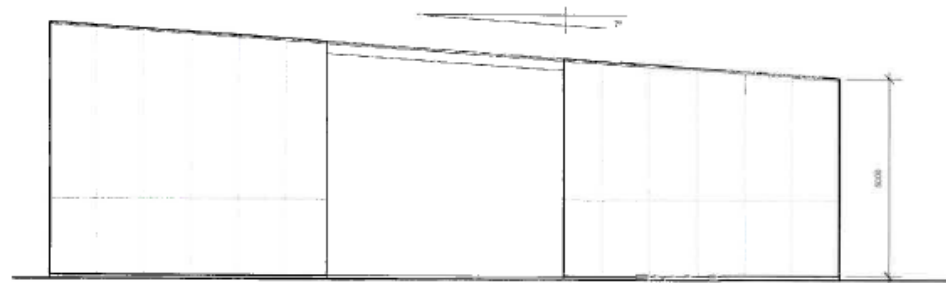


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 3/08/2015

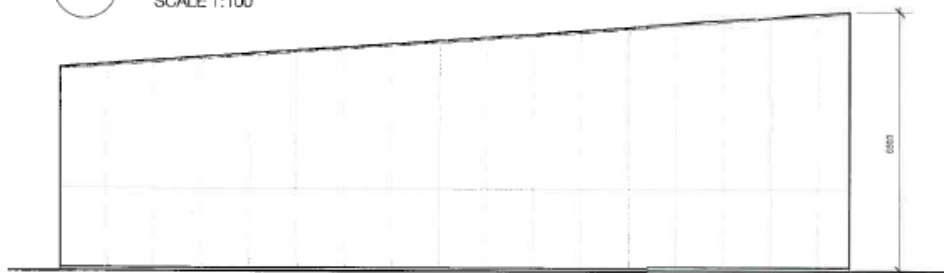

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 development  
 strategic design



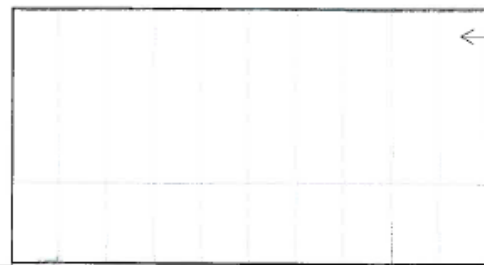
DATE	DA	DATE 28/09/2015	REVISION	A
PROJECT	Elderslie Vineyard and Dwelling		PROJECT #	15.638
CLIENT	Matt & Carolyn Bancal		SCALE #	250X2015
DATE	DWELLING - UPPER FLOOR PLAN		SCALE # A2	1:100
DATE	DWELLING - UPPER FLOOR PLAN		DRAWN	GC
DATE	DWELLING - UPPER FLOOR PLAN		CHECK	SH
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PO Box 1271 Launceston TAS 7250 Australia			T: 03 63 111 400	
			E: info@sgroup.com.au W: www.sgroup.com.au	



**EAST ELEVATION**  
SCALE 1:100



**WEST ELEVATION**  
SCALE 1:100

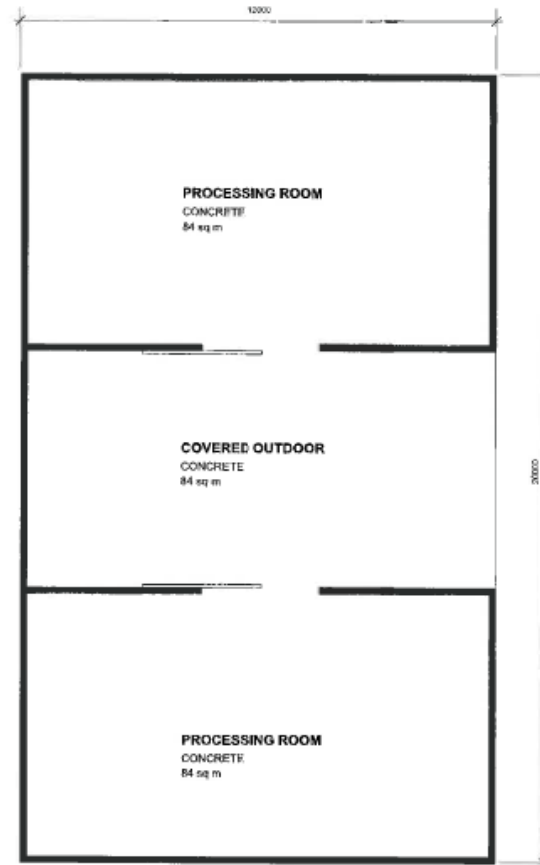


**SOUTH ELEVATION**  
SCALE 1:100

SRC - KEMPTON  
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30/08/2015

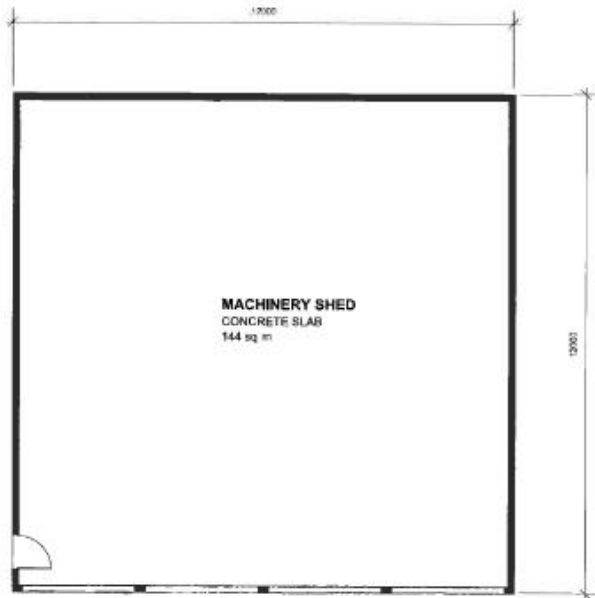


architecture  
development  
strategic design

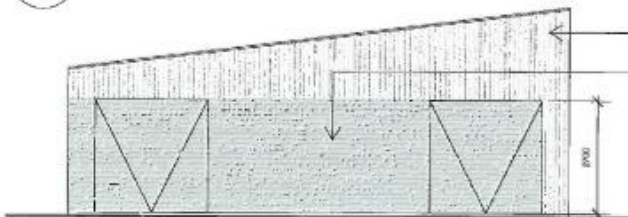


**FLOOR PLAN**  
SCALE 1:100

ISSUE NO.	DATE	24/08/2015	VERSION	A	
PROJECT	Elderslie Vineyard and Dwelling			PROJECT #	15.638
CLIENT	Matt & Carolyn Bancal			DWG #	A105
TITLE	Processing Facility			SCALE AS	1:100
				DRAWN	SG
				CHECK	SG
				DATE	25/08/2015
S. Group				22 Cameron Street Launceston, Tasmania	
PO Box 1271 Launceston TAS 7250 Australia				T: 03 63 111 403	
				E: info@sgroup.com.au	
				W: www.sggroup.com.au	



FLOOR PLAN  
SCALE 1:100



Lysaght Spandek cladding,  
Wallaby finish  
Lysaght Spandek cladding,  
Monument finish

EAST ELEVATION  
SCALE 1:100



NORTH ELEVATION  
SCALE 1:100



WEST ELEVATION  
SCALE 1:100



SOUTH ELEVATION  
SCALE 1:100

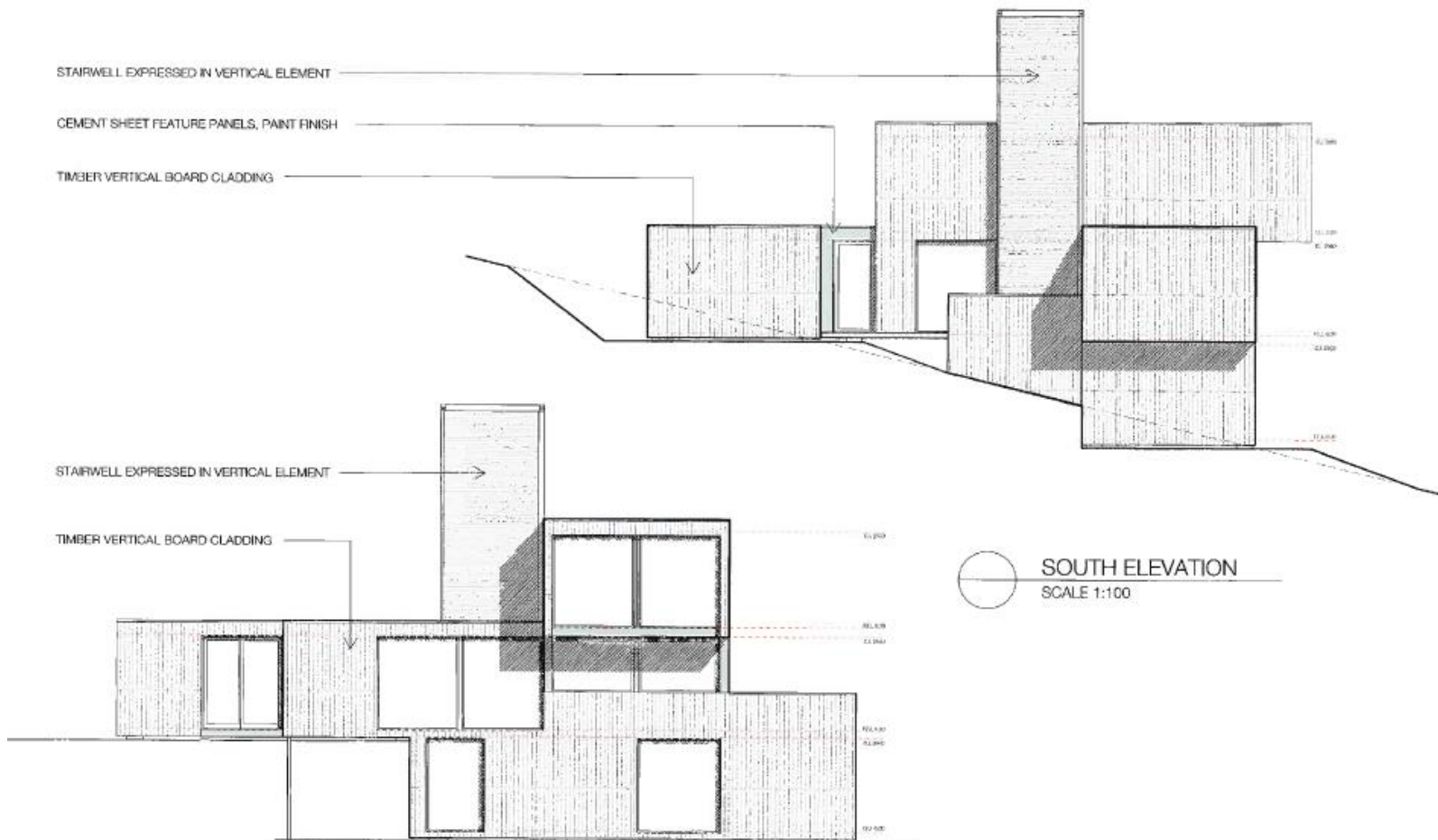


architecture  
development  
strategic design



DATE	DA	DATE	28/06/2015	REVISION	A	
PROJECT	Elderslie Vineyard and Dwelling				PROJECT #	15.638
CLIENT	Matt & Carolyn Bancal				PHASE	A106
DRAWN	Machinery Shed				SCALE	1:100
					TITLE	SD
					DATE	28/06/2015

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SNC - KEMPTON  
RECEIVED  
3/08/2015

EAST ELEVATION  
SCALE 1:100

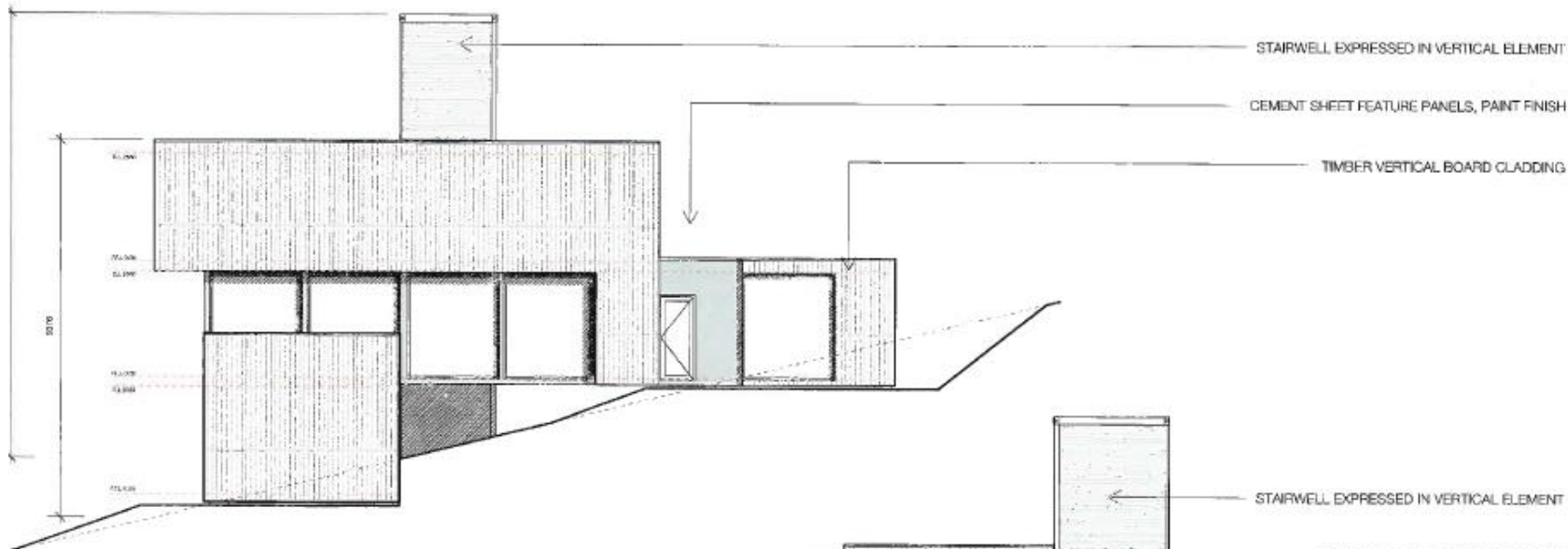
architecture  
development  
strategic design



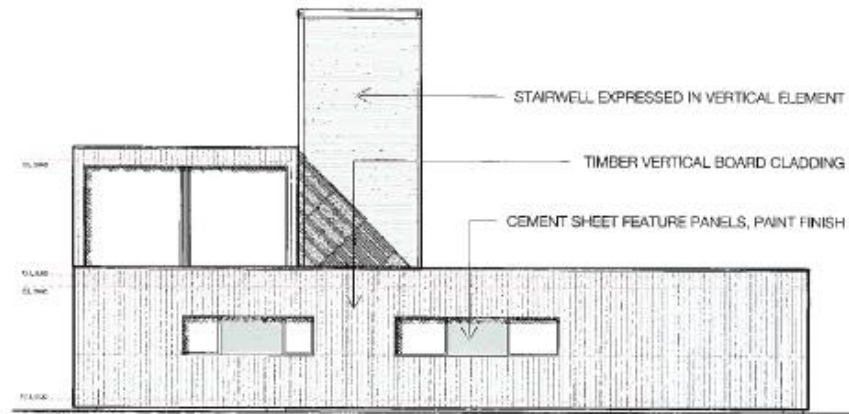
DATE	03/08/2015	PROJECT A	
PROJECT	Elderslie Vineyard and Dwelling	PROJECT #	15.638
CLIENT	Matt & Carolyn Bancal	DATE #	20/08/2015
DRG	Dwelling - Elevations	SCALE(S)	1:100
		DRW	SG
		CHK	SH

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**NORTH ELEVATION**  
 SCALE 1:100




**WEST ELEVATION**  
 SCALE 1:100

RMG - KEMPTON  
 RECEIVED  
 3/09/2016

architecture  
 development  
 strategic design



DATE DA	DATE 23/06/2015	REVISION A	PROJECT #	15.638
PROJECT	Elderslie Vineyard and Dwelling		DATE	23/06/2015
CLIENT	Matt & Carolyn Bancal		SCALE	1:100
DWG	Dwelling - Elevations		DATE	09
			DWG	01

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**CERTIFICATE OF THE RESPONSIBLE DESIGNER  
(PLUMBING WORK)**

**Section  
80(1)(b)**

**Form  
35B**

To:  Owner name  
 Address  
  Suburb/postcode

**Designer details:**

Name:  Category:   
Business name:  Phone No:   
Business address:   
  Fax No:   
Accreditation or Licence No:  Email address:

**Details of the proposed work:**

**Owner/Applicant**  Designer's project reference No.   
**Address:**  Lot No:

**Type of work:** (e.g. new installation/ alteration/ addition/ repair/ other)

**Description of the Design Work (Scope, limitations or exclusions):**

Deemed-to-Satisfy:  Alternative Solution:  (tick  the appropriate box)

**Design documents provided:**

The following documents are provided with this Certificate –

<small>Document description:</small>		
Drawing numbers:	Prepared by:	Date:
Schedules:	Prepared by:	Date:
Specifications:	Prepared by: GES	Date: March 15
Computations:	Prepared by:	Date:

Alternative solution proposals:	Prepared by:	Date:
Test reports:	Prepared by: GES	Date: March 15

<b>Standards, codes or guidelines relied on in design process:</b>	
AS/NZs 1547-2012	
AS 3500	


<b>Any other relevant documentation:</b>	

<b>Attribution as designer:</b>	
---------------------------------	--

I **John Paul Cumming** being a licenced plumber practitioner-certifier or an accredited building practitioner am responsible for the design of that part of the plumbing work or plumbing installation as described in this certificate;

The documentation relating to the design includes sufficient information for the assessment of the work in accordance with the *Building Act 2000* and sufficient detail for the plumber or builder to carry out the work in accordance with the documents and the Act;

This certificate confirms compliance of this design with the requirements of the Plumbing Code of Australia (PCA) and is evidence of suitability under Clause A2.2 of the PCA.

Designer: Signed:  Date: 3/3/15

**BUILDING WORK**  
**CERTIFICATE OF SPECIALIST OR OTHER PERSON** Form **55** Regulation 13

**To: Owner/Agent**

Name

Mathieu & Carolyn Bancal

33 Erle St

Carlton, TAS

7173

**Certifier details**

Name

Geo-Environmental Solutions Pty Ltd

Address

86 Queen St

Suburb

Sandy Bay

Postcode

7005

Accreditation Number

AO 999

Phone Number

03 6223 1839

Fax Number

03 6223 4539

Email Address

jcumming@geosolutions.net.au

Or qualifications and Insurance details (description from Column 3 of Schedule 1 of the Director of Building Control's Determination)

Certified Professional Soil Scientist (CPSS – stage 2)

Professional Indemnity cover – CGU Ltd

Speciality area of expertise (description from Column 4 of Schedule 1 of the Director of Building Control's Determination)

AS2870-2011 Foundation Classification

**Details of Work**

Address

Clifton Vale Rd,

Suburb

Elderslie, TAS

Postcode

7030

Lot Number

1

Certificate of title Number

167167/1

The Work (description of the work or part work being certified)

Classification of foundation conditions according to AS2870-2011

**Certificate Details**

Certificate type (description from Column 1 of Schedule 1 of the Director of Building Control's Determination)

Foundation Classification

This certificate is in relation to an application for a new building permit.

OR This certificate is in relation to any stage of building work before completion

In issuing this certificate the following matters are relevant-

Documents

Attached assessment report

Relevant Calculations

Refer to report

References

AS2870-2011, AS1726-1993, CSIRO BTF-18

Substance of Certificate (what it is that is being certified)

Site classification according to AS2870-2011

Scope and/or Limitations

The classification applies to the site as inspected and does not account for future alteration to foundation conditions as a result of earthworks, drainage condition changes or variations in site maintenance.

