

SOUTHERN
MIDLANDS
COUNCIL



PUBLIC COPY

AGENDA
ORDINARY COUNCIL MEETING

Wednesday, 23rd March 2016
10.00 a.m.
Tunnack Hall

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Dear Sir/Madam

NOTICE OF MEETING

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

Date: Wednesday, 23rd March 2016
Time: 10.00 a.m.
Venue: Tunnack Hall

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

COUNCILLORS PLEASE NOTE:

- Bob Casey & Judy Tierney will address Council at 11.45am regarding Agenda Item 15.2.2 - the Midlands Tree Committee Book Publication Proposal
- The CEO of Southern Tasmanian Councils Authority (Brenton West) will attend the meeting at 11.30 a.m. regarding Agenda Item 13.10.1 – Regional Waste Management Arrangements (Mayor Kerry Vincent is an apology)
- Public Question Time has been scheduled for 12.30 pm.

Yours faithfully

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

Tim Kirkwood
GENERAL MANAGER

OPEN COUNCIL AGENDA

1. PRAYERS

Rev Dennis Cousens to recite prayers.

2. ATTENDANCE

3. APOLOGIES

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 23rd February 2016, 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 R Campbell	
	Clr D F Fish	
	Clr D Marshall	

5.3 Special Committee of Council Minutes

5.3.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES

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

- Lake Dulverton & Callington Park Management Committee Meeting held on the 7th March 2016 (excluding In-Committee section of Minutes)
- Audit & Risk Committee Meeting held on the 7th March 2016
- Arts Advisory Committee Meeting held on the 7th March 2016

RECOMMENDATION

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

DECISION

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

5.3.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS

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

- Lake Dulverton & Callington Park Management Committee Meeting held on the 7th March 2016 (excluding In-Committee section of Minutes)
- Audit & Risk Committee Meeting held on the 7th March 2016
- Arts Advisory Committee Meeting held on the 7th March 2016

RECOMMENDATION

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

DECISION

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

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

5.4.1 JOINT AUTHORITIES - RECEIPT OF MINUTES

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

- **Southern Tasmanian Councils Authority – Nil**
- **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 & 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 Waste Strategy Authority – Nil**
- **Southern Tasmanian Councils Authority – Quarterly Report to Members – December 2015**

RECOMMENDATION

THAT the report from the Joint Authorities 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 R Campbell	
	Clr D F Fish	
	Clr D Marshall	

6. NOTIFICATION OF COUNCIL WORKSHOPS

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

It is reported that one workshop has been held since the last ordinary meeting of Council.

A workshop was held on the 29th February 2016 at the Council Chambers, Kempton commencing at 9.30am.

Attendance: Mayor A Bisdee, Deputy Mayor A Green, , Clr E Batt, Clr R Campbell, Clr D Fish
Apologies: Clr A Bantick, Clr D Marshall
Officers in attendance: T Kirkwood, A Benson, D Mackey

The purpose of this workshop was to:-

- a) Receive a briefing from TasWater – Mr Miles Hampton (Board Chair) and Mr Mike Brewster (CEO) attended the meeting;
- b) Receive a briefing from NBN Co. – NBN Co. Community Affairs Manager (Sarah McDonald) attended the meeting;
- c) Provide an update to Council regarding the performance of the Callington Mill business operation;
- d) Give preliminary consideration to correspondence received from Mayor Tony Foster on the impacts of gambling in the community (subsequent report to be considered at the next scheduled Council Meeting);
- e) Give consideration to the identification of major projects which could be referred to Infrastructure Tasmania as part of its information gathering.

The workshop concluded at 2.00 pm.

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 R Campbell	
	Clr D F Fish	
	Clr D Marshall	

7. QUESTIONS WITHOUT NOTICE

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

1. Roads Tour – Date to be set

2.

3.

4.

5.