I certify the matters described in this certificate

Certifier:

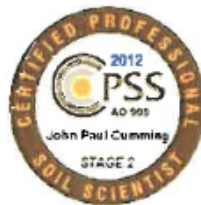
  

Date:

3/03/15

Certificate No.

2015-088



**GEO-ENVIRONMENTAL ASSESSMENT**

*Cnr Horners and Pelham Roads*

*Elderslie*

*February 2015*



GEO-ENVIRONMENTAL  
S O L U T I O N S

Disclaimer: The author does not warrant the information contained in this document is free from errors or omissions. The author shall not in any way be liable for any loss, damage or injury suffered by the User consequent upon, or incidental to, the existence of errors in the information.

Geo-Environmental Solutions P/L 86 Queen Street Sandy Bay 7005. Ph 6223 1839 Fax 6223 4539

## Introduction

**Client:** Matt Bancal  
**Date of inspection:** 10/2/2015  
**Location:** Cnr Pelham and Horners Rds, Elderslie (CT 167167/1)  
**Land description:** Approx. 31ha rural residential lot  
**Building type:** Proposed 4 bedroom dwelling  
**Investigation:** Motorised hand auger  
**Inspected by:** A. Plummer

## Background information

**Map:** Mineral Resources Tasmania 1:50 000 Kingborough Sheet  
**Rock type:** Permian sandstone/mudstone  
**Soil depth:** Refusal at 0.4m  
**Landslide zoning:** Parts of the site have been identified as being susceptible to landslide due to slope angle (low-med risk) by MRT.  
**Local meteorology:** Annual rainfall approx 800 mm  
**Local services:** Tank water with on site wastewater disposal required

## Site conditions

**Slope and aspect:** Site on hillside, easterly to south easterly aspect approx. 15-25% slope  
**Site drainage:** Good site fall & good subsoil drainage  
**Vegetation:** Mixed pasture and native species  
**Weather conditions:** Fine, approx 2mm rainfall received in preceding 7 days.  
**Ground surface:** Dry grassed sandy surface

## Investigation

A number of excavations were completed to identify the distribution of, and variation in soil materials on the site. One representative excavation at the approximate location indicated on the site plan was chosen for testing and classification according to AS2870-2011 and AS1547-2012 (see profile summary 1).

**Profile summary 1- Natural soils**

Hole 1 Depth (m)	Hole 2 Depth (m)	Horizon	Description
0 – 0.10	0 – 0.10	A1	Dark Grey <b>Sandy SILT (SM)</b> , weak polyhedral structure, dry hard consistency, abundant fine roots, clear boundary to
0.10 – 0.35	0.10 – 0.55	A2	Light Grey <b>Sandy SILT (SM)</b> , massive, dry hard cemented consistency, clear boundary to
0.35 – 0.40	0.55 – 0.70	C	Silty sandy weathered bedrock, refusal on bedrock at 0.40-0.70m

**Soil profile notes**

Soils on the site are developing from Permian sandstone/mudstone, and are slightly plastic with moderate permeability.

**Site Classification**

According to AS2870-2011 for construction the natural soil is classified as **Class S**, However for construction on the existing site cut to rock **Class A** would be applicable.

**Wind Classification**

The AS 4055-2006 *Wind load for Housing* classification of the site is:

Region:	<b>A</b>
Terrain category:	<b>TC2</b>
Shielding Classification:	<b>NS</b>
Topographic Classification:	<b>T2</b>
Wind Classification:	<b>N3</b>
Design Wind Gust Speed ( $V_{h,p}$ )	<b>50 m/sec</b>



### **Wastewater Classification & Recommendations**

According to AS1547-2012 for on-site wastewater management the soil on the property is classified as **loam (category 3)** with a DLR of 15L/m<sup>2</sup>/day. The proposal is construct a four bedroom dwelling with tank water supply with a total wastewater output according to AS1547-2012 of 840L/day (7 persons @ 120L/day).

A dual purpose septic tank (min 3000L) with a DLR of 15L/m<sup>2</sup>/day will require a minimum absorption area of 60m<sup>2</sup>. This may be accommodated by installing three raised terraced trenches 17m x 1.2m x 0.6m with a three-way flow splitter to ensure equal distribution between trenches (for all calculations please refer to the attached Trench summary reports). A surface cut-off drain should be installed upslope of the absorption area.

### **Construction recommendations**

According to AS2870-2011 for construction the natural soil is classified as **Class S**, However for construction on the existing site cut to rock **Class A** would be applicable. All earthworks on site must comply with AS3798-2007, and I further recommend that consideration be given to drainage and sediment control on site during and after construction.

I recommend that during construction that I and/or the design engineer be notified of any major variation to the foundation conditions as predicted in this report.



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD  
*Environmental and Engineering Soil Scientist*

**GES**

**Land suitability and system sizing for on-site wastewater management**

Trench 3.0 (Australian Institute of Environmental Health)

**Assessment Report**

**Site assessment for on-site waste water disposal**

Assessment for Mathew Bancal 56 Tarrants Rd, Granton 7030	Assess. Date Ref. No.	3-Mar-15
Assessed site(s) Cnr Pelham and Horners Rds, Elderslie	Site(s) inspected	10-Feb-15
Local authority southern midlands council	Assessed by	John Paul Cumming

This report summarises wastewater volumes, climatic inputs for the site, soil characteristics and system sizing and design issues. Site Capability and Environmental sensitivity issues are reported separately, where 'Alert' columns flag factors with high (A) or very high (AA) limitations which probably require special consideration for system design(s). Blank spaces on this page indicate data have not been entered into TRENCH.

**Wastewater Characteristics**

Wastewater volume (L/day) used for this assessment = 840 (using the 'No. of bedrooms in a dwelling' method)  
 Septic tank wastewater volume (L/day) = 280  
 Sullage volume (L/day) = 560  
 Total nitrogen (kg/year) generated by wastewater = 3.1  
 Total phosphorus (kg/year) generated by wastewater = 1.5

**Climatic assumptions for site**

(Evapotranspiration calculated using the crop factor method)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean rainfall (mm)	51	46	51	57	66	54	64	72	75	68	59	56
Adopted rainfall (R, mm)	51	46	51	57	66	54	64	72	75	68	59	56
Retained rain (Rr, mm)	41	37	41	46	53	43	51	58	60	54	47	45
Max. daily temp. (deg. C)												
Evapotrans (ET, mm)	130	110	91	63	42	29	32	42	63	84	105	126
Evapotrans less rain (mm)	89	73	60	17	-11	-14	-20	-16	3	30	58	81
Annual evapotranspiration less retained rain (mm) =	342											

**Soil characteristics**

Texture = loam  
 Adopted permeability (m/day) = 1.5  
 Adopted LTAR (L/sq m/day) = 15  
 Category = 3  
 Thick. (m) = 0.4  
 Min depth (m) to water = 10

**Proposed disposal and treatment methods**

Proportion of wastewater to be retained on site:	All wastewater will be disposed of on the site
The preferred method of on-site primary treatment:	In dual purpose septic tank(s)
The preferred method of on-site secondary treatment:	In-ground
The preferred type of in-ground secondary treatment:	Trench(es)
The preferred type of above-ground secondary treatment:	None
Site modifications or specific designs:	Are needed

**Suggested dimensions for on-site secondary treatment system**

Total length (m) = 48  
 Width (m) = 1.2  
 Depth (m) = 0.4  
 Total disposal area (sq m) required = 60  
 comprising a Primary Area (sq m) of: 60  
 and a Secondary (backup) Area (sq m) of:

Sufficient area is available on site

To enter comments, click on the line below 'Comments'. (This yellow -shaded box and the buttons on this page will not be printed.)

**Comments**

The calculated DLR for the category 3 soil present on site for wastewater is a moderate 52L/sq m/day, and an absorption area of 60sq m is required. Therefore the system should have the capacity to cope with predicted climatic and loading events.

**GES**  
 Land suitability and system sizing for on-site wastewater management  
 Trench 3.0 (Australian Institute of Environmental Health)

**Site Capability Report**  
 Site assessment for on-site waste water disposal

Assessment for Mathew Bancal 56 Tarrants Rd, Granton 7030	Assess. Date 3-Mar-15
Assessed site(s) Cnr Pelham and Hroners Rds, Elderslie	Ref. No.
Local authority southern midlands council	Site(s) inspected 10-Feb-15
	Assessed by John Paul Cumming

This report summarises data relating to the physical capability of the assessed site(s) to accept wastewater. Environmental sensitivity and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) site limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
	Expected design area	sq m	5,000	V. high	Very low		
	Density of disposal systems	/sq km	1	Mod.	Very low		
	Slope angle	degrees	10	High	Moderate		
	Slope form	Convex spreading		High	Very low		
	Surface drainage	Mod. good		High	Low		
	Flood potential	Site floods <1:100 yrs		High	Very low		
	Heavy rain events	Infrequent		High	Moderate		
A	Aspect (Southern hemi.)	Faces SE or SW		V. high	High		
	Frequency of strong winds	Common		High	Low		
	Wastewater volume	L/day	840	High	Moderate		
	SAR of septic tank effluent		1.0	High	Low		
	SAR of sullage		1.6	High	Low		
A	Soil thickness	m	0.4	V. high	High		
AA	Depth to bedrock	m	0.4	V. high	Very high		
	Surface rock outcrop	%	0	V. high	Very low		
	Cobbles in soil	%	0	V. high	Very low		
	Soil pH		5.5	High	Low		
	Soil bulk density	gm/cub. cm	1.4	High	Very low		
	Soil dispersion	Emerson No.	7	V. high	Very low		
A	Adopted permeability	m/day	1.5	Mod.	High		
	Long Term Accept. Rate	L/day/sq m	15	High	Very low	Moderate	

To enter comments, click on the line below 'Comments'. (This yellow-shaded box and the buttons on this page will not be printed.)

**Comments**

Waste water disposal on site is limited by the soil depth and the slope angle, as a result the calculated DLR based upon permeability has been reduced to allow for significant absorption of treated water within the soil system.

**GES**

Land suitability and system sizing for on-site wastewater management  
Trench 3.0 (Australian Institute of Environmental Health)

**Environmental Sensitivity Report**  
**Site assessment for on-site waste water disposal**

Assessment for	Mathew Bancal 56 Tarrants Rd, Granton 7030	Assess. Date	3-Mar-15
Assessed site(s)	Cnr Pelham and Horner Rds, Elderslie	Ref. No.	
Local authority	southern midlands council	Site(s) inspected	10-Feb-15
		Assessed by	John Paul Cumming

This report summarises data relating to the environmental sensitivity of the assessed site(s) in relation to applied wastewater. Physical capability and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
A	Cation exchange capacity	mmol/100g	30	High	High		
A	Phos. adsorp. capacity	kg/cub m	0.2	High	High		
	Annual rainfall excess	mm	-342	High	Very low		
	Min. depth to water table	m	10	High	Very low		
	Annual nutrient load	kg	4.6	High	Very low		
	Gwater environ. value	Agric non-sensit		V. high	Low		
	Min. separation dist. required	m	10	High	Low		
	Risk to adjacent bores	Very low		V. high	Very low		
	Surf. water env. value	Agric non-sensit		V. high	Low		
	Dist. to nearest surface water	m	190	V. high	Moderate		
	Dist. to nearest other feature	m	200	V. high	Very low		
	Risk of slope instability	Low		V. high	Low		
	Distance to landslip	m	200	V. high	Low		

To enter comments, click on the line below 'Comments'. (This yellow -shaded box and the buttons on this page will not be printed.)

**Comments**

The sandyclay materials on site generally have a low CEC, to retain nutrients.

23/07/15

**To: Southern Midlands Council**

**RE: Planning application – Proposed wine processing building – Horners Road Elderslie**

This memo is to accompany the planning application for the proposed winery, dwelling, production facility and machinery shed for Matt Bancal on his property located on the corner of Horners and Pelham Road, Elderslie (CT 167167/1).

The client is proposing to build a category 1 wine processing facility with a maximum seasonal capacity of 150 tonnes, to be located near the Eastern boundary adjacent to Horners Road.

The volume of waste that will be created by this facility will be in the region of 50KL during season. Based upon our knowledge of the property and the local area there is sufficient capacity on site to deal with this waste via a typical small winery wastewater system utilising controlled irrigation on site. Any wastewater produced from staff facilities (eg staff toilet/basin/sink) would be accepted and treated in a conventional septic tank system. Such conventional designs completed by GES have proved suitable at numerous other wineries in Southern Tasmania.

This letter gives in principle support for planning purposes, with further detail to be provided in a wastewater management plan and system design prior building and plumbing approval.

Please contact me if you have any further questions.



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD  
*Environmental and Engineering Soil Scientist*  
*Director*

## AS1547:2012 – Loading Certificate – Septic System Design

This loading certificate sets out the design criteria and the limitations associated with use of the system.

**Site Address:** Cnr Pelham and Horners Rds, Elderslie (CT 167167/1)

**System Capacity:** 7 persons @ 120L/person/day

### Summary of Design Criteria

**DLR:** 16L/m<sup>2</sup>/day.

**Absorption area:** 60m<sup>2</sup>

**Reserve area location /use:** Not assigned – more than 100% available

**Water saving features fitted:** Standard fixtures

**Allowable variation from design flows:** 1 event @ 200% daily loading per quarter

**Typical loading change consequences:** Expected to be minimal due to capacity of system and site area (provided loading changes within 25% of design)

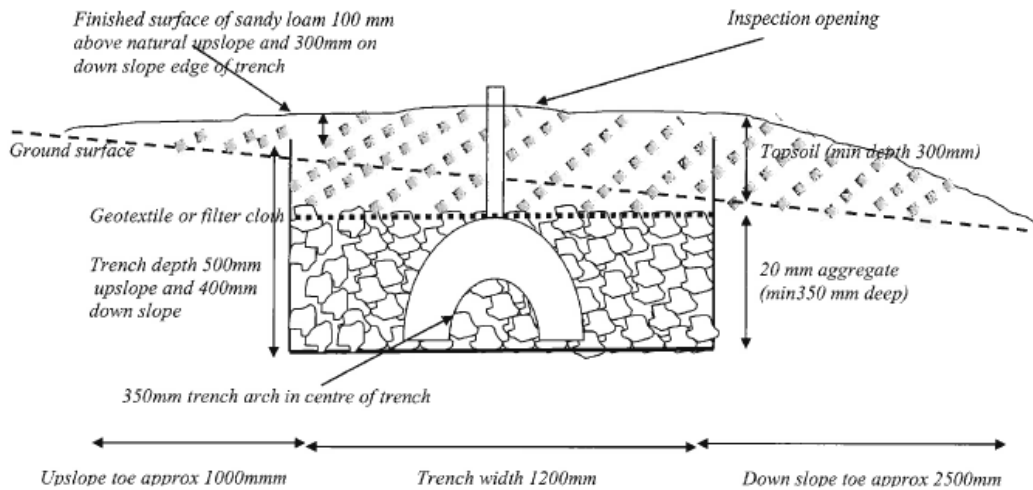
**Overloading consequences:** Continued overloading may cause hydraulic failure of the absorption area and require upgrading/extension of the area. Risk considered acceptable due to visible signs of overloading and owner monitoring.

**Underloading consequences:** Lower than expected flows will have minimal consequences on system operation unless the house has long periods of non occupation. Under such circumstances additional maintenance of the system may be required. Risk considered acceptable.

**Lack of maintenance / monitoring consequences:** Issues of underloading/overloading and condition of the absorption area require monitoring and maintenance, if not completed system failure may result in unacceptable health and environmental risks. Septic tank de-sludging must also be monitored to prevent excessive sludge and scum accumulation. Monitoring and regulation by the property owner required to ensure compliance.

**Other operational considerations:** Owners/occupiers must be aware of the operational requirements and limitations of the system, including the following; the absorption area must not be subject to traffic by vehicles or heavy stock and should be fenced if required. The absorption area must be kept with adequate grass cover to assist in evapotranspiration of treated effluent in the absorption trenches. The septic tank must be desludged at least every 3 years, and any other infrastructure such as septic tank outlet filters must also be cleaned regularly (approx. every 6 months depending upon usage). Foreign materials such as rubbish and solid waste must be kept out of the system.

**Figure 1 – Terraced Modified Absorption Trench**



**Design notes:**

1. Absorption trench dimensions of up to 20m long by 0.55m deep by 1.2m wide.
2. Base of trenches to be excavated level and smearing and compaction avoided.
3. 350-410mm arch should be placed in centre of trench or slotted 100mm PVC pipe @ 700mm centres and covered with aggregate (PVC in top 100mm of aggregate).
4. Geotextile or filter cloth to be placed over the distribution arch/PVC pipes to prevent clogging of the pipes and aggregate – in sand (category 1 soils) the sides of the trench over the aggregate should also be covered.
5. Construction on slopes up to 30% to allow trench depth range approx 500mm upslope edge to 300mm on down slope edge.
6. On slopes over 10% the sandy loam cover should be at least 100mm above natural with a downslope batter no less than 2000mm in length to avoid surface water accumulation (up slope ag drain also recommended to divert surface water flows).
7. All works on site to comply with AS3500 and Tasmanian Plumbing code.

SEARCH OF TORRENS TITLE

VOLUME 167167	FOLIO 1
EDITION 2	DATE OF ISSUE 06-Jan-2015

SEARCH DATE : 31-Jul-2015  
SEARCH TIME : 11.11 AM

DESCRIPTION OF LAND

Parish of WALLACE Land District of MONMOUTH  
Lot 1 on Sealed Plan 167167  
Derivation : Part of 1000A-0R-0P Granted to R. Armstrong and F.  
C. Smith  
Prior CT 140923/1

SCHEDULE 1

M500087 TRANSFER to MATTHIEU BANCAL and CAROLYN ELIZABETH  
BANCAL Registered 06-Jan-2015 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
SP167167 FENCING COVENANT in Schedule of Easements  
M499177 MORTGAGE to MyState Bank Limited Registered  
06-Jan-2015 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations





## **12.2 SUBDIVISIONS**

Nil

## **12.3 MUNICIPAL SEAL (PLANNING AUTHORITY)**

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

*File Ref: (Refer PID numbers in table below)*

Nil Report.

## **12.4 PLANNING (OTHER)**

### **12.4.1 Consideration of Complaint: Notice of Suspected Contravention of the Planning Scheme Pursuant to Section 63B of the Land Use Planning & Approvals Act 1993: 1384 Tea Tree Road, Campania.**

*File Reference: 2941293*

REPORT AUTHOR                      MANAGER – DEVELOPMENT &  
ENVIRONMENTAL SERVICES

DATE                                      17<sup>th</sup> SEPTEMBER 2015

ATTACHMENTS:  
ENCLOSURE:

1. Notice of Complaint
1. Planning Report – Minutes of the 27<sup>th</sup> August 2014 Council Meeting
2. Grounds of Appeal 76/14P
3. Copy of Permit issued DA 2014/65 per consent decision of the Appeal 76/14P

### **NOTE**

*The identity of the complainant has been kept confidential in this report and removed from the attachments.*

### **BACKGROUND**

Council has received a formal notice of complaint against Holy Tantra Esoteric Buddhism Incorporated at 1384 Tea Tree Road, Campania. The notice was lodged on Tuesday the 30<sup>th</sup> June 2015 by persons who live in the local area.

The complaint relates to stone statues, (yet to be erected), alleging they will be a 'Place of Assembly' and the "Tasmanian Buddhist Cultural Park".

In 2014 Council approved the construction of the statues, defining them as a 'miscellaneous' development and including the condition that the statues do not constitute either a 'Place of Assembly' or a substantial commencement of the "Tasmanian Buddhist Cultural Park". The Council decision to approve the statues is attached in the "Planning Report – Minutes of the 27th August 2014 Council Meeting".

The decision to grant a permit was then the subject of an appeal (reference 76/14P). One of the grounds of appeal is similar to this complaint, which has been lodged by the same persons who lodged the appeal.

The matter was resolved via mediation at the Resource Management & Planning Appeal Tribunal and a final planning permit was issued subject to some changes.

Given the formal notice of complaint has been lodged pursuant to Section 63B of the *Land Use Planning and Approvals Act 1993*, Council has 120 days to advise the complainant if charges are to be laid in relation to the allegation or if enforcement action is to be undertaken.

Accordingly, Council, acting as the Planning Authority, must determine whether the complaint is justified.

## **THE COMPLAINT**

The complainant alleges the (yet to be constructed) statues, initially approved by Council in August 2014 and finally approved following the resolution of the Appeal (reference 76/14P) in November 2014, will be used as the "Tasmanian Buddhist Cultural Park" and therefore the land will be used as a 'Place of Assembly'. This is defined in the *Southern Midlands Planning Scheme 1998* as:

“... the use or development of any land for social, entertainment, cultural or religious purposes conducted predominantly within a permanent building and includes:

- (a) a public hall, theatre, cinema, music hall, concert hall, dance hall or church;
- (b) the conduct of trade fairs, exhibitions or conventions;
- (c) a club house; and
- (d) a function room.

The complaint further alleges the permit for the statues (reference DA 2014/65) was issued on misinformation about the true nature and use of the statues.

## **PROVISIONS OF THE ACT**

In February 2015 the *Land Use Planning & Approvals Act 1993* was amended with the enforcement provisions being given a substantial overhaul.

Under new Section 63B, a person who suspects that another person has contravened a planning scheme may give notice in writing to the planning authority requesting that the planning authority advise whether it intends to lay charges in relation to the alleged contravention, issue an infringement notice or issue an enforcement notice. The planning authority must determine the matter within 120 days.

If the planning authority determines that it will not lay charges in relation to the alleged contravention or issue an infringement notice or enforcement notice, the person who lodged the notice of complaint may then start 'civil enforcement proceedings' at the Resource Management and Planning Appeals Tribunal under Section 64 of the Act. This essentially involves an appeal to the Tribunal in which the person subject to the complaint and Council, along with the person pursuing the complaint are parties to the appeal.

## **ASSESSMENT**

### ***The Land***

The land is 106ha, rural zoned lot, accessed from Tea Tree Road. The land contains open pasture, remnant bushland, a dwelling, outbuildings, internal tracks, vegetable gardens, fencing and other rural type improvements. The land is undulating, with small gullies, watercourses (minor streams) and has a high point of 280m toward the Coal River Tier (southern tip of the property).

### ***"Tasmanian Buddhist Cultural Park"***

The land has been the subject of media attention as the landowners, a not-for-profit organisation for the dissemination of Buddhist philosophy and meditative practice methods, have made it clear to the Council, the public and the State Government that they intend to apply for a planning scheme amendment to enable the land to be used and developed as a "Tasmanian Buddhist Cultural Park".

The application to amend the planning scheme has not been submitted to Council. Such use/development in the Rural Zone would require significant changes to the Planning Scheme and detailed assessment by the Council and Tasmanian Planning Commission. All would be subject to extensive public consultation and a formal hearing.

### ***Previous assessment of this matter***

As detailed in the attached Minutes of the 27<sup>th</sup> August 2015 Meeting, Council were aware of the intentions of the landowners to one day apply to the Planning Authority to use and develop the land as a "Buddhist Cultural Park". Accordingly the permit issued by Council, for the statues, makes specific reference to the "Tasmanian Buddhist Cultural Park" to clearly articulate that the issue of the permit does not imply any such approvals.

The 'place of assembly' matter was then the subject of an appeal (76/14P). The matter was resolved through mediation and a consent decision between parties.

In the 'reasons for decision', of the Appeal, dated 21<sup>st</sup> November 2014, the Tribunal Chairman resolved that Council's determination of the 'place of assembly' matter is for Council "...to determine how it wishes to note those matters, whether as an

*advisory note or in some other way.” Accordingly the permit was issued with a cover letter advising the Holy Tantra Esoteric Buddhism Incorporated, that:*

*“You are advised that the issue of this permit does not imply any form of approval (or approval in principle) for any other future land use development associated with any intended plans to develop the ‘Tasmanian Chinese Buddhist Cultural Park’ as described to Council Officers and referenced in the Development Application.*

*Council do not consider the issue of this permit or the construction of these statues and associated works to constitute any form of substantial commencement of the ‘Tasmanian Chinese Buddhist Cultural Park’. Any proposal to further develop or change the use of the land will require separate approval(s). This includes amending the Planning Scheme, which may or may not ultimately be approved.”*

(Permit DA 2014/65 dated 26<sup>th</sup> November 2014)

The Council determined, at the time, that an application to construct statues on the land does not constitute a change of land use but rather a ‘miscellaneous’ development. This determination was based on legal advice from Council’s solicitors.

Given the above, the allegation that “the permit was therefore issued on misinformation about the true nature and use of the statues” is considered to be unsubstantiated.

### ***Current situation***

The statues have not been built. There is no evidence of the statues being used as a “place of assembly”.

### **Previous Opportunity to Test this Matter**

The complaint is essentially the same as some of the grounds of appeal lodged by the same persons against Council’s approval of the planning permit in 2014. This was resolved through mediation at the Resource Management & Planning Appeal Tribunal. The complainants therefore had the opportunity to test their allegations at a full hearing of the Tribunal, and chose not to.

### ***Conclusion***

This same matter has previously been the subject of a development application assessment report (DA 2014/65) and the subject of an appeal (76/14P). Council Officers are satisfied that the previous assessment of the Application and the subsequent issue of a final permit via the Appeals Tribunal process has adequately addressed the concerns of the complainant.

Council has made it clear to the Holy Tantra Esoteric Buddhism Incorporated that the issue of the planing permit (DA 2015/65) and the eventual construction of the statues does not constitute any form of substantial commencement of the “Tasmanian Chinese Buddhist Cultural Park” or approval for a place of assembly.

Any proposal to further develop or change the use of the land will require separate approval(s). This includes amending the Planning Scheme, which may or may not ultimately be approved. If not approved, the statues will remain simply as statues. If a

planning scheme amendment is approved, the landowners would have the ability to apply for permits for new use and development that is allowable under the amended planning scheme.

### **Notice of Complaint – 1384 Tea Tree Road – Buddhist Statues**

---

Dear General Manager

Pursuant to s63B of the Land Use Planning Approvals Act 1993 we lodge a Notice to you under this section due to the construction of an alleged 'Buddhist Cultural Park' at 1384 Tea Tree Road Rekuna without planning approval.

The 6 statues on concrete platforms being constructed on 1384 Tea Tree Road, which were approved by Council, are clearly the Tasmanian Buddhist Cultural Park in the mind of the owner (they have more or less publicly stated this) - the Park would be a Place of Assembly for the purposes of the Scheme, and are not benign statues as purported by Council Officers in the Planning Report provided to Councillors in determining the development application. The permit was therefore issued on misinformation about the true nature and use of the statues.

On the basis of s63B2(b) we -

request the planning authority to us whether it is intended that –

- (i) charges are to be laid in relation to the contravention or failure; or
- (ii) an infringement notice under section 65A, or an enforcement notice under section 65C, is to be issued and served on a person in relation to the contravention or failure; and

we further request the planning authority to advise us if, within 120 days after the notice is given to the planning authority –

- (i) charges are laid against a person in relation to the contravention or failure; or
- (ii) an infringement notice under section 65A, or an enforcement notice under section 65C, is issued and served on a person in relation to the contravention or failure.

As you would be aware, subject to all other relevant statutory requirements being satisfied, Council can **cancel** the permit issued for the construction of the 6 statues on concrete platforms at 1384 Tea Tree Road pursuant to s65G(4) -

**(4)** A planning authority has grounds for cancelling a permit if the authority is reasonably of the opinion that –

- (a)** the permit would not have been granted; or
- (b)** different conditions to the conditions, if any, it imposed on the permit would have been imposed –

if the applicant had not made a material misstatement of fact, or concealed material facts, in relation to the application for the permit.

We look forward to your urgent reply on this matter.

regards

XXXXXXXXXXXXXXXXXXXX

## **RECOMMENDATION**

**THAT, in response to the Notice of suspected contravention of the Planning Scheme pursuant to Section 63B of the *Land Use Planning & Approvals Act 1993* pertaining to an alleged “Buddhist Cultural Park” and ‘Place of Assembly’ at 1384 Tea Tree Road, Campania:**

- (a) It be determined that there is no contravention of the Planning Scheme;**
- (b) No charges be brought against the owners of 1384 Tea Tree Road;**
- (c) No planning infringement notice or planning enforcement notice be issued to the owners of 1384 Tea Tree Road;**
- (d) The complainant be advised of the above and of their right to commence civil enforcement proceedings at the Resource Management & Planning Appeals Tribunal under Section 64 of the Act if they wish to take the matter further.**

## **DECISION**

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

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

#### **13.1 ROADS**

<b>Strategic Plan Reference – Page 13</b>
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1.1.1 Maintenance and improvement of the standard and safety of roads in the municipal area.
--

#### **13.1 2015/2016 – CAPITAL WORKS PROGRAM – ROAD RESEALING & ROAD RECONSTRUCTION PROGRAM**

**AUTHOR** GENERAL MANAGER

**DATE** 17<sup>TH</sup> SEPTEMBER 2015

#### **ISSUE:**

Council to consider tenders received for:

- a) road sealing (i.e. new seals) and road reseal works; and
- b) insitu stablisation and pavement reconstruction works.

#### **BACKGROUND**

Nil

#### **DETAIL**

Tenders were invited from suitably qualified Contractors to undertake:

- a) road sealing (i.e. new seals) and road reseal works; and
- b) insitu stablisation and pavement reconstruction works.

Tenders close on Monday 21<sup>st</sup> September 2015 and a report will be circulated prior to the meeting.

**Human Resources & Financial Implications** – Each of the projects are funded from either the general ‘Road Sealing’ budget allocation of \$500,000, or a project specific budget as listed in the Capital Works Program.

The amounts remaining in each project budget (over and above the tendered prices) are allocated for drainage; additional road materials as needed and other preparation works undertaken in advance.

**Community Consultation & Public Relations Implications** – Not Applicable.

**Policy Implications** – Tender process in accordance with Council Policy.

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



## **RECOMMENDATION**

**To be submitted.**

## **DECISION**

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

## **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 | Ensure Adequate lighting based on demonstrated need. |
| 1.4.1b | Contestability of energy supply.                     |

Nil.

## **13.5 BUILDINGS**

### **Strategic Plan Reference – Page 15**

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

Nil.

## **13.6 SEWERS**

### **Strategic Plan Reference – Page 15**

- |       |   |
|-------|---|
| 1.6.1 | Increase the capacity of access to reticulated sewerage services. |
|-------|---|

Nil.

## **13.7 WATER**

### **Strategic Plan Reference – Page 15**

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

Nil.

## **13.8 IRRIGATION**

### **Strategic Plan Reference – Page 15**

1.8.1 Increase access to irrigation water within the municipality.

Nil.

## **13.9 DRAINAGE**

### **Strategic Plan Reference – Page 16**

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

Nil.

## **13.10 WASTE**

### **Strategic Plan Reference – Page 17**

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

Nil.

## **13.11 INFORMATION, COMMUNICATION TECHNOLOGY**

### **Strategic Plan Reference – Page 17**

1.11.1 Improve access to modern communications infrastructure.

Nil.

## **13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)**

### **13.12.1 Manager - Works & Technical Services Report**

*File Ref:* 3/075

**AUTHOR** MANAGER – WORKS & SERVICES (J Lyall)

**DATE** 18<sup>th</sup> SEPTEMBER 2015

## **ROADS PROGRAM**

Maintenance grading being undertaken in the Rhyndaston and Stonehenge areas.

## **BRIDGE PROGRAM**

The Muddy Plains Road Bridge will be installed on Tuesday the 22<sup>nd</sup> of September 2015. The road closure notice has been advertised accordingly. Other bridges are to follow in the upcoming months with the Nala Road decks having now been poured

and are currently curing in the contractor's yard. Presently waiting on the Sandy Lane decks to be poured.

### **WASTE MANAGEMENT PROGRAM**

All transfer stations operation well at present. Minor works are to commence at the Dysart WTS during the coming week.

### **FACILITIES PROGRAM**

Mowing is underway in all townships at present and some weed spraying on footpaths being undertaken.

### **TOWN PROGRAM**

Refer attached Letter signed by 36 residents relating to roadside rubbish in the Tunnack and surrounding areas. The letter also refers to there being many properties in this locality which appear to have an accumulation of car bodies and associated car parts and resemble wrecking yards.

Council officers will conduct an inspection of this area and aim to address the concerns of residents. The correspondence will also be referred to Stornoway Road Maintenance who, effective from July 2015, has responsibility for roadside rubbish collection on State owned roads since July 2015 (i.e. Tunnack Main Road).

### **RECOMMENDATION**

**THAT the information be received.**

### **DECISION**

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

8<sup>th</sup> September, 2015

May 2  
Tim - **SCANNED**

SOUTHERN MIDLANDS COUNCIL

Rec'd 16 SEP 2015

File no.

Ref: 105959

The General Manager  
Southern Midlands Council  
71 High Street  
OATLANDS TAS 7120

Dear Sir,

**Rubbish Tunnack**

I would like to bring your attention to the rubbish on Tunnack and surrounding areas. The amount of cans, paper & cartons on the side of the road extending from Colebrook to Baden and from the Midlands Highway along Wattle Hill Road is appalling.

Also of concern are the large number of properties that have excessive amount of junk lying in their yards. Many properties have car bodies and parts in their yards and their properties resemble wrecking yards.

We have had numerous visitors to our homes, the recreation ground, club, hall and catholic church, that have commented on the state of surrounding properties and litter on the roads. We take pride in our properties and feel let down by Council in allowing the excessive build up of rubbish in our community.

Yours sincerely

M. E. Scarborough  
D. Scott  
J. Scott  
R. Scott  
D. Scott  
D. & K. Byers  
D. Scott - N. Scott  
A. B. Scott  
P. M. Scott  
C. G. Birchall  
A. J. Birchall  
Greg Scott  
S. G. Scott  
S. G. Hammonds  
C. D. Anderson

J. & S. J. Byers  
L. B. B. B.  
D. G. G.  
R. & N. Scott  
D. & D. Pearton  
B. & P. Scott  
Jan Brooke  
A. Gaddell  
Bruce Rowlands  
William

M. Chapman  
R. & S. Scott  
D. & E. Helme  
J. & V. Moore  
M. J. G. G.  
R. D. G.  
J. Rowlands  
Matthew Wells  
L. B. B. B.

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

**14.1 RESIDENTIAL**

**Strategic Plan Reference – Page 18**

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

Nil.

**14.2 TOURISM**

**Strategic Plan Reference – Page 19**

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

Nil.

## 14.3 BUSINESS

### Strategic Plan Reference – Page 20

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

### 14.3.1 Unauthorised Commercial Signs on the Midland Highway at Oatlands

*File Ref:* Highway Signs

AUTHOR MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (D MACKEY)

DATE 17<sup>th</sup> SEPTEMBER 2015

ATTACHMENT 1. State and Local Government Statutory Responsibilities – Illegal Signs.

ENCLOSURES 1. Oatlands Highway Signage Project – Flyer.  
2. Feedback from Businesses.

#### ISSUE

Removal of unauthorised commercial signs on, or adjacent to, the Midland Highway at Oatlands, following an offer from the Department State Growth (State Roads) for a joint pilot project.

#### BACKGROUND

Council, in partnership with the State Government, is undertaking a project that will result in the removal of the unauthorised commercial signage along the highway at Oatlands and their replacement with township signs.

The commercial signs on the highway reservation and on private land next to the highway are ‘unauthorised’. The signs are in contravention of State Government laws and Council’s planning scheme rules.

It is not possible for businesses in bypassed towns to gain approval to have signs on the highway. The only exceptions are for businesses that are formally recognised by the State as tourist attractions of state significance. The only two businesses in Oatlands that have this status are Casaveen and Callington Mill. This enables these two enterprises to have directional signage plates on the highway. One further exception relates to petrol stations in towns with three or less petrol stations. The petrol station in Oatlands fits this criterion and could obtain formal approval for highway signage. All other businesses would not be able to gain a sign permit from the State or a planning permit from Council.

The proliferation of an assortment of commercial signage presents a poor overall image for the town. Some businesses have four signs, and if all businesses had four signs, the highway around Oatlands would be very cluttered indeed. As it is, Oatlands is unfortunately recognised as one of the worst examples of illegal signage in the State, (refer newspaper cutting from a northern newspaper accompanying the June 2014 report to Council).

In June 2014 Council resolved the following:

- (i) develop a proposal to be provided to the Department of (State Growth) for consideration, centred on the concept of replacing the unauthorised signage with communal town signs incorporating spaces for community event notifications and for advertising the commercial businesses within the town either by generic description or by individual business name; and
- (ii) consult with the local business community and community groups in developing a proposal;

In July 2014 a business forum was held in Oatlands. The meeting recommended that:

- Council pursue the collective town signs idea.
- Individual business names on collective town signs should not be pursued.
- Instead; generic terms should be used, such as: 'cafes', 'antique shops', 'B&B accommodation', etc.

Council then engaged a graphic designer to develop draft designs for the proposed town signs.

In June 2015 Council considered draft designs and resolved the following:

- to endorse the design concepts for consultation with local business and the community.

The attached information flyer was subsequently prepared and during the first part of September 2015 consultation was undertaken with the town's businesses, community groups and the general public.

## **CONSULTATION OUTCOMES**

Council officers have attempted to visit all businesses within the town to discuss the signs project. There have been face-to-face discussions with most business operators and telephone and/or email liaison with the others.

At the time of writing this report, the deadline for final submissions (21 September) had not yet passed. Initial responses have been detailed in a document enclosed with the agenda, and are summarised below. Any further responses received up to 21 September will be provided to Councillors before the Council meeting on 23 September.



## **Summary of Initial Feedback:**

- The majority of Oatlands businesses do not have illegal signs and most strongly support the Council and the State Government removing the signs and replacing them with town signs.
- In terms of those businesses with illegal signs:
  - Four businesses will likely accept the removal of their signs, especially if all illegal signs are removed together.
  - Two businesses are not happy about the removal of their signs.
    - One might accept the situation if all the signs go at the same time.
    - One is unlikely to accept the removal of their signs unless Council puts in place measures to promote their specific business.
  - The Golf Club may accept the removal of their signs (subject to a Golf Club committee meeting). There is a standard 'golf' signage symbol that may be able to be added to existing directional highway signs.
  - The sign associated with the petrol station is not formally approved. However, as a petrol station in a town with three or less petrol stations, it is possible for approval to be sought.
- Some of the businesses requested that their signs be returned to them.
- Most businesses appear generally happy with the draft township signs design, and many have provided some helpful suggestions for alterations.

## **POWERS TO DEAL WITH UNAUTHORISED SIGNS**

Attachment 1 includes excerpts from various pieces of legislation setting out the State's and Council's responsibilities in regard to illegal signs, including powers to act.

In summary, both the State and Council have the ability to:

- prosecute a person who has illegally erected a sign and impose a fine; [10 penalty units (\$1,540)].
- direct a person who has illegally erected a sign to remove it;
- remove the sign;
- recover the cost of removing the sign from that person.

Council also has the power to issue a planning infringement notice [15 penalty units (\$2,310) for an individual and 75 penalty units (\$11,550) for a body corporate.]

In terms of Council's responsibilities and powers to act, it is irrelevant whether the sign is in the road reserve or on private land next to the road reserve. If on private land, Council may act against the person who erected the sign or the land owner, or may simply enter the land and remove the sign.