8. DECLARATIONS OF PECUNIARY INTEREST

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

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

9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

RECOMMENDATION

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

DECISION

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

10. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)

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

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

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

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

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

10.1 Permission to Address Council

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

- 11.30 am - The CEO of Southern Tasmanian Councils Authority (Brenton West) will attend the meeting at 11.30 a.m. regarding Agenda Item 13.10.1 – Regional Waste Management Arrangements (Mayor Kerry Vincent is an apology)
- 11.45 am - Bob Casey and Judy Tierney regarding the Midlands Tree Committee Book Publication Proposal (refer Agenda item 15.2.2)

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

11.1 WOODSDALE CEMETERY (PID 5840316) - OWNERSHIP

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

"That the Southern Midlands Council write to Crown Land Services seeking transfer to Council of that Crown Land known as the Woodsdale Cemetery"

Background Comments provided by Deputy Mayor A O Green:

The Woodsdale Cemetery was commenced in 1888 on Crown Land at Woodsdale. Over the following 128 years the cemetery has been managed predominantly by the community. For a time the Crown leased the cemetery to the Church of England, but those arrangements had lapsed when the Woodsdale History Room entered into a lease agreement with the Crown for a term of 10 years (expiring in February 2021).

The Woodsdale Cemetery has been maintained by the local community, is operated in compliance with relevant legislation and maintains accurate records as required.

The Cemetery provides free interment for locals and people with linkages to the Woodsdale area. The Ashes Wall was built using local donations. The community has provided funds for grave markers for burials. An accurate plot plan compiled using GPS is maintained by the Cemetery management. Public liability insurance is paid by the Woodsdale History Room.

Although the short-term future of the Cemetery is secure, the community remains concerned that a commercial funeral home may take over at some stage. Given the strong connection between the community and their cemetery, and their enduring involvement in its management, they feel that transferring ownership to the Southern Midlands Council would go some way towards allaying their fears.

The current management of the Cemetery is undertaken primarily by Mr Adrian Dare, with assistance from Kate Bourne, Yvonne Crawford, Elaine Midson and others. Under the auspices of the Woodsdale History Room, a separate bank account is maintained for cemetery funds.

Management of the Cemetery under Council ownership could devolve to a sub-committee with Woodsdale community membership. Council would provide oversight to ensure compliance with relevant legislation.

By assuming ownership of the land upon which the Woodsdale Cemetery is situated Council can assist the Woodsdale community continue their active management of this important facility.

General Manager's Comments:

Ownership of the Woodsdale Cemetery has been an issue for a number of years, primarily for the reasons stated in the above background comments.

In mid-2013, Council (acting on behalf of the local community) approached Crown Land Services and sought advice in relation to what options may exist to secure local ownership of the Cemetery. Advice was subsequently received that the Crown is unable to transfer ownership direct to the local community, other than on a commercial sale basis (i.e. Minister does not have the legislative power to grant the land other than to local government).

Taking this advice into account, Council proposed a two-stage process:

1. Council would take ownership of the property via the 'Crown Land Assessment Classification (CLAC)' process. This would effectively secure ownership at no cost (other than legal and stamp duty fees – if applicable).

Note: Transfer of ownership would have included the standard reversionary clause whereby ownership reverts to the Crown if the property is no longer being used for the permitted purpose and/or Council no longer wishes to retain ownership. The reversionary clause does however include a provision for Council to seek Ministerial approval to dispose of the land, subject to any conditions imposed.

2. Council would then seek Ministerial approval to transfer ownership to a newly incorporated body which would be established to manage and operate the Cemetery.

The intent of this Motion is to simply seek and retain ownership.

As Councillors would be aware, Council has ownership of one other Cemetery, being the Campania Cemetery. This is managed and maintained directly by Council. A schedule of fees is set and reviewed by Council as required.