In practice, most Councils in Tasmania do not impose a penalty or issue an infringement notice for illegal signs. They simply remove the signs.

## **FEEDBACK ON THE PROPOSED TOWNSHIP SIGNS**

The proposal is to erect two township signs from each direction approaching Oatlands:

- The first would be a 'Welcome to Oatlands' sign and would list four key aspects of the town or unique points of difference to entice travellers into the town, (noting that at 110 kph, travellers cannot generally take in more than four pieces of information).
- The second would be a 'What's on in Oatlands' sign and would contain two slots into which panels could be temporarily placed advertising coming events, such as the Australian Bullock Festival, the Christmas Pageant or a town fair, etc. When there are no events coming up in the near future, the background of the sign would provide an opportunity for more key aspects of the town to be stated.

The graphic design has been done by the same graphic designer who designed the Oatlands tourism booklet and the pedestrian directional 'leaf signs' that are on some of the key corners in the town, using the same colour palette. She has also designed the draft Oatlands town map signs that are subject to a development application currently on public notification. The intention is to ensure the same 'look and feel' of all these elements.

### **The 'Welcome to Oatlands' Sign:**

The draft four key points of difference were:

Callington Mill  
Georgian Sandstone Village  
Lake Dulverton  
Visitor Information

There appears to be agreement for the first two points, with suggestions that 'Callington Mill' should be changed to better describe what it actually is, such as '*Working 1830s Windmill*'. (Noting that highway signage already exists stating 'Callington Mill' and including a photo.)

Similarly 'Lake Dulverton' doesn't portray what the lake actually is, and what makes it 'special'. There was support for a phrase along the lines of '*Lake Birdlife, Trout Fishing*'.

The phrase 'Visitor Information' was considered by many to not make the most of the forth opportunity on the sign. There was support for a phrase that generally describes the private business offerings, such as '*Antiques, Cafes, Accommodation*'

The suggested for key points are therefore:

Georgian Sandstone Village  
Working 1830s Windmill  
Lake Birdlife, Trout Fishing  
Antiques, Cafes, Accommodation

A number of suggestions were made regarding the location of the signs. It was suggested that 800 metres before the turn-off to the town (from each direction) is too close and that they should be 1 or 2 km beforehand. This is considered sensible. However, actual locations will depend on the options available for locations that are both safe and highly visible, and will ultimately have to be sanctioned by the Department of State Growth.

A number of people suggested that the standard symbols for golf, trout fishing, accommodation, fuel, eateries, etc. could be added to this sign, either along the bottom or down one side.

Finally, a number of suggestions pointed out that the signs will need to include the distance to Oatlands, e.g. '800m', or '1km' or '2km', as appropriate.

### **The 'What's on in Oatlands' Sign:**

There was strong agreement with the concept of this sign, with its slots for advertising coming events.

Most comments centred on the words on the sign background that would be visible when there are no coming events. The draft words were:

Antiques, art galleries  
Free parking  
Cafes and eateries  
Accommodation

If the 'Welcome to Oatlands' sign is changed, as suggested above, to include '*Antiques, Cafes, Accommodation*', then these words would not be needed on this sign.

It is proposed the words on the background be changed to:

High Street Shopping  
Visitor & Historical Information  
Convict Heritage  
Medical Facilities

Beneath the events slots, where it will not be covered by temporary events panels, it is proposed that the community radio station also be mentioned – as this is where visitors will be able to hear further details of ‘what’s on in Oatlands’: *‘Tune to 97.1 Mid FM Community Radio Station’*.

## **HUMAN RESOURCES & FINANCIAL IMPLICATIONS**

The Department of State Growth (State Roads) will provide funds for the construction and installation of the signs. However, they will then become Council responsibility. If they are destroyed in an accident, Council would have to fund the replacement signs. Council will also have to maintain and manage the signs, particularly temporary ‘coming events’ panels. It is envisioned that these could be made on ‘corflute’ to reduce the cost. A number could be made during the initial manufacture of the main signs for known events. For annual events where the actual date changes from one year to the next, stickers can be made to update the date each year.

Council would need to allocate up to \$500 per year to keep the panels up-to-date. It would be reasonable for Council to provide panels for events run by community and not-for-profit groups. Private, for-profit events should be required to pay for the manufacture of their panels. In the event of a clash for space on the sign, priority should be given to community and not-for-profit events.

## **COMMUNITY CONSULTATION & PUBLIC RELATIONS IMPLICATIONS**

The proliferation of illegal signage on, or adjacent to, the highway at Oatlands has existed for quite a few years with neither the State Government nor Council having the political will to act to remove them.

Most business in the town do not have illegal signs and one-on-one consultation between Council officers and business owners has revealed the great majority want the signs removed, considering them to be unsightly. A number of those that have complied with the law feel somewhat aggrieved that those who have been willing to break the law have been able to ‘get away with it’.

The article from a northern Tasmania newspaper in 2014 (refer June 2014 report) is evidence of a general distaste in the Tasmania community for the proliferation of signs on the highway at Oatlands. Most Councils in Tasmania simply do not tolerate illegal signage.

It would appear that most of the businesses with illegal signs are accepting of the need to remove the signs, especially if they all go at the same time and no exceptions are made.

It seems (at the time of writing this report) that only two businesses remain very much opposed to the removal of their signs.

It is noted that the Heritage Highway Regional Tourism Association is developing a template for tear-off maps that each town in the region could use. These maps constitute a piece of collateral in which individual business can be included. They would be distributed to many tourism information centres in Tasmania and businesses in the region. Following finalisation of the template, it is recommended that Council urgently progress the development of a new tear-off map for Oatlands. (Council will need to take the initiative in this regard, assuming no community/business/tourism group would be able to take it on, as occurs in some other towns in the Heritage Highway region).

**POLICY IMPLICATIONS:**

There are no implications in terms of Council’s formal policies. However, pursuing this process with the Department of State Growth would require a Council commitment to eliminate the unauthorised highway signage at Oatlands.

As this is viewed as a pilot project by the Department, Council ought to adopt a view that the initiative should next be applied to Kempton.

**RECOMMENDATION**

**THAT Council:**

- (i) Finalise the design of the new township highway signs and, with the Department of State Growth’s financial support, proceed to have them manufactured and erected.**
- (ii) Write to all businesses with illegal highway signs on, or adjacent to, the highway at Oatlands advising them that their signs will be removed if they are not removed within 14 days.**
- (iii) If necessary, remove the illegal signs (and not seek to impose a fine, an infringement notice or seek to recover the cost of removing the signs).**
- (iv) Return the signs to the business owners, if requested.**
- (v) In the event a sign is re-erected, immediately remove it and impose a planning infringement notice [15 penalty units (\$2,310) for an individual and 75 penalty units (\$11,550) for a body corporate] and also seek to recover the cost of removing the sign.**
- (vi) Commence discussions with the Department of State Growth to progress this initiative at Kempton.**

**DECISION**

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

## ATTACHMENT 1

# STATE AND LOCAL GOVERNMENT STATUTORY RESPONSIBILITIES – ILLEGAL SIGNS

## STATE GOVERNMENT

### Roads and Jetties Act 1935:

#### 16. Works in highways

- (1) Structures shall not be erected or placed and other works shall not be done in a State highway or subsidiary road without the consent in writing of the Minister.

Penalty:

Fine not exceeding 10 penalty units. (10 x \$154 = 1,540).

- (2) This section –
- (a) extends to local authorities acting under section 11;
  - (b) does not authorize a common nuisance;
  - (c) does not affect the operation of Chapter XV of the Criminal Code; and
  - (d) does not affect civil remedies.
- (3) The Minister's consent under this section may be, at his discretion, granted absolutely or on condition, withheld, or withdrawn.
- (4) Where the Minister's consent is withdrawn, whether for breach of condition or otherwise, the person who erected, placed, or did the work consented to and his assigns shall forthwith at his own or their own cost remove or undo the work and restore the surface of the road in a proper and workmanlike manner to the satisfaction of the Minister.

Penalty:

Fine not exceeding 50 penalty units.

- (5) If a person is erecting or placing or has erected or placed a structure, or is doing or has done other works, in a State highway or subsidiary road without the consent of the Minister under subsection (1) or in contravention of any

condition to which such consent is subject, the Minister may do one or more of the following:

- (a) by written notice provided to the person, require the person to cease erecting or placing the structure or doing the other works;
  - (b) by written notice provided to the person, require the person to remove the structure or that part of the structure that has been erected or placed or undo the other works;
  - (c) by written notice provided to the person, require the person to take all action necessary to restore the State highway or subsidiary road to the condition it was in before the person erected or placed, or started erecting or placing, the structure or did or started doing the other works;
  - (d) take all action necessary to restore the State highway or subsidiary road to the condition it was in before the person erected or placed, or started erecting or placing, the structure or did or started doing the other works.
- (6) A person must comply with a requirement made under subsection (5) within the time specified in the notice referred to in that subsection or such further time as the Minister may allow.

Penalty:

Fine not exceeding 10 penalty units. (10 x \$154 = 1,540).

- (7) If the Minister takes any action under subsection (5)(d), the Minister by written notice provided to the person who is erecting or placing or has erected or placed a structure, or is doing or has done other works, in a State highway or subsidiary road may require the person to pay the reasonable costs of that action, and those costs –
- (a) are a debt due and payable to the Crown; and
  - (b) may be recovered in a court of competent jurisdiction.
- (8) A reference in this section to a structure includes a reference to a sign or banner, whether fixed or movable.

## **LOCAL GOVERNMENT (1)**

### **Local Government (Building & Miscellaneous Provisions) Act 1993:**

#### **246. Advertising hoardings**

- (1) A person must not, within a municipal area, erect, put up, place or use or permit to be erected, put up, placed or used, any hoarding or similar structure for advertising purposes without a licence from the council.

Penalty:

Fine not exceeding 10 penalty units. (10 x \$154 = 1,540).

- (2) An application for a licence is to be –
- (a) in writing; and
  - (b) lodged with the council.
- (3) The council may issue a licence to any person authorizing the person to erect, put up, place or use an advertising hoarding or similar structure in any place specified in the licence.
- (4) The council may refuse to issue a licence for an advertising hoarding or similar structure if, in the opinion of the council –
- (a) the hoarding or similar structure may become dangerous, unsightly or unsuitable to the locality in which it is erected; or
  - (b) it is not desirable to issue the licence in respect of the place where the hoarding or structure is erected.
- (5) A licence may be subject to conditions as to the maintenance of the hoarding or similar structure.

#### **247. Removal of advertising hoardings**

- (1) The council, by notice in writing, may order the owner of any advertising hoarding or similar structure which has been erected or maintained in contravention of this section, to remove it by a specified date, at least 14 days after receipt of the notice.
- (2) The owner is taken to have received the notice if the notice is posted on or attached to the hoarding or similar structure within 7 days of the date of the notice.



- (3) An owner must comply with a notice.

Penalty:

Fine not exceeding 10 penalty units. (10 x \$154 = 1,540).

- (4) A council may enter upon the land on which the hoarding or structure is erected and may destroy it or take the material for its use if –
- (a) the hoarding or similar structure has been erected, put up or placed in contravention of section 246; or
  - (b) an owner to whom a notice has been given has failed within 14 days to obey it.
- (5) The cost of any removal and destruction may be added to the amount of any penalty imposed under this section.

## **LOCAL GOVERNMENT (2)**

### **Land Use Planning & Approvals Act 1993:**

#### ***(Specific Provisions for Signs)***

#### **48. Enforcement of observance of planning schemes and interim orders**

Where a planning scheme or special planning order is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme or special planning order in respect of all use or development undertaken within the area to which the planning scheme or special planning order relates, whether by the authority or by any other person.

#### **48AA. Enforcement of special permits**

A planning authority must, within the ambit of its power, enforce the observance of any condition or restriction to which a special permit is subject.

#### **48A. Notice to remove signs**

- (1)** If a person is erecting or placing, or has erected or placed, a sign for which the issue of a permit is required under the provisions of a planning scheme or special planning order, unless the planning authority which administers the scheme or order has granted a permit in respect of that sign and the permit is in effect, the planning authority may do one or more of the following:
  - (a)** by written notice given to the person, require the person to cease erecting or placing the sign;
  - (b)** by written notice given to the person, require the person to remove the sign or that part of the sign that has been erected or placed;
  - (c)** by written notice given to the person, require the person to take all action necessary to restore the land or any building to the condition it was in before the person erected or placed, or started erecting or placing, the sign;
  - (d)** take all action necessary to remove the sign or that part of the sign that has been erected or placed and restore the land or any building to the condition it was in before the person erected or placed, or started erecting or placing, the sign.
- (2)** If the planning authority takes any action under subsection (1)(d), the planning authority, by written notice given to the person who is erecting or placing or has erected or placed a sign, may require the person to pay the reasonable costs of that action, and those costs –
  - (a)** are a debt due and payable to the planning authority; and

- (b) may be recovered in a court of competent jurisdiction.
- (3) If the planning authority takes any action under subsection (1)(d), the planning authority is not liable for any damages caused to the sign, or any structure to which the sign was affixed, through the removal of the sign or the storage of the sign on its removal.
- (4) The planning authority may dispose of the sign after 2 months from the date on which the planning authority took action under subsection (1)(d) if the sign has not been collected by the person who erected or placed the sign.
- (5) For the purposes of this section, a "**person**" includes the owner and the occupier of the property on which the sign is being erected or placed or has been erected or placed.

## LOCAL GOVERNMENT (3)

### Land Use Planning & Approvals Act 1993:

#### *(General Planning Scheme Enforcement Provisions)*

#### 63. Obstruction of sealed schemes

- (1) . . . . .
- (2) A person must not use land in a way, or undertake development or do any other act, that –
  - (a) is contrary to a State Policy, a planning scheme or special planning order; or
  - (b) ....
  - (c) ....
  - (d) ....
- (3) A person who contravenes subsection (2) is guilty of an offence punishable, on summary conviction, in accordance with subsection (4).
- (4) A person convicted of an offence against subsection (3) is liable to a fine not exceeding 500 penalty units, and a person who is so convicted in respect of a continuing contravention of subsection (2) –
  - (a) is liable, in addition to the penalty otherwise applicable to that offence, to a fine for each day during which the contravention continued of not more than 50 penalty units; and
  - (b) if the contravention continues after the person is convicted, is guilty of a further offence against subsection (3) and is liable, in addition to the penalty otherwise applicable to that further offence, to a fine for each day during which the contravention continued after that conviction of not more than 50 penalty units.
- (5) If a person is convicted of an offence against subsection (3), the court may order the person to pay to the planning authority the reasonable costs incurred by the authority in investigating the offence or prosecuting the offence, or both.
- (5A) If a person is convicted of an offence against subsection (3), the court may order that –
  - (a) the person is required to carry out, within the period specified in the order, work specified in the order; and

- (b) if the person does not carry out the work within that period and the relevant planning authority carries out the work under subsection (5C), the person is liable to the planning authority for the reasonable costs incurred by the authority in carrying out the work.

#### **65A. Infringement notices**

- (1) An authorised officer may issue an infringement notice and serve it on a person if the officer reasonably believes that the person has committed an infringement offence.

(The Land Use Planning & Approvals Regulations 2014 specify that an infringement offence under section 63(3) is 15 penalty units (\$2,310) for an individual and 75 penalty units (\$11,550) for a body corporate. These are the fines that must apply. They cannot be reduced.)

...

#### **65B. Notice of intention to issue enforcement notice**

- (1) An authorised officer who reasonably believes a person has committed, is committing, or is about to commit, an offence against section 57(4A), section 60ZB(1), section 63(3) or section 64(7) may issue a notice (a ***notice of intention to issue an enforcement notice***) in relation to the offence and serve it on the person.

...

#### **65C. Enforcement notices**

- (1) An authorised officer who reasonably believes a person has committed, is committing, or is about to commit, an offence against section 57(4A), section 60ZB(1), section 63(3) or section 64(7) may issue a notice (an ***enforcement notice***) in relation to the offence and serve it on the person.

...

#### **65E. Offences and penalties in relation to enforcement notices**

- (1) A person must not, without reasonable excuse, contravene or fail to comply with a requirement imposed on the person by an enforcement notice, served on the person under section 65C, that is in force.

Penalty:

Fine not exceeding 500 penalty units.

...

## 14.4 INDUSTRY

### Strategic Plan Reference – Page 21

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

#### 14.4.1 Oatlands Racecourse – Future Management Arrangements

*File Ref:*

AUTHOR GENERAL MANAGER

DATE 10<sup>th</sup> SEPTEMBER 2015

#### ISSUE

Council to consider options for the future management of the Oatlands Racecourse property.

#### BACKGROUND

The Oatlands Racecourse property was originally owned by the State Government. Ownership was transferred to the Southern Midlands some 8 years ago for nil consideration via the ‘Crown Land Assessment Classification’ project. Prior to the transfer of ownership, Council maintained a long-term lease with the Crown.

There has been a sub-lease arrangement in place with Mr Brett Bailey for a number of years, which in addition to using the property for horse training purposes, allowed Mr Bailey to stock the property. Mr Bailey has paid an annual lease fee of \$500. The lease is due to expire at end of June 2016. As part of the sub-lease it was generally accepted that Mr Bailey would allow other users to access the training track.

Recognising the significance that Council has placed on the Racecourse property from an economic development perspective, primarily as a horse training and equestrian facility, it is timely to consider the best long-term management arrangements for the facility.

Whilst the current informal arrangements have been working well, there are concerns including:

- Responsibility for maintenance of the training track and how the costs are shared between the users;
- Exposure of Mr Bailey to any liability should the grazing stock interfere with horse training and cause an accident or injury to any trainer and / or horse;
- In the absence of stock, how is the vegetation managed to avoid a fire hazard?; and
- Exposure of Council, and Mr Bailey, to any liability should the track not be maintained for the purpose that it is being used.

In addition, Mr Bailey effectively has control and management of the property. In the event a new trainer expresses a desire to relocate into the district, how is access negotiated and under what terms and conditions?

## **DETAIL**

Following a recent incident at the racecourse (no significant injury), a meeting of the current trainers was convened to discuss the concerns that have been detailed above.

In summary, it was acknowledged that a more sustainable arrangement or structure was needed moving forward. The expiration of the lease provided an ideal opportunity to implement such an alternative.

A range of issues and options were identified at the meeting with trainers, and generally it was agreed that there needed to be a more formal arrangement which:

- a) Ensured that a coordinated maintenance program could be developed and implemented, with users contributing on a 'user pays' basis;
- b) There was some formal structure whereby any potential new trainers could be advised of the operating arrangements and the terms and conditions which would apply; and
- c) How the full extent of the property (i.e. 88 acres) could be managed and allocated in the future - again, on a user pays basis.

In terms of what any structure may look like, a number of options were considered, including:

- 1) the establishment of a separate Incorporated body – this was not supported due to the imposition of additional costs associated with management of the organisation; associated overheads and insurance;
- 2) an informal body that could meet and resolve the above issues – not supported as it did not address the liability issues and was not seen as a sustainable option;
- 3) approach Tasmanian Harness Racing (THR) to see if they would enter into a lease arrangement and the facility become part of its overall responsibilities. This proposal was raised with the THR a number of years ago and it was not supported due to budgetary constraints. It was noted that the financial position of THR has not improved since; or
- 4) seek Council endorsement to establish a Special Committee of Council. The trainers (and other interested persons) are committed to being members of the Committee who would basically manage the facility in accordance with guidelines and conditions approved by Council. The Committee would develop and document the guidelines and submit to Council for approval.

The latter option was viewed by all meeting participants as the preferred option.

Should Council agree ‘in-principle’ to the establishment of a Special Committee under the provisions of the *Local Government Act 1993*, detailed operating procedures would be prepared for subsequent endorsement by Council.

The following is an extract from the Act (section 24) relating to ‘Special Committees’:

*(1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.*

*(2) A special committee consists of such persons appointed by the council as the council thinks appropriate.*

*(3) The council is to determine the procedures relating to meetings of a special committee.*

**Human Resources & Financial Implications** – Council staff resources will initially be required to facilitate discussion and document the Committee’s operating procedures; the management and operating arrangements for the racecourse; and the preparation of forward development and maintenance plans. It is envisaged that Council investment will be required at some stage to ensure that the facility can serve its intended purpose and ultimately attract other users (and associated development).

It would be appropriate for Council to maintain a position on the Committee to ensure ongoing communications between the Committee and Council.

**Community Consultation & Public Relations Implications** - the establishment of a Special Committee is consistent with the position taken by the current users and provides for their ongoing involvement.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – The current lessee has indicated that he would be prepared to relinquish the lease early if the structure can be implemented prior to June 2016.

## **RECOMMENDATION**

**THAT Council approve ‘in-principle’ the establishment of a Special Committee under section 24 of the *Local Government Act 1993* to manage the Oatlands Racecourse property, and that a further report be prepared detailing the Committee’s structure and detailed operational procedures.**

## **DECISION**

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



## **14.5 INTEGRATION**

### **Strategic Plan Reference – Page 21**

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

Nil.

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

### **15.1 HERITAGE**

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

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

#### **15.1.1 Heritage Project Officer's Report**

Nil Report – Council Officer on leave.

## 15.2 NATURAL

### Strategic Plan Reference – Page 23/24

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

### 15.2.1 Landcare Unit & Climate Change – General Report

AUTHOR NRM PROGRAMS MANAGER (M WEEDING)

DATE 15<sup>th</sup> September 2015

#### ISSUE

Southern Midlands Landcare Unit and GIS Monthly Report

#### DETAIL

- For most of the past month Helen Geard and Graham Green continued work in the field doing planting works as a follow on from the Biodiversity project sites. This work has now been completed.
- Graham Green has been continuing with spatial analysis work for the proposed Southern Midlands Landcare plan.
- The Lake Dulverton water Memorandum of Understanding between Southern Midlands Council and Inland Fisheries Service (IFS) has now been signed. The Minister for Primary Industries and Water announced the commitment of IFS to providing three years of water into the Lake, at a gathering on the Lake foreshore on Friday 11<sup>th</sup> September.
- The underground irrigation system proposed for the Mt Pleasant recreation Ground will commence on Sunday 20<sup>th</sup> Sept with the digging of the trenches. All the irrigation infrastructure has been ordered from Irrigation Tasmania.
- A second meeting of the Midlands Water Scheme irrigators representative group is scheduled for September 25<sup>th</sup>. The meeting will be with Tas Irrigation and water fees for the next year will be considered as one of the agenda items.
- A Green Army team has been engaged to undertake works at Lake Dulverton and Chauncy Vale in the week commencing 21<sup>st</sup> September. Approximately 8 to 10 people will be working over 4 days.

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

### **15.3 CULTURAL**

**Strategic Plan Reference – Page 24**

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

Nil.

### **15.4 REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS)**

**Strategic Plan Reference – Page 25**

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

Nil.

### **15.5 CLIMATE CHANGE**

**Strategic Plan Reference – Page 25**

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

Nil.

## **16 OPERATIONAL MATTERS ARISING LIFESTYLE**

### **16.1 COMMUNITY HEALTH AND WELLBEING**

#### **Strategic Plan Reference – Page 26**

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

Nil.

### **16.2 YOUTH**

#### **Strategic Plan Reference – Page 26**

4.2.1 Increase the retention of young people in the municipality.

Nil.

### **16.3 SENIORS**

#### **Strategic Plan Reference – Page 27**

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

Nil.

### **16.4 CHILDREN AND FAMILIES**

#### **Strategic Plan Reference – Page 27**

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

Nil.

## 16.5 VOLUNTEERS

### Strategic Plan Reference – Page 27

4.5.1 Encourage community members to volunteer.

#### 16.5.1 Southern Midlands Council Community Small Grants Program 2015

AUTHOR MANAGER, COMMUNITY & CORPORATE  
DEVELOPMENT (Andrew Benson)

DATE 17<sup>th</sup> SEPTEMBER 2015

ATTACHMENT: Assessment Analysis Summary (A3 size)

ENCLOSURE: Nil

#### BACKGROUND

Council conducted a Community Small Grants program twice a year in 2008 and 2009, converting to an annual program in September 2009. The main aim of the program is to streamline and condense the many requests for financial support received from various community groups, charitable organisations and service providers throughout the year. The program has proven to be very popular with all the target groups and excellent goodwill is gleaned from the successful grant recipients. Additional kudos has been obtained recently by having large “mock grant cheques” presented at the Australia Day function in January.

Council’s Facilities and Recreation Committee have responsibility for overseeing the Grants Program and undertaking the formal assessment process in determining the successful grant applications. Whilst the majority of the information in this report is included in the minutes of the Facilities and Recreation Committee, the Committee has always considered that the detailed process and determinations should be fully reported to Council through the public Agenda and Minutes in an open and transparent manner.

#### [EXTRACT FROM THE GUIDELINES]

*The Southern Midlands Council’s Community Small Grants program has been established to support projects, programs and activities developed for the benefit of the residents of the Southern Midlands local government area.*

*The Community Small Grants provide assistance to community groups to provide programs, improve safety, undertake minor capital works, facilitate small seminars, conferences and forums or purchase equipment.*

*The Southern Midlands Council recognises the immense community benefit provided to our residents and visitors by local community organisations through the provision of opportunity for involvement in activities in Southern Midlands.*

*The Community Small Grants Program is one method of supporting and assisting local organisations in providing additional opportunities for the Southern Midlands community.*

***Purpose***

*To provide financial assistance in a regulated and equitable way to community groups catering for, and responding to, the needs of the residents and visitors to Southern Midlands.*

*The program provides assistance to organisations to conduct a wide range of activities. The following broad categories are designed to give applicants an idea as to the types of projects which Council seeks to support through this program:*

***Community Building***

*Projects which aim to increase community participation & access to information, services & facilities while strengthening community and social well-being.*

***Minor Capital Works***

*Projects which enhance our community facilities by aiding in the development of new facilities or improvements to any existing Community/Council owned facility. It will provide assistance for projects such as fencing, roofing, ground lighting, shade sails, building refurbishments, paving, etc.*

***Safety/Accessibility Upgrades/Equipment***

*Projects that increase the capacity of local groups and clubs to cater for the needs of the community. These developments can be in the form of a construction project or the purchase of equipment.*

***Frequency***

*Council's grant program is currently held on an annual basis.*

***Important Dates:***

*The current round for assistance opens at 8.30am on Monday 3<sup>rd</sup> August 2015 and closes on Monday 31<sup>st</sup> August 2015 at 4:30pm. Applications can be lodged at either the Oatlands or Kempton Office.*

*It is for projects starting from Monday 12<sup>th</sup> October 2015 - full acquittal is required by Friday 22<sup>nd</sup> July 2016.*

***Level of Funding Available***

*An organisation can apply for assistance up to a maximum of \$3000 per round- no minimum grant amount applies.*

## ***Eligibility***

### ***Financial Assistance WILL be considered for:***

- *Any not for profit community group or voluntary association that is legally constituted as an incorporated body or under the auspice of one.*
- *The group or organisation is located in the Southern Midlands municipal area or is proposing an activity or project which will take place in the Southern Midlands 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.*
- *Education providers are able to apply on the condition that the project/activity is open to all residents and has a broad community benefit.*
- *For equipment grants, applicants are required to contribute at least 50% towards the cost of equipment for items considered 'consumables' eg cricket bats / balls , Footballs etc .Items of a longer term nature eg line marking machines , training equipment and the like would be eligible for up to 100% funding.*

### ***The following are important areas to address***

- *Any application which relates to works or projects on property not under the applicants direct ownership (land tenure) or control, must provide a letter of authorisation and approval for said works / projects from the land owner with the grant application.*
- *In the case of applications from the Department of Education, where the facilities will be used by Community and school students alike, the application requires written commitment from the Department of Education / Principal that the facilities (or improvements) will be accessible by the public.*
- *The Applicant need not necessarily be based within the Southern Midlands area, but the service or activity must be must be provided within the Southern Midlands area., for the benefit of Southern Midlands residents.*

### ***Financial Assistance WILL NOT be given for:***

- *Applicant organisations who have previously failed to acquit Council assisted projects in line with the agreed terms.*

- *Projects that have previously received funding from this grant program.*
- *Working Capital or straight donation purposes.*
- *Programs/projects by local schools/education providers that are exclusive to students core school curriculum with no availability to the general public..*
- *Retrospective request for a project already fully or partially completed*
- *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.*
- *Facilities where little or no public access is available.*
  - *Travel to sporting competitions or conferences for individual or community groups.*
  - *Projects/ programs that are not based in or focused on southern midlands residents*

*It should be noted that meeting the eligibility criteria is not a guarantee of funding.*

*The following conditions apply to all financial assistance allocated through the program*

### ***Project Management***

*Funds will only be spent on the project for which funds were applied and as approved by the Southern Midlands Council.*

*Successful applicants must finalise and acquit the project within the approved time frame and approved budget as per application form. Refer Page 3 for final acquittal deadline*

*Any variation of this agreement, such as an extension of the project completion date, shall only be made in writing between the parties. Any request for extension of time must be received in writing prior to the relevant original acquittal completion date.*

*Successful applicants are required to maintain a copy of all receipts of project expenditure for the term of the grant program, including copies of any advertising, media, newsletters, etc. Council will require copies of expenditure invoices / receipts as part of its acquittal procedure.*

*If relevant, applicants must obtain and comply with all applicable Council Permit Regulations for example planning, &/or building permit – including*



*road closures, outdoor advertising and any health and safety programs (please ensure that costs for these permits, if required, are included in your application). Please ensure that you have allowed sufficient timeline for these approvals to be obtained and the project to be completed in a timely manner.*

*The Council strongly encourages that all equipment acquired through the program be insured against theft and fire or covered under your organisations insurance policy.*

*Although possession of current public liability insurance is not a condition of eligibility, Council strongly encourages all applicants to investigate all their insurance requirements to ensure activities are adequately covered and protected.*

### ***Financial***

*Should a group not be able to fulfil the grant conditions as indicated on the application form or substantial savings have been made, any unspent funds shall be returned to the Southern Midlands Council. In special circumstances, surplus funds from savings made may be authorized for redirection to fund similar projects/ activities. Pre-approval in writing should be sought from Council prior to any additional funds being expended. Should the project exceed the amount estimated, groups will be required to meet the additional costs.*

### ***Promotion***

*The Council requests that successful applicants actively promote the support of the Southern Midlands Council. This may include (but not limited to) any of the following:*

- *Inclusion of the Southern Midlands Council logo in press advertising or any promotional material.*
- *Acknowledgement of the Southern Midlands Council in radio or television advertising, award presentation, etc.*
- *Opportunities for the Mayor or delegate to participate in any public relations activities, launches, or proceedings associated with the project. Sufficient notice should be given in the form of an official letter of invite addressed to the General Manager.*

*Attendance at any Council arranged event celebrating the provision of the grant funding, in particular providing a representative at Council's Australia Day ceremony.*

*Prominently displaying any certificates or plaques associated with the Council's provision of any grant funding*

*A version of Council's Logo is available and will be provided on request. The logo can only be used for a specific purpose to which it was requested and must be replicated in its existing form and not altered in any way.*

*If use of the Council logo is not practicable, the following wording should be incorporated in any material related to the funded project: "Proudly supported by the Southern Midlands Council".*

### ***Evaluation / Acquittal Process***

*Once the project or equipment purchase has been completed, grant recipients must submit an evaluation and provide copies of any advertising, newsletters and media releases relating to the funded project. An evaluation form will be provided with the grant approval letter.*

*Evidence of expenditure of funds is required to accompany the evaluation. It is preferred that the evaluation / acquittal information be forwarded as soon as the project or purchase is complete ie not left until the final acquittal date*

*Unsatisfactory acquittal of the grant may lead to withdrawal of the grant approval and subsequent request for return of the allocated funding.. Inability to apply for future grant funding may also apply in this circumstance. If you are having difficulties completing the acquittal obligations, please contact Council's grant staff to discuss possible solutions.*

### ***Priority Criteria***

*Due to the limited amount of funds available, priority will be given to projects that:*

- 1. Demonstrate considerable benefit to the Southern Midlands community;*
- 2. Raise the awareness of or access to a service, program, group or issue or maximize the participation or use of a facility;*
- 3. Demonstrate coordination with other groups in the community;*
- 4. Address local issues by attempting to meet a community need or gap;*
- 5. Show evidence of community support for the project;*
- 6. Enhance the lifestyle options for residents and visitors in the community;*
- 7. Demonstrate an ability to manage the project through resource allocation, effective planning, clear goals and evaluation processes;*
- 8. Demonstrate the ability to be ongoing [if applicable]*
- 9. Includes the ability for broad Community access – Land Tenure [in the ownership of the applicant or in other ownership]*
- 10. Grant funds applied for as a % of the total amount to complete the project [including in kind contribution] i.e. A financial contribution by the applicant/s would be favourably looked upon*

11. *The Project shall be one that has not received any previous funding for the same purpose by Council or any other funding body (i.e. no 'double dipping')*
12. *Demonstrate that a Risk Assessment of the project is deemed within acceptable limits*

*Final funding decisions are made on the merit of each application against the stated eligibility criteria, guidelines and an assessment against the aforementioned criteria.*

### **Assessment**

*The application process is as follows:*

*The application forms can be accessed from the Council Chambers, Oatlands and Kempton or via the Council Website: [www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au)*

*Applicants are encouraged to contact Council's Manager Community & Corporate Development, Andrew Benson on 6259 3011 if you have any questions relating to completion of the forms or require information in regard to how your project meets the guidelines of the program.*

*The completed applications, once received within timeline parameters, will be assessed and prioritized by the assessment panel consisting of Council Officers and Councillors. The panel's decision is final and no further correspondence shall be entered into.*

*The assessment panel will then make their recommendations to the next scheduled Council Meeting for adoption.*

*Once adopted by Council the applicants will be informed of their success or otherwise in gaining funding. Successful applicants will need to supply Council with a tax invoice [ on their own letterhead preferably ] for the approved grant amount to allow funding of grant monies to be processed. **This should be done as soon as the approved grant funding letter has been received.***

### **Tips for completing the Application Form**

*Please use the following as a guide to help you to complete the application form.*

#### **Section 1: General Information**

- 1 – 5 *As directed by the form, please provide as many details as possible about your group / organisation / club.*

#### **Section 2: Details of the Project**

*Tell us about your project, what you are planning and what you want to achieve.*

6. *Select the category that your project best fits under.*
7. *Give your project a name which represents what your project/activity is about.*
8. *Indicate where the project/activity is to be held or carried out (e.g. Hall, park, or facility).*
9. *When answering this question think about the following:*
  - *What does your group want to achieve? (e.g. raise awareness of a service program, group or local issue, improve access to and use of a community facility, maximize participation in your group or a particular activity, improve safety).*
  - *What steps are you planning to take to make sure your project/activity runs smoothly?*
  - *Who might you involve; (e.g.) young persons, older persons, people with different abilities, people from different cultural backgrounds).*
  - *Why is this project/activity important for your group/organisation and the wider community?*
10. *When answering this question think about the following?*
  - *How things will be different for your group and/or the wider community?*
  - *What might it allow them to do that they can't at present?*
  - *How might it improve access to or participation in activities?*
  - *Who will benefit most from your project/activity?*

*Keep in mind concepts such as community pride, attracting people to the region and spending money in the community, forming new community links, etc.*
11. *Tell us how your group identified a need in the community (e.g. community consultation, public meeting, suggestion box).*
  - *Why do you think the need exists?*
  - *Why is it a problem/issue for your group and/or the wider community?*
  - *Who have you spoken to about this need?*
  - *Why has your group chosen this way to tackle the problem and/or improve the situation?*
12. *To answer these questions think about:*
  - *Can you draw on volunteers from within your group or organisation? If yes, what sort of work will they be asked to do or in what way can they help?*
  - *What equipment, machinery, etc. you have?*

- *What sort of skills or abilities do the individuals involved in the project/activity have? (e.g. financial management, organisational, trade skills – e.g. plumber, builder etc).*
- *What type of outside assistance will you seek to complete the project or run the event?\*

13 For example:

- *Increased participation/membership*
- *A well attended event or activity*
- *Peoples comments and thoughts (how will you get these?)*
- *Media coverage (e.g. newspaper, community newsletter)*

*You may wish to identify the main aims of your project which you can go back and review to see whether you were successful.*

14. *Please provide approximate start date, completion date, and a contact person for the project.*

### **Section 3: Budget**

*Please complete this section as accurately as possible and attach more pages if necessary.*

15. *Clearly list the expenses for your project/activity and indicate which expenses you intend to use Council’s contribution for.*
16. *Please provide details of the confirmed and anticipated sources of funding for your project. If available please provide with your application any documents confirming the availability of these funds (e.g. bank statements, loan details, letters, etc).*

***Good luck with your Application***

[END OF EXTRACT FROM THE GUIDELINES]

### **CURRENT POSITION**

This is the tenth 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 groups and organisations who apply for the grants. The Program time table is shown below and was modified from the planned schedule due to the untimely passing of Greg Hunt.

Advertisement in “Mercury”	Saturday 1 <sup>st</sup> Aug 2015
Grant applications open	Monday 3 <sup>rd</sup> Aug 2015
Grant applications close	Monday 31 <sup>st</sup> Aug 2015

Fac & Rec C'tee Agenda closes	Friday 4 <sup>th</sup> Sep 2015
Fac & Rec C'tee Meeting [For assessment of applications]	Friday 11 <sup>th</sup> Sept 2015
Full Council meeting Agenda closes	Thursday 17 <sup>th</sup> Sep 2015
Full Council meeting - Oatlands [To consider recommendations]	Wednesday 23 <sup>rd</sup> Sep 2015
Letters to grant applicants	Week commencing 28 <sup>th</sup> Sept 2015

Seventeen applications were received identifying \$87,314.00 worth of projects, which in turn were requesting a total of \$39,802.00 of support from Council through the SMC Community Small Grants Program 2015. Within the application we ask,

**GRANT AMOUNT REQUESTED:**            \$\_\_\_\_\_ [GST inc]

*Council may not be able to fund the full amount requested .Please advise the minimum amount that would still allow the project to continue \$ \_\_\_\_\_.*

A total “Will Accept” figure of \$37,075.00 has been determined from the applications for this grant round. The funds available for distribution by Council for the projects being \$22,500.00 as per the 2015/16 budget,

### ASSESSMENT PROCESS

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 Deputy General Manager (Andrew Benson) 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.

<b>MUST - Eligibility YES</b>
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 does 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.

<b>MUST - NOs</b>	<b>Funds not available for the following</b>
	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. Affectively in this model the highest collective score is determined to be the most deserving application.

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



- **Potential Conflict of Interest** It is important to have at least five people that assess and score 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 identifies a conflict of interest (ie if an Elected Member or an Officer on the Assessment Panel is an office bearer for the organisation that is an Applicant for a grant they are required to declare that interest and exit the meeting, they do not enter into discussions or score that application) and the automatic scoring in the spread sheet is adjusted by the averaging (ie if there is no conflict of interest with an Application the totals of all five scorers is summed and then divided by five to achieve the average. If there is one conflict of interest then the totals of all four scorers is summed and then divided by four to achieve the average). Therefore with potentially five assessors individually scoring eleven criteria, coupled with the weightings and then the averaging, no one assessor has the ability to adversely 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.

Members of the Assessment Panel who declare an interest and therefore stand aside in relation the nominated application are identified in the report to Council, to ensure the integrity of the process.

It was noted and confirmed that there was only one conflict of interest declared, which was Clr D Fish, who stepped out of the room whilst the Community Men’s Shed – Oatlands was considered by the Committee as he is currently the Chairman of the Men’s Shed Committee.