In terms of taking ownership and responsibility for the Cemetery, the following issues come to my mind:

- Council would need to establish a Cemetery Management Committee under the provisions of the *Local Government Act 1993*. As part of this process, Council would need to consider the extent of delegation given to that Committee, including the ability to set its own fees and charges (recognising the future obligations imposed on Cemetery Managers under legislation);
- Council, through a management committee arrangement, Council would need to have sufficient oversight to ensure compliance with the *Burial and Cremation Act 2002*; and
- Council needs to consider the implications should the local community (at some time in the future) cease to have interest in maintaining and operating the cemetery.
- Council needs to consider the precedent this action would create. In the past, Council has received enquiries from local groups or church hierarchies regarding the possible

take-over of various cemeteries, and Council has generally not been receptive to such approaches. In this respect, it may be appropriate for Council to request a further report analysing the number and location of cemeteries that exist in the municipal area and including a draft cemetery policy setting out criteria for possible Council take-over

DECISION

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

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

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

12.1 DEVELOPMENT APPLICATIONS

12.1.1 DEVELOPMENT APPLICATION FOR A PROPOSED 'LEVEL 2 GRAVEL QUARRY' DEFINED AS AN INDUSTRY (EXTRACTIVE) AT 1356 TEA TREE ROAD, TEA TREE

Author: SENIOR PLANNING OFFICER (DAVID CUNDALL)

Date: 17 MARCH 2016

Enclosures:

- 1 – Williams Quarry Planning Report DA
- 2 – Williams Quarry Environmental Effects Report
- 3 – Williams Quarry Supplement to Environmental Effects Report
- 4 – Representations
- 5 – Environment Protection Authority - Environmental Assessment Report
- 6 – Environment Protection Authority - Permit
- 7 - Acoustic Review (SMC submission to EPA) & Review of the EPA Assessment

PROPOSAL

The Applicant(s) Craig and Sally Williams have submitted a Development Application to the Southern Midlands Council seeking a Permit to develop and use their land at 1356 Tea Tree Road, Rekuna for a Level 2 quarry. The Application is to produce and cart up to 10,000 cubic metres of gravel per annum of which up to 2,500 cubic metres will be crushed on site.

A Level 2 quarry is a 'Level 2 Activity' as defined by Schedule 2 of the *Environmental Management and Pollution Control Act 1994* ("EMPCA") as the extraction of any rock or gravel producing 5000 cubic metres or more of rock or gravel per year and the crushing of 1,000 cubic metres or more per year.

The environmental effects of a 'Level 2 Activity' are assessed by the Environmental Protection Authority ("EPA"). Accordingly the Council are required to receive the Development Application and refer the Application to the EPA for assessment and a decision by the EPA Board ("the Board"). This is a requirement of the EMPCA.

The Application was advertised for a 28 day period and received twenty three (23) representations. Eight of these representations raised concerns and opposition to the quarry and the remainder were general letters of support. These matters are tabled as part of this report.

On the 3rd March 2016 the Board approved the quarry. The Board determined that if a permit is issued by Council then the quarry must be operated subject to conditions. These conditions primarily relate to controlling the impacts of the quarry on the environment and on

persons in the area. The conditions include ongoing compliance by the quarry operator. These conditions must be included in any permit issued by the Council.

The Application is considered at the discretion of Council pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* ("the Act"). Council may approve the quarry with conditions or refuse to grant a permit.

In determining the application the Planning Authority must, in addition to the matters required by Section 51(2) of the Act, take into consideration:

- a) all applicable standards and requirements in the planning scheme; and
- b) any representations received pursuant to and in conformity with Section 57(5) of the Act;
- c) the purpose of the applicable zone;
- d) any relevant local area objective or desired future character statement for the applicable zone;
- e) the purpose of any applicable code; and
- f) the purpose of any applicable specific area plan,

The Planning Scheme specifies that, in addition to those matters required by Section 51(2) of the Act, the Planning Authority must only exercise discretion, insofar as each such matter is relevant to the particular discretion being exercised.