## Attachment A - SUMMARY

### SMC Community Small Grants 2015 (GST inclusive)

Item	Group/Club	Ausp by	Project	Project Cost	Grant Sought	Will Accept	Approved \$	Value	Score
1	Bagdad Volunteer Fire Brigade	State Fire Commission	Automated External Debifbrilator	\$ 2,445.00	\$ 1,945.00	\$ 1,945.00	\$ 1,945.00	3	389
2	Bagdad Community Singers	Bagdad Community Club Inc	Portable Choir Platforms	\$ 870.00	\$ 330.00	\$ 200.00	\$ 200.00	1	400
3	Broadmarsh Progress Assn	NA	BBQ for the Hall/Community	\$ 12,085.00	\$ 3,000.00	\$ 2,500.00	\$ 2,500.00	2	400
4	Campania District School	Campania District School Assn Inc	Equipment for Community Programs	\$ 3,881.35	\$ 3,000.00	\$ 3,000.00	\$ 1,941.00	7	323
5	Community Men's Shed Oatlands	Southern Midlands Council	Supply & Install Lighting for Safety/max. use	\$ 2,663.00	\$ 2,343.00	\$ 2,343.00	\$ 2,343.00	5	346
6	Edmund Rice Foundation Tas	Edmund Rice Service Ltd	Program for Young People in SM	\$ 13,380.00	\$ 2,200.00	\$ 1,800.00	\$ 1,800.00	6	344
7	Environmental Defenders Officer Tas	NA	Environmental Law Workshop for Farmers	\$ 2,970.00	\$ 2,970.00	\$ 2,970.00	\$ -	15	165
8	Green Ponds Progress Assn Inc	NA	Restoration of Memorial Ave Kempton	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00			
9	Kempton Primary School	NA	Repair Tennis Court to enable Community use	\$ 3,000.00	\$ 3,000.00	\$ 2,963.00	\$ 2,963.00	8	322
10	Levendale Hall Committee Inc	NA	Heat Pump for Supper Room	\$ 2,650.00	\$ 2,650.00	\$ 2,650.00	\$ -	11	313
11	Melton Mowbray Comm Assn Inc	NA	Build a permanent Committee Building	\$ 20,131.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	4	366
12	Oatlands Community Garden	Oatlands District School	Install Glazing on Glass House (plastic sheet)	\$ 3,240.00	\$ 1,500.00	\$ 1,500.00	\$ -	14	300
13	Oatlands District Historical Soc Inc	NA	Upgarde of Museum's Electrical Switchboard	\$ 3,467.20	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	9	316
14	Southern Midlands News	MILE Inc.	Payout the Photocopier Lease	\$ 2,807.59	\$ 2,807.59	\$ 2,807.59	\$ 2,808.00	10	314
15	Tunbridge Town Hall Inc	NA	Kitchen Equipment for the Hall Kitchen	\$ 3,103.00	\$ 3,000.00	\$ 2,000.00	\$ -	12	311
16	Woodsdale Memorial Community Hall	Southern Midlands Council	Heat Pump for the Community Hall	\$ 6,100.00	\$ 3,000.00	\$ 2,500.00	\$ -	13	301
17	Hobart City Mission	NA	Breakfast Club	\$ 3,520.70	\$ 1,056.70	\$ 896.80	\$ -	12	311
<b>Totals</b>				<b>\$ 87,313.84</b>	<b>\$ 39,802.29</b>	<b>\$ 37,075.39</b>	<b>\$ 22,500.00</b>		
							\$ 22,500.00		

## Council Meeting Agenda – 23<sup>rd</sup> September 2015

It is noted that the Green Pond Progress Association project under the Grants Program, ie the assessment of the Memorial Trees at Kempton by an Arborist, is a project that Council had agreed to undertake and therefore after communicating with the Progress Association President, the project was withdrawn from the scoring matrix. Given the Progress Association's interest in the trees, they will be included in the project team that reviews the Arborist's report and develops a way forward in respect of the Memorial trees.

### FACILITIES AND RECREATION COMMITTEE'S RECOMMENDATION TO COUNCIL

#### DECISION

*Moved by Clr E Batt, seconded by Clr A R Bantick*

#### THAT

1. *A full report be provided to Council to enable adoption of the decisions made following the formal Grants Assessment in an open & transparent manner and included in Attachment A above, with organisations achieving "values" from 1 to 10 being funded under the Southern Midlands Council Community Small Grant Program 2015; and*
2. *Council provide a budget allocation of \$30,000 for the Southern Midlands Council Community Small Grants Program 2016 in the 2016/2017 budget*

#### CARRIED

Vote For	Councillor	Vote Against
√	Clr D F Fish (Chairperson)	
√	Clr A R Bantick	
√	Clr E Batt	

#### **Human Resources & Financial Implications**

Nil. Funds included in the 2015/2016 budgeted.

#### **Community Consultation & Public Relations Implications**

Include an award session for the next Australia Day event.

#### **Policy Implications**

Nil.

#### **Priority - Implementation Time Frame**

From the date of the September Council meeting.

#### DECISION

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

**16.6 ACCESS**

**Strategic Plan Reference – Page 28**

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

Nil.

**16.7 PUBLIC HEALTH**

**Strategic Plan Reference – Page 28**

- 4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

**16.8 RECREATION**

**Strategic Plan Reference – Page 29**

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

Nil.

**16.9 ANIMALS**

**Strategic Plan Reference – Page 29**

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

**16.9.1 Animal Control Report**

AUTHOR ANIMAL CONTROL OFFICER (G DENNE)  
DATE 17<sup>TH</sup> SEPTEMBER 2015

**ISSUE**

**Consideration of Animal Control Officer’s monthly report.**

**DETAIL**

No specific comments.

Refer Monthly Statement on Animal Control for period ending 31<sup>st</sup> August 2015.

**RECOMMENDATION**

**THAT the information be received.**

**DECISION**

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

**SOUTHERN MIDLANDS COUNCIL  
MONTHLY STATEMENT ON ANIMAL CONTROL  
FOR PERIOD ENDING 31/8/2015**

**Total of Dogs Impounded:** 2  
**Dogs still in the Pound:** -

**Breakdown Being:**

ADOPTED	RECLAIMED	LETHALISED	ESCAPED
2			

**MONEY RECEIVED**

**Being For:**

Pound	
Reclaims	
Dog Registrations	<b>\$6542.81</b>
Kennel Licence Fee	
Infringement Notices	
Complaint Lodgement Fee	
<b>TOTAL</b>	<b>\$6542.81</b>

**COMPLAINTS RECEIVED FOR PERIOD ENDING 31/8/2015**

Dog at Large:	6
Dog Attacks:	-
Request Pick-ups:	1
After Hours Calls:	4
<b>TOTAL</b>	<b>11</b>

Number of Formal Complaints Received:	-
Number of Infringement Notices Issued:	-

**Animal Control Officer:** **Garth Denne**

**16.10 EDUCATION**

**Strategic Plan Reference – Page 29**

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

Nil.

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

**17.1 RETENTION**

**Strategic Plan Reference – Page 30**

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

**17.2 CAPACITY AND SUSTAINABILITY**

**Strategic Plan Reference – Page 30**

5.2.1 Build the capacity of the Community to help itself and embrace the framework and strategies articulated through social inclusion to achieve sustainability.

Nil.

**17.3 SAFETY**

**Strategic Plan Reference – Page 31**

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

Nil.

**17.4 CONSULTATION AND COMMUNICATION**

**Strategic Plan Reference – Page 31**

5.4.1 Improve the effectiveness of consultation and communication with the Community.

Nil.

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

**18.1 IMPROVEMENT**

**Strategic Plan Reference – Page 32**

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

Nil.



## 18.2 SUSTAINABILITY

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

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

### **18.2.1 Common Services Joint Venture Update (Standing Item – Information Only)**

AUTHOR GENERAL MANAGER (T KIRKWOOD)

DATE 18<sup>th</sup> SEPTEMBER 2015

ATTACHMENT: Update – August 2015

#### **ISSUE**

To inform Council of the Joint Venture's activities for the month of August 2015.

#### **BACKGROUND**

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

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

#### **DETAIL**

Refer 'Common Services Joint Venture Update – August 2015' attached.

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

Councillors will note that the Southern Midlands Council provided 141 hours of service to six Councils: - Brighton, Sorell & Tasman – risk management / occupational health and safety type activities; Central Highlands – Acting General Manager services; and Derwent Valley – plumbing inspection. With the exception of plumbing, Adam Wilson has been engaged to provide the services.

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

**Policy Implications – N/A**

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

**RECOMMENDATION**

**THAT the information be received.**

**DECISION**

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

# Common Services Joint Venture Update

August 2015

## Summary of Recent Common Services Activity

1197 hours of Common Services were exchanged between Councils in August 2015, which is approximately equal to the record high number of hours exchanged last month (July, 1205 hrs).

## New Services

In the month of August, Works Supervision services were provided from Tasman Council to the Sorell Council. This new ongoing arrangement will see the Tasman Works Supervisor take over Works Supervision/Management at the Sorell Council, completing 3 days a week at Sorell and 2 days a week at Tasman. This is expected to deliver significant savings to both Councils. Also in August, the Southern Midlands Council provided an Acting General Manager to the Central Highlands Council during a period of leave.

Fig 1 - Common Service Exchange in Recent Months

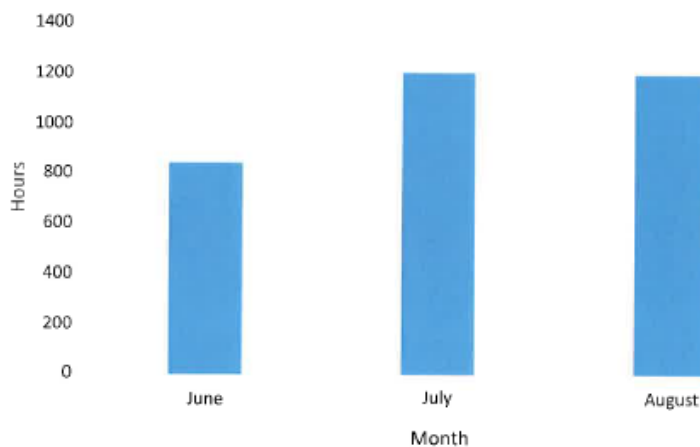
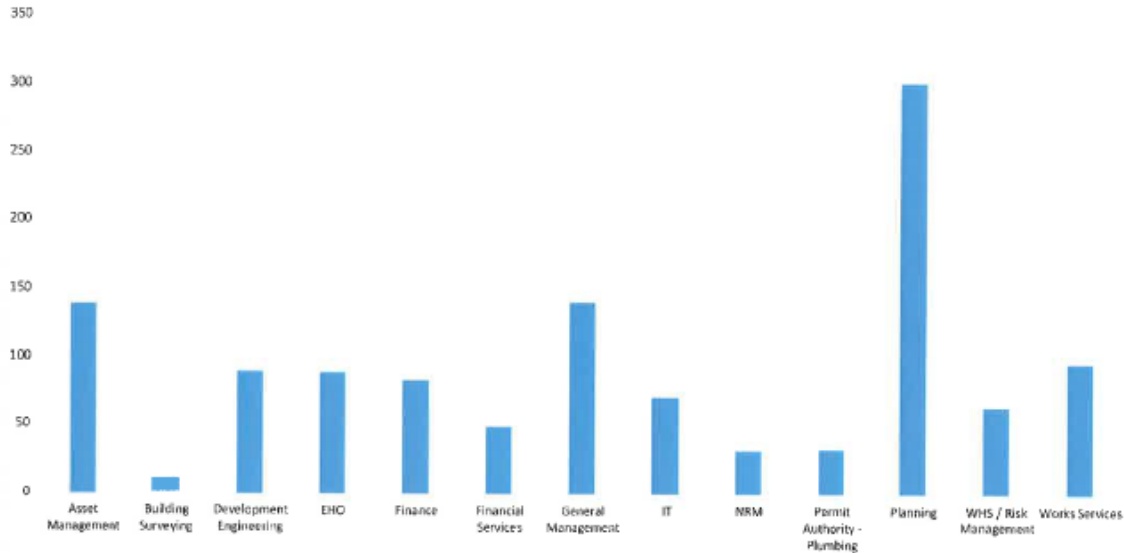


Fig 2 - Details of Current Exchange of Services by Council in August 2015

\* Council not currently a member of the Common Services Joint Venture Agreement

Provider Council	Client Organisation									
	Brighton	Central Highlands	Derwent Valley	Flinders	Glenorchy	GSB	Huon Valley	Sorell	Southern Midlands	Tasman
Brighton		34	180	23	14	213	75	51	16	130
Central Highlands										
Derwent Valley										
Glenorchy										
GSB										
Huon Valley										
Sorell	33									56
Southern Midlands	16	44	33			16		16		16
Tasman								232		

Fig 3 - Details of Current Exchange of Services by Service Category in August 2015



### Savings to Local Government

A total of 1197 hours of Common Services were exchanged between Councils last month. Analysis of Common Services provision has indicated that both the Provider Council and the Client Council save money through the exchange of Common Services at an approximate ratio of 50%.

Due to this, it is estimated that the provision of Common Services between Councils saved participating Councils and Local Government as a whole \$99,800 for the month of August. This was a result of increasing the utilisation of current Council Staff at Councils providing services, and from Client Councils utilising common services from within Local Government as opposed to external consultants (on average LG Common Services rates can be procured at significant discount to external consultant fees).

### Progress of the Joint Venture

- A proposal for Southern Midlands to provide Strategic Planning Services to between 6 – 9 Councils is being considered by CSJV participants. This role will be particularly focussed on taking a coordinated approach to the implementation of both the Interim and Statewide Planning schemes at each Council.
- The Sorell Council has advertised and received applicants for a shared GIS Officer role between Sorell and Brighton Councils. It is estimated that Council will make an appointment to the position by the end of the month
- Common Services Joint Venture Strategy and Common Service Models update:-
  - **Works Services**  
A combined resale tender between Sorell, Tasman and Brighton Councils has been awarded. Savings are expected to be achieved from this process, however net benefits are expected to be modest. Greater savings can be achieved with a larger amount of work and therefore increased commitment from other Councils. Southern Midlands may be in a position to join the combined tender next financial year. The Huon Valley Council have also expressed an interest in potentially joining next year also.
  - **Permit Authority**  
A Southern Tasmanian PropertWise User Group meeting will be organised in the coming months to provide an update on software capabilities and encourage consistent use of the system. Online Permit Authority/Planning lodgement software is also currently being investigated by this group.
  - **Information Technology (IT)**

Sorell Council's Senior IT Officer is coordinating the upgrade of servers and systems at the Brighton Council to reduce risks of providing IT, decrease down time due to system maintenance and provide cost efficiencies to Council.

▪ **Payroll**

The need for payroll relief cover at nearly all participating Councils has recently been identified. Options to provide relief cover and potentially whole of function payroll services for multiple Councils is being assessed. However, due to a number of factors participating Councils are not currently ready to act on this just yet, the item will be revisited at the monthly CSJV Meetings.

- The City of Palmerston and the Litchfield Shire Council have been considering creating their own Common Services Model in the Northern Territory (NT), so that NT Councils can exchange services under a formal structure with each other, and interstate Councils when necessary. Through an existing relationship between these Councils and the Brighton Council, the two Councils have been informed of the benefits of the Tasmanian Common Services Joint Venture. And as a result, the Litchfield Shire Council in the Northern Territory has put forward an agenda item to its Council recommending that:
  - Council apply for membership in the Common Services Joint Venture;
  - Authorise the Acting CEO to sign the Deed of Accession to formally participate in the Common Services Agreement; and that;
  - Council write to all councils in the Northern Territory encouraging them to participate in the Common Services Agreement

The Litchfield Shire Council accepted the above recommendations and will join the Tasmanian Local Government Joint Venture, and encourage other NT Councils to join.

One of the key reasons for Litchfield joining the CSJV was to enable Council to access specialist local government skills that are not readily available in the Northern Territory. As a result Council expects to significantly reduce its reliance on consultant services.

This will directly benefit Tasmanian Councils participating in the CSJV because it will give Councils another opportunity to bring in additional revenue, while working in an unfamiliar environment (whether working virtually or onsite), adding to the experience of participating staff, which will benefit the sustainability of the Councils involved. The Litchfield Shire Council and other NT Councils also have skills and expertise in areas where additional support may be needed within the group, hence services provided from NT to Tasmania are also likely to be conducted.

## **18.2.2 Framework for Analysing Council’s Governance Function**

AUTHOR DEPUTY GENERAL MANAGER (A BENSON)  
DATE 17<sup>th</sup> SEPTEMBER 2015

ATTACHMENTS: Nil

ENCLOSURES: There were no modifications suggested for the draft policies at the August meeting, therefore they have not been provided with this report as they would be a duplication of the previously issued documentation. Copies will be available at the meeting or will be provided prior to the meeting if required.

### **ISSUE**

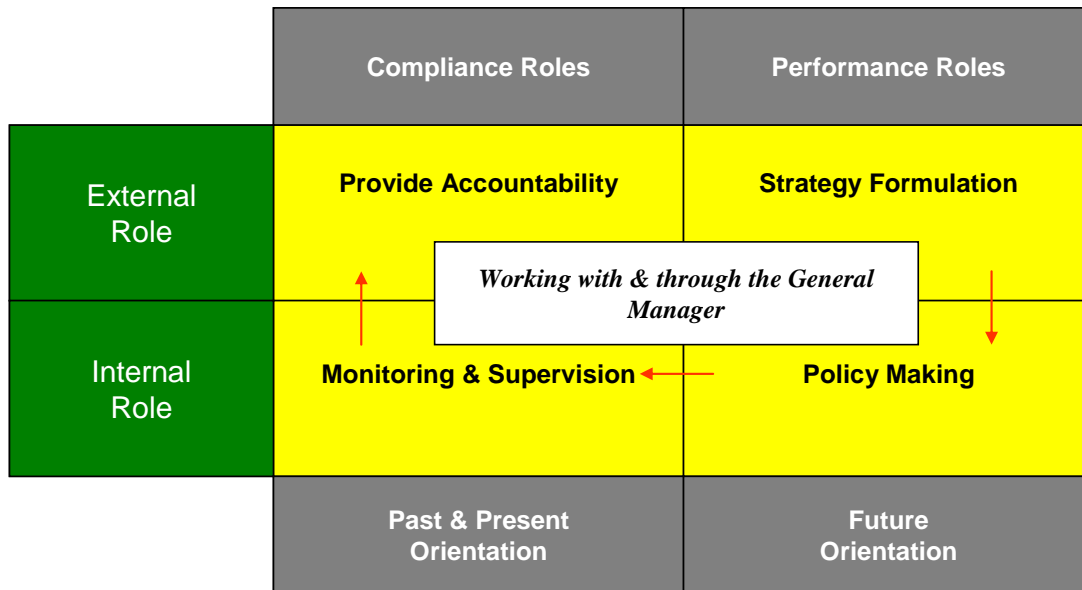
The Local Government Association of Tasmania (LGAT) through lawyers, Page Seager are running a State wide project to provide a consistent set of Policies as well as Procedures to all Councils in Tasmania. That means Councils will be progressively changing across to the new policies framework. The Policies included within this report are finalised versions of the first tranche of policy and procedure documents that form part of the Personal Behaviours Toolkit for consideration and approval by Council.

### **BACKGROUND**

[EXTRACT Report to the August 2015 Council Meeting]

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

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



**DETAIL**

These Policies reflect the significant ongoing consultation with Councils across the State as well as the consultation with Australian Services Union (ASU) and the Australian Workers Union (AWU). The document suite will be a very worthwhile outcome in achieving a consistently updated set of policies and procedure documents with best practice application across the local government industry in Tasmania.

*The second tranche documents including: Alcohol and other Drugs, Diversity, and Flexible Working Arrangements are nearing completion and will provided for Council’s consideration in due course*

*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.*

**RECOMMENDATION**

*THAT Council*

- 1. Receive and note the report;*
- 2. Consider Draft version 1\_ Communication Policy for adoption at the September 2015 Council meeting*
- 3. Consider Draft version 1\_ Disciplinary Policy for adoption at the September 2015 Council meeting*
- 4. Consider Draft version 1\_ Fitness for Work Policy for adoption at the September 2015 Council meeting*
- 5. Consider Draft version 1\_ Issue Resolution Policy for adoption at the September 2015 Council meeting*

6. *Consider Draft version 1\_ Performance Management Policy for adoption at the September 2015 Council meeting*
7. *Consider Draft version 1\_ Work Health Safety Policy for adoption at the September 2015 Council meeting*
8. *Consider Draft version 1\_ Workplace Behaviour Policy for adoption at the September 2015 Council meeting*

**C/15/08/107/20142 DECISION**

**Moved by Clr E Batt, seconded by Clr B Campbell**

***THAT Council***

1. *Receive and note the report;*
2. *Consider Draft version 1\_ Communication Policy for adoption at the September 2015 Council meeting*
3. *Consider Draft version 1\_ Disciplinary Policy for adoption at the September 2015 Council meeting*
4. *Consider Draft version 1\_ Fitness for Work Policy for adoption at the September 2015 Council meeting*
5. *Consider Draft version 1\_ Issue Resolution Policy for adoption at the September 2015 Council meeting*
6. *Consider Draft version 1\_ Performance Management Policy for adoption at the September 2015 Council meeting*
7. *Consider Draft version 1\_ Work Health Safety Policy for adoption at the September 2015 Council meeting*
8. *Consider Draft version 1\_ Workplace Behaviour Policy for adoption at the September 2015 Council meeting*

**CARRIED**

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

[END OF EXTRACT Report to the August 2015 Council Meeting]

**DETAIL**

The draft policies were tabled at the August 2015 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.



At the August Council meeting Councillor Marshall raised a point about the inclusion of Councillors as a “worker” in some of the Policies and then the term was not included in other Policies. The author will provide an explanation to the next meeting prior to consideration of the final adoption of the policies.

It was also noted that these new policies do cover parts of existing policies that are current Council policies. The process is, that the new policies will ultimately replace Council’s existing suite of policies however in the interim period the components of the previous policies that have not been replaced will remain until they have been replaced in their entirety.

**Human Resources & Financial Implications**

Nil.

**Community Consultation & Public Relations Implications**

Nil.

**Policy Implications**

Policy Documents, noting procedures will be adopted to support the Policies.

**Priority - Implementation Time Frame** - From the date of the September 2015 Council meeting

**RECOMMENDATION**

**THAT Council:**

- 1. Receive and note the report;**
- 2. Adopt version 1\_ Communication Policy**
- 3. Adopt version 1\_ Disciplinary Policy**
- 4. Adopt version 1\_ Fitness for Work Policy**
- 5. Adopt version 1\_ Issue Resolution Policy**
- 6. Adopt version 1\_ Performance Management Policy**
- 7. Adopt version 1\_ Work Health Safety Policy**
- 8. Adopt version 1\_ Workplace Behaviour Policy**

**DECISION**

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

**18.2.3 Local Government Association of Tasmania - Tasmanian Library Advisory Board – Call for Nominations**

AUTHOR GENERAL MANAGER (T KIRKWOOD)

DATE 18<sup>th</sup> SEPTEMBER 2015

ATTACHMENT: Nil

**ISSUE**

Any interested Councillor(s) to nominate to be a Local Government representative on the Tasmanian Library Advisory Board.

**BACKGROUND**

The Tasmanian Library Advisory Board provides advice to the Minister for Education on matters relating to library and information services in Tasmania.

**DETAIL**

The term of the current board will expire on 31<sup>st</sup> December 2015 and the Association is seeking assistance to provide a list of nominees which the Minister may consider for the new Board, as set out in the *Libraries Act 1984*.

The Board has 123 members representing a wide range of interests and locations: four of which are nominated by LGAT. The present appointments are: Ald Sandra French (Burnie); Mayor Doug Chipman (Clarence); Kym Matthews (Break O’Day) and Susan Nolan (Kingborough).

The terms of appointment for new members will be three years, commencing 1 January 2016. Current Board members may be reappointed.

Nominations must be accompanied by a current curriculum vitae and a completed ‘Statement in Support of Nomination Form’ (copy can be provided on request).

**Human Resources & Financial Implications** – The Board meets up to four times per year around the State, usually for half a day. There is no remuneration payable however travelling expenses are reimbursed.

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

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Nominations must be submitted to LGAT prior to 30<sup>th</sup> September 2015.

**RECOMMENDATION**

**THAT any interested Councillor(s) consider to nominate to be a Local Government representative on the Tasmanian Library Advisory Board.**

**DECISION**

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

**18.2.4 Local Government Association of Tasmania Representative – State Fire Commission – Call for Nominations**

AUTHOR GENERAL MANAGER (T KIRKWOOD)

DATE 18<sup>th</sup> SEPTEMBER 2015

ATTACHMENT: Nil

**ISSUE**

Any interested Councillor(s) to nominate to be a Local Government representative on the State Fire Commission.

**BACKGROUND**

The role of the State Fire Commission Board; includes the formulation of policy in respect of service administration and operation, co-ordination and direction of the development of fire services throughout the State, and the development of promulgation of a State Fire Protection Plan.

**DETAIL**

The terms of the current Local Government representatives will conclude on 16<sup>th</sup> December 2015. Therefore, under the *Fire Service Act 1979*, the LGAT is required to submit a list of three names for nomination by the Minister to fill two positions on the Commission. The incumbents, Mr Rodney Sweetnam of Launceston City Council and Cllr Hannah Rubenach of Break O’Day Council have indicated their interest in continuing in this role.

The terms of appointment for new members will be three years. Current Board members may be reappointed. It has been highlighted by the Minister that the present Government policy is to have gender balance in the nomination process if possible, which will be taken into consideration.

Nominations must be accompanied by a current curriculum vitae and a completed ‘Statement in Support of Nomination Form’ (copy can be provided on request).

**Human Resources** – The State Fire Commission meets on a monthly basis, usually for approximately 3 hours.

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

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Nominations must be submitted to LGAT prior to 7<sup>th</sup> October 2015.

**RECOMMENDATION**

**THAT any interested Councillor(s) consider to nominate to be a Local Government representative on the State Fire Commission.**

**DECISION**

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

### 18.3 Finances

#### Strategic Plan Reference – Page 34 & 35

- |       |   |
|-------|---|
| 6.3.1 | Communities finances will be managed responsibly to enhance the wellbeing of residence.   |
| 6.3.2 | Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation.        |
| 6.3.3 | Council's finance position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses. |
| 6.3.4 | Resources will be allocated to those activities that generate community benefit.  |

#### 18.3.1 Monthly Financial Statement (August 2015)

*File Ref:*

AUTHOR FINANCE OFFICER (C PENNICOTT)  
DATE 17<sup>TH</sup> SEPTEMBER 2015

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1<sup>st</sup> August 2015 to 31<sup>st</sup> August 2015 (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 14<sup>th</sup> September 2015
- e) Cash Flow Statement - August 2015

*Note: Expenditure figures provided are for the period 1<sup>st</sup> August to 31<sup>st</sup> August 2015 – approximately 17% of the period.*

#### Comments

##### A. Current Expenditure Estimates (Operating Budget)

#### Strategic Theme – Infrastructure

- **Sub-Program – Lighting** - expenditure to date (\$28,136– 32.24%). Expenditure relates to 1/3 of costs associated with lighting for the financial year, with the final payment due in April.

#### Strategic Theme – Growth

- **Sub-Program – Business** - expenditure to date (\$37,103– 29.41%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

**Strategic Theme – Lifestyle**

- **Sub-Program – Childcare** – expenditure to date (\$5,000 – 66.67%). Expenditure includes \$5,000 BFDC Grant to the Brighton Family Day Care.

**Strategic Theme – Community**

- **Sub-Program – Capacity** - expenditure to date (\$7,427 –23.94%). Expenditure relates to annual donations and sponsorship. Including \$5,000 support for MILE.

**Strategic Theme – Organisation**

- **Strategic Theme – Improvement** – expenditure to date (\$15,521– 177.38%). All costs relate to the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The cost of the project is to be shared between the six (6) Councils with revenue coming back to Southern Midlands.
- **Sub-Program – Sustainability** - expenditure to date (\$478,545 – 23.37%). Includes annual insurance renewals payable at the commencement of the financial year. This also includes quarry costs of \$16,000 which will be offset by income received.

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

Council Meeting Agenda – 23<sup>rd</sup> September 2015

STATEMENT OF COMPREHENSIVE INCOME				
FOR THE PERIOD				
1st JULY 2015 to 31ST AUGUST 2015				
	Annual	Year to Date	%	Comments
	Budget	as at 31ST AUGUST		
<b>Income</b>				
General rates	\$ 4,666,548	\$ 4,598,278	98.5%	Budget includes Interest & Penalties to be imposed to end of June 2016
User Fees (refer Note 1)	\$ 658,662	\$ 165,821	25.2%	
Interest	\$ 200,000	\$ 30,156	15.1%	
Government Subsidies	\$ 15,570	\$ -	0.0%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ -	\$ -	0.0%	
Other (refer Note 2)	\$ 355,854	\$ 50,078	14.1%	
<b>Sub-Total</b>	<b>\$ 5,896,634</b>	<b>\$ 4,844,332</b>	<b>82.2%</b>	
Grants - Operating	\$ 3,201,435	\$ 425,991	13.3%	Mens Shed \$3166 FAGS \$422,824
<b>Total Income</b>	<b>\$ 9,098,069</b>	<b>\$ 5,270,323</b>	<b>57.9%</b>	
<b>Expenses</b>				
Employee benefits	\$ (3,766,728)	\$ (503,508)	13.4%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (2,738,461)	\$ (577,382)	21.1%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,668,500)	\$ (453,645)	17.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (50,583)	\$ (128)	0.3%	
Contributions	\$ (188,399)		0.0%	Fire Service Levies
Other	\$ (264,784)	\$ (42,633)	16.1%	
<b>Total expenses</b>	<b>\$ (9,677,455)</b>	<b>\$ (1,577,297)</b>	<b>16.3%</b>	
<b>Surplus (deficit) from operations</b>	<b>\$ (579,386)</b>	<b>\$3,693,026</b>	<b>-637.4%</b>	
Grants - Capital (refer Note 3)	\$ 877,860	\$ -	0.0%	
Sale Proceeds (Plant & Machinery)	\$ 210,000	\$ 27,687	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ -	\$ -	0.0%	
<b>Surplus / (Deficit)</b>	<b>\$508,474</b>	<b>\$3,720,713</b>	<b>731.7%</b>	



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<b>NOTES</b>				
1. Income - User Fees (Budget \$658,662) includes:				
- All other Programs	\$ 330,162	\$ 123,710	37.5%	
- Callington Mill	\$ 328,500	\$ 42,112	12.8%	Actual Income Received (i.e. excluding Debtors)
	<b>\$ 658,662</b>	<b>\$ 165,821</b>		
2. Income - Other (Budget \$355,854) includes:				
- Income (Private Works )	\$ 127,854	\$ 29,405	23.0%	
- Tas Water Distributions	\$ 228,000	\$ 20,573	9.0%	
- Public Open Space Contributions	\$ -	\$ -	0.0%	
- Other	\$ -	\$ 100	0.0%	
	<b>\$ 355,854</b>	<b>\$ 50,078</b>		
3. Grant - Capital (Budget \$877,860) includes:				
- Black Spot Funding	\$ -	\$ -		
- Roads To Recovery Grant	\$ 877,860	\$ -	0.0%	To be claimed in March 2016
	<b>\$ 877,860</b>	<b>\$ -</b>	<b>0.0%</b>	
Note:				
Operating Grants				
- School Holiday Program	\$ -	\$ -		
- Mens Shed	\$ -	\$ 3,166		
- NRM South	\$ -	\$ -		
- Australia Day Awards	\$ -	\$ -		
- Healthy Communities Initiative	\$ -	\$ -		
		<b>\$ 3,166</b>		

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SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2015/16

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 31st AUGUST 2015 17%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
<b>INFRASTRUCTURE</b>					
Roads	3004318	3004318	477104	2527214	15.88%
Bridges	361179	361179	54731	306448	15.15%
Walkways	179906	179906	26258	153648	14.60%
Lighting	87266	87266	28136	59130	32.24%
Irrigation	0	0		0	0.00%
Drainage	85107	85107	9681	75426	11.37%
Waste	579191	579191	52943	526248	9.14%
Public Toilets	56642	56642	6230	50412	11.00%
Communications	0	0		0	0.00%
Signage	9400	9400	1147	8253	12.21%
<b>INFRASTRUCTURE TOTAL:</b>	<b>4363009</b>	<b>4363009</b>	<b>656229</b>	<b>3706780</b>	<b>15.04%</b>
<b>GROWTH</b>					
Residential	0	0		0	0.00%
Mill Operations	481205	481205	83562	481205	17.37%
Tourism	222479	222479	164	222479	0.07%
Business	876177	126177	37103	89074	29.41%
Agriculture	0	0		0	0.00%
Integration	25615	25615		25615	0.00%
<b>GROWTH TOTAL:</b>	<b>1605476</b>	<b>855476</b>	<b>120829</b>	<b>818373</b>	<b>14.12%</b>
<b>LANDSCAPES</b>					
Heritage	292412	292412	35202	257210	12.04%
Natural	138323	138323	14395	123928	10.41%
Cultural	0	0		0	0.00%
Regulatory	824289	824289	138451	685838	16.80%
Climate Change	28204	28204	5	28199	0.02%
<b>LANDSCAPES TOTAL:</b>	<b>1283228</b>	<b>1283228</b>	<b>188052</b>	<b>1095176</b>	<b>14.65%</b>
<b>LIFESTYLE</b>					
Youth	222610	222610	9762	212848	4.39%
Aged	1500	1500		1500	0.00%
Childcare	7500	7500	5000	2500	66.67%
Volunteers	34500	34500	2262	32238	6.56%
Access	0	0		0	0.00%
Public Health	7881	7881	182	7699	2.31%
Recreation	430731	430731	45835	384896	10.64%
Animals	72429	72429	10790	61639	14.90%
Education	0	0		0	0.00%
<b>LIFESTYLE TOTAL:</b>	<b>777151</b>	<b>777151</b>	<b>73832</b>	<b>703319</b>	<b>9.50%</b>
<b>COMMUNITY</b>					
Retention	0	0		0	0.00%
Capacity	31025	31025	7427	23598	23.94%
Safety	56650	56650	4857	51793	8.57%
Consultation	5070	5070	1104	3966	21.78%
Communication	12125	12125	1179	10946	9.72%
<b>COMMUNITY TOTAL:</b>	<b>104870</b>	<b>104870</b>	<b>14567</b>	<b>90303</b>	<b>13.89%</b>
<b>ORGANISATION</b>					
Improvement	8750	8750	15521	-6771	177.38%
Sustainability	2047836	2047836	478545	1569291	23.37%
Finances	252135	252135	10309	241826	4.09%
<b>ORGANISATION TOTAL:</b>	<b>2308721</b>	<b>2308721</b>	<b>504375</b>	<b>1804346</b>	<b>21.85%</b>
<b>TOTALS</b>	<b>10442455</b>	<b>9692455</b>	<b>1557885</b>	<b>8218296</b>	<b>16.07%</b>

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CAPITAL EXPENDITURE PROGRAM 2015-16							
AS AT 31 AUGUST 2015							
				BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>INFRASTRUCTURE</b>							
	<b>ROAD ASSETS</b>						
	Resheeting Program		Roads Resheeting (40.00 klms x 5.5 x 150mm x \$20 m3)	\$ 600,000	\$ -	\$ 600,000	
	Reseal Program		Roads Resealing (as per agreed program)	\$ 500,000	\$ -	\$ 500,000	
			Clifton Vale Road	\$ 21,818	\$ -	\$ 21,818	
	Reconstruct & Seal		Brown Mountain Road (section up Hill - 200 metres)	\$ 30,000	\$ -	\$ 30,000	
			Eldon Road (various sections - 500 metres)	\$ 75,000	\$ -	\$ 75,000	
			Green Valley Road (above Bridge - 150 metres)	\$ 22,500	\$ -	\$ 22,500	
			Inglewood Road (vicinity of Viaduct) - 585 mtrs from Rail Lights to Viaduct	\$ 87,750	\$ -	\$ 87,750	
			Rhyndaston Road (Vicinity of J Housego - 100 metres)	\$ 13,750	\$ -	\$ 13,750	
			Woodsdale Road (Whitefoord end - 2 sections - 200 metres)	\$ 30,000	\$ -	\$ 30,000	
			Woodsdale Road (near 'glue pot' - 2 sections - 240 metres)	\$ 36,000	\$ -	\$ 36,000	
			Yarlington Road (Smarts Hill - 150 metres)	\$ 22,500	\$ -	\$ 22,500	
	Junction Road Realignment/ Other	C1010037	Campania - Reeve St / Clime Street	\$ 45,600	\$ 9,907	\$ 35,693	
			Church Street, Oatlands (outside school -'V' drain) - 100mtrs	\$ 6,000	\$ -	\$ 6,000	
			High Street/Esplanade - Junction Improvements	\$ 25,000	\$ -	\$ 25,000	
			Reeve Street - Hall Street to Rec Ground (K&G) - 70 mtrs	\$ 8,800	\$ -	\$ 8,800	
		C1020047	Lovely Banks Road (junction with Colebrook)	\$ 40,000	\$ 5,755	\$ 34,245	
	<b>Carry Forwards:</b>						
	Minor Seals (New)	C1020031	Church Road (Brighton Council end)	\$ 10,000	\$ -	\$ 10,000	
		C1020032	Hasting Street Junction	\$ 15,000	\$ -	\$ 15,000	
	Sealed - Road Widening	C1010036	Green Valley Road - Widening	\$ 83,000	\$ -	\$ 83,000	
	Unsealed - Road Widening	C1020037	Hall Lane, Bagdad - widening	\$ 15,000	\$ -	\$ 15,000	
		C1020038	Chauncy Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000	
		C1020034	Church Road (Corner Widening)	\$ 7,165	\$ 9,202	\$ (2,037)	
	Junction / Road Realignment / Other		Woodsdale Road / Tunnack Main Rd Junction (30 mm Overlay)	\$ 6,400	\$ -	\$ 6,400	
			Yarlington Road - Realignment	\$ 20,000	\$ 11,023	\$ 8,977	
		C1020040	Interlaken Road- Corner Realignment (Rockton)	\$ 13,308	\$ 1,495	\$ 11,813	
		C1010038	Campania - Reeve St / Hall Street K&G	\$ 5,000	\$ -	\$ 5,000	
			Tunbridge Main Road Verge	\$ 3,000	\$ -	\$ 3,000	
		C1010039	Woodsdale Road - Landslip Area (vicinity Scotts Quarry)	\$ 15,000	\$ -	\$ 15,000	
			Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700	
			York Plains Road *Camber adjustment)	\$ 5,000	\$ -	\$ 5,000	
		C1020026	Church Road -Realign (Intersection with Elderslie Road) - Survey & Acquisition	\$ 211,000	\$ 175,511	\$ 35,489	WIP 30/6/15
				<b>\$ 2,003,292</b>	<b>\$ 212,894</b>	<b>\$ 1,790,398</b>	