Those matters required by Section 51(2) of the Act are, the Planning Authority:

- (a) must seek to further the objectives set out in Schedule 1 (objectives of the Resource Management and Planning System); and
- (b) must take into consideration such of the prescribed matters as are relevant to the use or development the subject of the application; and
- (c) must take into consideration the matters set out in representations relating to the application that were made during the period referred to in section 57(5); and
- (d) must accept –
 - i. any relevant bushfire hazard management plan, or other prescribed management plan relating to environmental hazards or natural hazards, that has been certified as acceptable by an accredited person or a State Service Agency; or
 - ii. any certificate issued by an accredited person or a State Service Agency and stating that the proposed use or development will result in an insufficient increase in risk from the environmental hazard or natural hazard to warrant any specific protection measures.

It is recommended that Council refuse to grant a permit for this proposal. The grounds of refusal are provided in the recommendations of this report. The reasons for such a refusal are detailed in the assessment contained in this report.

BACKGROUND

The proposed quarry is for the extraction, crushing and cartage of gravel from the property. The quarry is an existing gravel pit that has been used by the landowner for onsite farm usage.

The quarry site was the subject of a Development Application in 2014. This was a proposal to operate a 'Level 1' quarry (under 5,000 cubic metres of gravel per annum) without any crushing. The 'Level 1 activity' was assessed by the Council and subsequently granted a permit to operate subject to conditions in July 2014.

Some months after approving the Level 1 quarry, Council received an application seeking a permit to intensify the operation to a Level 2 activity. The application was seeking approval for up to 10,000 cubic metres of gravel per annum, of which 2,500 cubic metres would be crushed. This is the same volumes as that proposed in the current application. The 2014 proposal was approved by the Board subject to conditions but then the Planning Authority refused to grant the permit and issued a notice with the grounds of refusal. The decision was made at the May 2015 Council meeting.

In June 2015 the Applicant lodged an appeal with the Resource Management and Planning Appeals Tribunal (RMPAT). The matter was heard at the preliminary hearing and then mediation. The matter could not be resolved through mediation so the matter was adjourned for a hearing. The applicant then withdrew the appeal before the hearing date.

Whilst seeking to appeal the Council decision, in June 2015, the Applicant lodged another application for a level 2 quarry with the Council. This application was to extract up to 10,000 cubic metres of gravel from the land, but did not include the crushing of the gravel. The Applicant later withdrew the application.

The Applicant then lodged another application with the Council, again seeking a level 2 quarry with crushing on the land (basically the same application as refused by Council in May 2015). The applicant sought to have this new application assessed under the new Interim Planning Scheme. The Scheme was declared on the 2nd of September 2015.

The application, that is now currently before Council, will therefore be assessed under the provisions of the Interim Planning Scheme.

THE SITE

The access to the land is from Tea Tree Road. This is a Category Two (2) road. The Road Authority is the Department of State Growth. The access to the land is currently used to serve a single dwelling, farm and a workshop/industry (limited impact) for fabrication and repairs to agricultural and transport equipment. The Planning Authority and Road Authority have given permission for the access to be used for gravel cartage associated with the approved Level 1 quarry subject to the upgrading of the access and a section of the Tea Tree Road. It is unconfirmed if cartage operations have commenced.

The quarry operations area is located approximately 495m from Tea Tree Road and is accessed via internal farm tracks and roads.

The land is in the Rural Resource Zone. The land is used for a dwelling, mixed farming, the Level 1 gravel quarry and a light industrial workshop. The property is surrounded by other farms, former farms and titles used as rural lifestyle land. The adjoining private land is in the Rural Resource Zone and the Tea Tree Road is in the Utilities Zone. Map 1 below demonstrates the zoning.



Map 1_The land, coloured light brown, is the Rural Resource Zone. The yellow coloured land is the Tea Tree Road and Railway corridor. The dark brown coloured land is the Significant Agricultural zone. The quarry site is marked by a 'black star'. The northern boundary of the site is the Tea Tree Road.

The proposed quarry site is located on the southern side of a small hill (at an elevation of approximately 200m). The land undulates at various levels with many small gullies and small hills working towards the Coal River Tier.

There is remnant bushland that sweeps across the western side of the land, and towards the south eastern side of the land and into the eastern property (as shown in the attached Development Application). The bushland provides some screening between the adjoining properties to the west and south of the quarry site.

THE APPLICATION

The Application has been prepared on behalf of the Applicant by Van Diemen Consulting.

The Application consists of an Environmental Effects Report (Dated 4th December 2015), a Planning Report (Dated 15th September 2015), a Supplement to the Environmental Effects Report (Dated 18th February 2016). All of which are attached to this report.

The supplement to the EER was prepared after the statutory advertising period. This is standard Level 2 activity procedure. Essentially it is a requirement of the Applicant to address certain matters raised during the public notification period as prescribed by the Environment Protection Authority.

There is sufficient information within these documents, to assess the proposal against the standards of the Scheme, the requirements of the Act and for Council Officers to make a recommendation to the Council.

USE/DEVELOPMENT DEFINITION

In accordance with Part 8.2 of the Planning Scheme, 'Categorising Use or Development', the proposal is defined as an 'Extractive Industry':

Extractive Industry

use of land for extracting or removing material from the ground, other than Resource development, and includes the treatment or processing of those materials by crushing, grinding, milling or screening on, or adjoining the land from which it is extracted. Examples include mining, quarrying, and sand mining.

Use Development/Status under the Planning Scheme

Under the Scheme, a permit to intensify an 'Extractive Industry' in the Rural Resource Zone must be considered at the discretion of Council.

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

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 12th December 2015 for twenty eight (28) days. This 28 days allowed for the Christmas break (office closures and public holidays), therefore interested persons had until the 18th January 2016 to lodge a representation with the Council.

During this period Council received twenty three (23) representations. Eight (8) of the representations raised concern and opposition to the quarry. The remaining fifteen (15) letters were general letters of support. Two (2) of these persons reside within 750m of the quarry.

Council Officers were also invited, by the EPA, to provide comment on the proposal during the notification period. Council Officers provided a letter and a review of the "Noise Report" that accompanies the "Environmental Effects Report". This letter and review is also included in this report.

All representations have been attached in their entirety to this report for the Council's information only as 'Attachment 4 – Representations'. All names and personal details (of the persons that lodged the representation) have otherwise been excluded from this report.

Council Officers have provided comments regarding the key issues raised in these representations in this section of the report. The concerns are further considered as part of the detailed assessment of the proposal against the relevant provisions of the Planning Scheme and the Act. The Officer comments appear in *Italics* in the table below:

REPRESENTATION 1

I am emailing Southern Midlands Council to register my objection to the possibility of the council granting a Level 2 quarry licence to my ... neighbour on Tea Tree Road, Campania. I have no objection to his current Level 1 operation as it has no impact on our farming enterprise, but the granting of a Level 2 licence together with its 750m exclusion zone would have huge implications on the future viabilities of our (now days) small property.

I have a 3km road frontage, the exclusion zone covers the middle 1km including the entrance to my property. It also covers my central working area, including sheds, barn, livestock handling areas etc. Also a workman's cottage and also a 1830's farmhouse that is heritage listed.

Apart from the potential to lower the value of my property it also can impede options on future activities such as tourism ventures. My property has already been assessed by [name excluded] (renowned viticulture consultant) and my son has expressed an interest in developing a tourism venture hand in hand with a vineyard. These potential ventures certainly do not need restrictions on the use of land.

My property is also opposite the Buddhist development which on its own will attract many many tourists.

As I stated earlier I have no objection to a level 1 quarry but the potential exclusion zone over an important area of my property causes me great concern.

I ask the councillors in their wisdom to reject this latest application (Level 2 quarry Tea Tree Road) for the above stated reasons.

Council Officer Comments

Council Officers have addressed the issue of "fairness" in the assessment of this quarry. Council, as Planning Authority, must consider the objectives of the Act in consideration of the representations.

As detailed in this report a 750m radius of the quarry would encapsulate a significant amount of adjoining land.