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<b>BRIDGE ASSETS</b>						
	C1030023	Sw anston Road - Little Sw anport Rv (B 1716)	\$ 355,000	\$ 9,243	\$ 345,757	
	C1030028	Rotherw ood Road (B1137)	\$ -	\$ 182	\$ (182)	
	C1030030	Jones Rd (B5083)	\$ -	\$ 7,159	\$ (7,159)	WIP 30/6/15
	C1030041	Kheme Road (Birralee Creek B5175)	\$ 142,527	\$ -	\$ 142,527	
	C1030044	Grahams Creek Road (Grahams Creek B2510) Elderslie Road	\$ 81,672	\$ 1,304	\$ 80,368	
		Noyes Road (Limekiln Creek)	\$ 41,265	\$ -	\$ 41,265	
	C1030006	Fields Road Bridge (B1851)	\$ -	\$ 1,469	\$ (1,469)	WIP 30/6/15
		Wattle Hill Road (Coal River B1402)	\$ 284,925	\$ -	\$ 284,925	
		Hardings Road (White Kangaroo Rivulet B1096)	\$ 163,547	\$ -	\$ 163,547	
	C1030051	Old Tier Road (Blackman River B3207)	\$ 132,834	\$ 5,692	\$ 127,142	
	C1030052	Jordan River B5083	\$ -	\$ 2,537	\$ (2,537)	
	C1030049	Inglew ood Road (Tin Dish Rivulet B4289)	\$ 212,650	\$ 522	\$ 212,128	WIP 30/6/15
	C1030048	Muddy Plains Road (Summerfield Creek B417)	\$ 107,289	\$ 3,493	\$ 103,796	WIP 30/6/15
	C1030050	Nala Road (Kittys Rivulet B4264)	\$ 107,289	\$ 3,061	\$ 104,228	WIP 30/6/15
	C1030012	Sandy Lane (Red Rocks Race B4198)	\$ 56,950	\$ 3,061	\$ 53,889	WIP 30/6/15
			<b>\$ 1,685,948</b>	<b>\$ 37,721</b>	<b>\$ 1,648,227</b>	
<b>WALKWAYS</b>						
		Footpaths - General (Program to be confirmed)	\$ 30,000	\$ -	\$ 30,000	
		Bagdad Tow nship				
	C1090013	- Sw an Street - Kerb & Gutter (eastern & w estern side)	\$ 112,244	\$ 2,687	\$ 109,557	
		Campania Tow nship				
	C1040005	- Reeve Street (Vicinity of Store)	\$ 10,000	\$ 5,057	\$ 4,943	
	C1040005	- Reeve Street (500 metres)	\$ 80,000	\$ 8,386	\$ 71,614	WIP 30/6/14 Design etc
		- Review Management Plan (Site Plan) / Walking Tracks (Bush Reserve)	\$ 5,000	\$ -	\$ 5,000	
		Kempton Tow nship				
		- Main Street (vicinity of Tavern) incl. renew al of K&G	\$ 17,500	\$ -	\$ 17,500	
		Oatlands Tow nship				
		- Church Street (K&G renew al)	\$ 15,000	\$ -	\$ 15,000	
		Tunbridge Tow nship				
		- Various (to be confirmed)	\$ 7,800	\$ -	\$ 7,800	
			<b>\$ 277,544</b>	<b>\$ 16,129</b>	<b>\$ 261,415</b>	
<b>DRAINAGE</b>						
		Bagdad				
		- Midland Hw y/ Sw an St Drainage (McShane Property)	\$ 22,500	\$ -	\$ 22,500	
	C1090015	- Sw an Street - Kerb & Gutter (eastern & w estern side)	\$ -	\$ -	\$ -	WIP 30/6/15
		- East Bagdad Road - Drainage Renew al	\$ 50,000	\$ 3,697	\$ 46,303	
		Campania				
	C1090008	- Reeve Street Open Drain (North Of Telephone Box)	\$ 35,000	\$ 5,740	\$ 29,260	WIP 30/6/15
		Oatlands				
		- Barrack Street(tow ards Mason St)	\$ 10,000	\$ -	\$ 10,000	
		- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	
			<b>\$ 122,500</b>	<b>\$ 9,437</b>	<b>\$ 113,063</b>	

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<b>WASTE</b>	C110002	Wheelie Bins & Crates	\$ 7,500	\$ 2,600	\$ 4,900	
			<b>\$ 7,500</b>	<b>\$ 2,600</b>	<b>\$ 4,900</b>	
<b>PUBLIC TOILETS</b>	C1110001	Colebrook - Power Connection & Lighting	\$ 5,000	\$ 3,531	\$ 1,469	
		Campania - Urinal/ Plumbing / External Shower Head	\$ 4,000	\$ -	\$ 4,000	
			<b>\$ 9,000</b>	<b>\$ 3,531</b>	<b>\$ 5,469</b>	
<b>SIGNAGE</b>		Oatlands Signage (Info Bays) - Town Maps	\$ 10,000	\$ 660	\$ 9,340	
	C113001	Highway Signage - Graphic Design	\$ 2,000	\$ 600	\$ 1,400	
			<b>\$ 12,000</b>	<b>\$ 1,260</b>	<b>\$ 10,740</b>	
<b>MILL OPERATIONS</b>		Office Equipment & Furniture	\$ -	\$ 358	\$ (358)	
			<b>\$ -</b>	<b>\$ 358</b>	<b>\$ (358)</b>	
<b>LANDSCAPES</b>	<b>HERITAGE</b>	C3010002	Callington Mill (Master Precinct Plan)	\$ 12,500	\$ -	\$ 12,500
			Callington Mill (Mill Tower- Fire Detection System)	\$ 6,500	\$ -	\$ 6,500
			Callington Mill (Car Parking Area- Drainage Improvements)	\$ 5,000	\$ -	\$ 5,000
		C3010008	Commissariat (79 High Street)	\$ 139,500	\$ 3,423	\$ 136,077
			Oatlands Court House (Stabilisation & Gaol Cell)	\$ 5,000	\$ -	\$ 5,000
			Oatlands Gaol - Minor Capital Works	\$ 7,000	\$ -	\$ 7,000
			Roche Hall - Forecourt (Interps- Planning)	\$ 5,000	\$ -	\$ 5,000
			Roche Hall - Stamp Duty (Property Transfer)	\$ 15,275	\$ -	\$ 15,275
		C3010009	Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500
			Parattah Railway Station - Guttering & Fascia	\$ 2,600	\$ -	\$ 2,600
			<b>\$ 205,875</b>	<b>\$ 3,423</b>	<b>\$ 202,452</b>	
<b>NATURAL</b>		Callington Park - Stone Wall	\$ 9,000	\$ -	\$ 9,000	
		Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ -	\$ 5,000	
			<b>\$ 14,000</b>	<b>\$ -</b>	<b>\$ 14,000</b>	
<b>REGULATORY</b>	C3040001	Kempton Council Chambers - Building & Office Improvements	\$ 18,954	\$ -	\$ 18,954	
	C3040001	Kempton Council Chambers - Office Equipment	\$ 3,000	\$ -	\$ 3,000	
	C3040001	Kempton Council Chambers - External Repainting	\$ 7,500	\$ -	\$ 7,500	
			<b>\$ 29,454</b>	<b>\$ -</b>	<b>\$ 29,454</b>	

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LIFESTYLE	RECREATION	C4070001	Parattah Recreation Ground - Grandstand	\$ 10,000	\$ -	\$ 10,000			
		C4070001	Parattah Recreation Ground - Demolish External Toilets	\$ 5,000	\$ -	\$ 5,000			
		C4070002	Parattah Recreation Ground - Facility Development	\$ 20,000	\$ -	\$ 20,000			
		C4070003	Campania Recreation Ground- Tree Planting	\$ 5,000	\$ -	\$ 5,000			
		C4070005	Recreation Committee	\$ 15,000	\$ 540	\$ 14,460			
		C4070016	Colebrook Recreation Ground (Amenities)	\$ 35,000	\$ -	\$ 35,000			
		C4070017	Kempton Hall - External Repainting	\$ 20,000	\$ -	\$ 20,000			
			Kempton Recreation Ground - Grandstand Hand Rails	\$ 5,000	\$ -	\$ 5,000			
			Oatlands Aquatic Club Building	\$ 18,000	\$ -	\$ 18,000			
		C4070022	Playspace Strategy - Alexander Circle & Lyndon Road	\$ 8,000	\$ -	\$ 8,000			
			Mt Pleasant - Watering System	\$ 20,554	\$ -	\$ 20,554			
			Mt Pleasant - Upgrade Toilets	\$ 13,000	\$ -	\$ 13,000			
			Oatlands Recreation Ground - Retaining Wall	\$ 12,000	\$ -	\$ 12,000			
		C4070027	Oatlands Recreation Ground Flood Lights	\$ 385,000	\$ 372,209	\$ 12,791	Ground Lighting - Budget Amendment		
		C4070028	Campania Recreation Ground Flood Lights	\$ -	\$ 274,442	\$ (274,442)			
				<b>\$ 571,554</b>	<b>\$ 647,191</b>	<b>\$ 198,805</b>			
			<b>SAFETY</b>		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
						<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>	
			<b>CAPACITY</b>		Community Blacksmith Program	\$ 6,200	\$ -	\$ 6,200	
					Community Garden- Mill Precinct	\$ 8,200	\$ -	\$ 8,200	
		C5020001	Levendale Community Centre	\$ 20,000	\$ 1,829	\$ 18,171			
				<b>\$ 34,400</b>	<b>\$ 1,829</b>	<b>\$ 32,571</b>			
	<b>ADMINISTRATION</b>	C6020007	Computer System (Hardware / Software)	\$ 20,000	\$ 1,090	\$ 18,910			
		C6020007	Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000			
		C6020007	Council Chambers - Building Improvements	\$ 7,500	\$ -	\$ 7,500			
		C6020007	Town Hall (General) - incl. Office Equip/Furniture	\$ 8,000	\$ 4,108	\$ 3,892			
		C6020007	Photo Reframing	\$ 1,500	\$ -	\$ 1,500			
	<b>WORKS</b>		Kempton Depot - Painting	\$ 10,000	\$ -	\$ 10,000			
			Depot Relocation	\$ 5,000	\$ -	\$ 5,000			
		C9990002	Minor Plant Purchases	\$ 9,500	\$ 7,000	\$ 2,500			
			Radio System	\$ 2,000	\$ -	\$ 2,000			
			Plant Replacement Program						
			Refer separate Schedule (Net Changeover)	\$ 365,000	\$ -	\$ 365,000			
			Light Vehicles	\$ 168,000	\$ 109,996	\$ 58,004			
			(Trade Allowance - \$240K)	\$ -	\$ -	\$ -			
			Water Tanks Replacement (Truck)	\$ 50,000	\$ -	\$ 50,000			
				<b>\$ 661,500</b>	<b>\$ 122,194</b>	<b>\$ 539,306</b>			
			<b>GRAND TOTALS</b>	<b>\$ 5,637,567</b>	<b>\$ 1,058,569</b>	<b>\$ 4,853,440</b>			

<b>SOUTHERN MIDLANDS COUNCIL</b>				
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year 14th September 2015		Last Financial Year 16th September 2014	
Arrears brought forward as at July 1		\$ 369,292.54		\$ 431,103.63
ADD current rates and charges levied		\$ 4,594,151.61		\$ 4,325,759.24
ADD current interest and penalty		\$ 5,711.00		\$ 4,670.13
<b>TOTAL rates and charges demanded</b>	<b>100.00%</b>	<b>\$ 4,969,155.15</b>	<b>100.00%</b>	<b>\$ 4,761,533.00</b>
LESS rates and charges collected	26.60%	\$ 1,321,664.05	17.88%	\$ 851,439.75
LESS pensioner remissions	4.31%	\$ 214,250.45	4.42%	\$ 210,353.08
LESS other remissions and refunds	-0.03%	-\$ 1,579.60	-0.06%	-\$ 2,840.70
LESS discounts	0.37%	\$ 18,148.92	0.21%	\$ 10,081.66
<b>TOTAL rates and charges collected and remitted</b>	<b>31.24%</b>	<b>\$ 1,552,483.82</b>	<b>22.45%</b>	<b>\$ 1,069,033.79</b>
<b>UNPAID RATES AND CHARGES</b>	<b>68.76%</b>	<b>\$ 3,416,671.33</b>	<b>77.55%</b>	<b>\$ 3,692,499.21</b>
** first instalment for 2015/16 due 16th September 2015				
** first instalment for 2014/15 due 25th September 2014				

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	INFLOWS (OUTFLOWS) (July 2015)	INFLOWS (OUTFLOWS) (August 2015)	INFLOWS (OUTFLOWS) (Year to Date)
<b>Cash flows from operating activities</b>			
Payments			
Employee costs	- 254,864.07	- 261,693.89	- 516,557.96
Materials and contracts	- 412,124.72	- 435,491.49	- 847,616.21
Interest	- 128.02	-	- 128.02
Other	- 14,368.84	- 28,264.62	- 42,633.46
	<b>- 681,485.65</b>	<b>- 725,450.00</b>	<b>- 1,406,935.65</b>
Receipts			
Rates	86,203.59	581,696.64	667,900.23
User charges	341,967.92	60,880.69	402,848.61
Interest received	14,286.13	15,869.47	30,155.60
Subsidies	-	-	-
Other revenue grants	3,166.00	422,824.75	425,990.75
GST Refunds from ATO			-
Other	49,007.95	- 59,361.13	- 10,353.18
	<b>494,631.59</b>	<b>1,021,910.42</b>	<b>1,516,542.01</b>
<b>Net cash from operating activities</b>	<b>- 186,854.06</b>	<b>296,460.42</b>	<b>109,606.36</b>
<b>Cash flows from investing activities</b>			
Payments for property, plant & equipment	- 108,069.43	- 559,744.71	- 667,814.14
Proceeds from sale of property, plant & equipment	12,357.27	15,330.01	27,687.28
Proceeds from Capital grants	-	-	-
Proceeds from Investments	-	-	-
Payment for Investments	-	-	-
<b>Net cash used in investing activities</b>	<b>- 95,712.16</b>	<b>- 544,414.70</b>	<b>- 640,126.86</b>
<b>Cash flows from financing activities</b>			
Repayment of borrowings	245,492.15	-	245,492.15
Proceeds from borrowings	-	-	-
<b>Net cash from (used in) financing activities</b>	<b>245,492.15</b>	<b>-</b>	<b>245,492.15</b>
<b>Net increase/(decrease) in cash held</b>	<b>- 37,074.07</b>	<b>- 247,954.28</b>	<b>- 285,028.35</b>
Cash at beginning of reporting year	10,002,747.20	9,965,673.13	10,002,747.20
<b>Cash at end of reporting year</b>	<b>9,965,673.13</b>	<b>9,717,718.85</b>	<b>9,717,718.85</b>



**18.3.2 Dulverton Masonic Lodge – Request for Rate Remission**

*File Ref:* 5842258 GAY

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)  
DATE 25<sup>TH</sup> AUGUST 2015

**ISSUE**

Consideration of a request for a rate remission for the Trustees Dulverton Masonic Lodge situated at 3 Gay Street, Oatlands.

**BACKGROUND**

Trustees Dulverton Masonic Lodge is a not for profit organisation, who frequently make donations to various community groups throughout the Municipality.

**DETAIL**

The details of the property is as follows:-

**Property Id 5842258 – 3 Gay Street, Oatlands**

General Rate	297.00
Waste Management	118.00
Fire Levy	38.00
<b>TOTAL</b>	<b>453.00</b>

Council is to consider granting a remission of Rates and Charges levied on properties, where there is a recognised benefit to the broader community.

**The following procedure is provided for the assessment process:**

Where it is determined that the applicant is eligible for a remission (i.e. there is a recognised benefit to the broader community), then:

- a) Council is to determine a percentage of the General Rate that it is prepared to remit (based on the assessed level of broader community benefit); and
- b) consider a remission of any Service Charges based on the following principles:
  - i. Household Garbage & Recycling Charge – Charge to apply if service provided.
  - ii. Waste Management Levy – Charge to apply in all cases.
  - iii. Fire Service Levy – Charge to apply in all cases.

Based on the above, Council is to determine the level of remission on the general rate only.

**Human Resources & Financial Implications** - Dependant on the level of remission (if any) granted by Council.

**Community Consultation & Public Relations Implications** - N/A.

**Policy Implications** - Reference Donations Policy

Trustees Dulverton Masonic Lodge, is not recognised in the existing Policy.

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

### **RECOMMENDATION**

**THAT Council grant a fifty percent (50%) remission of the General Rate only, being a total of \$148.50**

### **DECISION**

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

**18.3.3 Property – Blackwell Road, Melton Mowbray (PID 3332684) – Ownership of C L Batt**

*File Ref:* 3332684

AUTHOR MANAGER – CORPORATE SERVICES (B PORTER)  
DATE 10<sup>th</sup> SEPTEMBER 2015

**ISSUE**

Council to grant a remission of the rates and charges levied on Property ID 3332684 situated at Blackwell Road, Melton Mowbray in the ownership of C L Batt.

**BACKGROUND**

Following the recent revaluation of the Southern Midlands municipal area, the Valuer-General has identified a small parcel of land (149 m<sup>2</sup>) which is located off Backwell Road, Melton Mowbray. It is now shown in the ownership of C L Batt, however the history indicates that this small parcel was created when the Commonwealth were trying to establish an automatic exchange facility. The title was not transferred from the name of C L Batt when the remainder of the property was finalised.

In addition, it is important to note that this area of land is actually occupied by Council as part of the parking bay and gravel area that was constructed to accommodate the historic trough.

**DETAIL**

As mentioned the property consists of only 149m<sup>2</sup> and has a total capital value of \$500 (the Assessed Annual Value is only \$20).

Due to the application of the minimum General Rate (\$297), including the standard Waste Management Levy (\$40) and Fire Service Levy (\$38) – total rates and charges payable are \$375.00.

It can be seen that this is totally inappropriate for a parcel of land that cannot be used for any purpose, other than adhering to the adjoining Title. Whilst this would address the situation in the long-term, it would involve legal and other Lands/Titles costs.

From a legislative perspective, Council is to rate each property that appears in the Valuation Roll, unless classified as exempt under the *Local Government Act 1993*. In this particular case, the property is not automatically exempt and therefore it is appropriate to grant a remission of the rates and charges.

To avoid the situation where Council must consider a remission of rates and charges on an annual basis, it is recommended that this be a ‘standing remission’ until such time as the property is adhered to the adjoining Title.

**Human Resources & Financial Implications** – this property has not been rated in the past and has only been given a separate PID following the recent municipal revaluation. Effectively, Council has not lost any revenue as a result of this remission.

**Community Consultation & Public Relations Implications** - N/A.

**Policy Implications** – N/A.

**Priority - Implementation Time Frame** – Remission would apply from 1<sup>st</sup> July 2015 and be ongoing until such time as the parcel of land is adhered to the adjoin Title.

### **RECOMMENDATION**

**THAT Council grant a remission of the 2015/16 rates and charges levied on Property ID 3332684 (totalling \$375) and that this remission be ongoing until such time as this decision is reviewed and /or the property adhered to an adjoining Title.**

### **DECISION**

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

**19. INFORMATION BULLETINS**

Refer enclosed Bulletin dated 18<sup>th</sup> September 2015.

Information Bulletins dated 4<sup>th</sup> September 2015 and 11<sup>th</sup> September 2015 has been circulated since previous meeting.

**RECOMMENDATION**

**THAT the Information Bulletins dated 4<sup>th</sup>, 11<sup>th</sup> and 18<sup>th</sup> September 2015 be received and the contents noted.**

**DECISION**

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

**20. MUNICIPAL SEAL**

Nil.

**21. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**

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

**RECOMMENDATION**

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

**DECISION**

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

## **CLOSED COUNCIL AGENDA**

### **22. BUSINESS IN “CLOSED SESSION “**

Nil.

#### **RECOMMENDATION**

**THAT Council move out of “Closed Session”.**

#### **DECISION**

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

#### **RECOMMENDATION**

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

#### **DECISION**

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

### **23. CLOSURE**