REPRESENTATION 2

Dear Sir,

Thank you for your letter 12 December 2015 advising of yet another application for Permit (DA2015/122) for Level 2 quarry at 1356 Tea Tree Road Tea Tree for change to existing Level 1 quarry to Level 2 and quarry production levels increasing from 4,999 to 10,000 cubic metres per annum and introducing crushing of 2500 cubic metres.

As an affected neighbouring property owner, I object to the permit being granted for the proposed change.

Please find attached the rationale to support my objection below.

1. Application is for exactly the same Quarry operation changes as per previously rejected application

The EER for this current 2nd application for Level 2 quarry is almost identical to the previous level 2 quarry application that was rejected at Council's meeting of 27th May 2015 and the main details relating to the proposed quarry and it's operation are the same in both applications these being shown in both application's EER's under the following (or similar) headings:

Scope, Proponent, Quarry Extraction and Crushing, Quarry Operations, Operating Hours, Crushing, Quarry Equipment - including proposed leased crusher details, Mr Peart's Noise Report of October 2014 (new application does include an additional report dated 23/3/2015 in headed as "Response to EPA queries" obviously therefore was considered in addition to original EER for the rejected 1st application).

It was noted that this current EER did include the addition or changes of some of the conditions and commitments as per the EPA's Environment Assessment Report for the 1st rejected application.

Based on the fact that the EER, which sets out the basis on which the quarry will be operated, for both the rejected and new application are almost completely identical with no effective change to the main quarry operations as indicated in 1st paragraph above I question how this new application could have been accepted for consideration especially considering the proponent had appealed the rejection and then cancelled the appeal wasting valuable resources and money for all those participating in the appeal and the Appeals Board staff.

The change that the new application addresses the new Southern Midlands Interim Planning Scheme approved Sept 2015 whereas the previous rejected application was under the old scheme has been noted however the performance criteria's in many cases seem to have been inadequately addressed and contain false statement by the proponent.

Refer Application Part C Planning scheme aspects 26.3.3 Discretionary Use.

The comments provided do not show substantiated details of whether the level 2 quarry would conflict or restrain neighbouring properties agriculture uses now or in the future.

Part C & D have not been addressed by the proponent in relation to the Quarry Code of practice 1999 recommended 750m separation distance from any sensitive area as no reasoning has been given to support whether the recommended separation distance should or should not apply. I don't believe that this has occurred in the EER either.

Comment 1 "The adjoining land has not been used to run livestock or to conduct any agricultural activity"

As there are 3 adjoining properties this statement is therefore false as livestock and cropping was undertaken on neighbouring 1220 Tea Tree Rd within the last 20 years and would still have been continuing if Mr Burns had not have become ill and passed away. It would also be considered that a market garden is an agriculture activity even if it is for self consumption just as some of the proponents agriculture activity is also for self consumption.

Comment 3 "The property and adjoining land are not part of any irrigation district"

All neighbouring and nearby properties (within Quarry Code of Practise recommended 750m separation zone) are within the Southern Midlands Irrigation District although most may not currently be connected to the scheme.

This recently opened irrigation scheme increases the potential for neighbouring properties to research & consider future changes/increase of agricultural activities on their properties due to irrigation potential.

Comment 4 "The adjoining land is 5 and 5-6, so its agricultural potential is limited to orchards, livestock grazing etc rather than cropping."

This is an ambiguous statement and the relevance to PI is not clear No Land capability reference or evidence has been indicated or provided by the proponent to support this statement.

It is noted the proponent has stated in the EER (page 18) that some pockets of capability 4 land exist on his property and the same applies that other neighbouring properties have some areas of capability 4 suitable for grain cropping. Proponent has also suggested a +7 more appropriate for the mining lease area but again this is unsubstantiated unless based on the fact that it is now a dug up quarry area.

Is an orchard not a crop? The Macquarie Dictionary revised third edition definition of Crop is:
1.the cultivated produce of the ground, such as grain or fruit, while growing or when gathered.

2. the yield of such produce for a particular season

3. the yield of some other product in a season: the lamb crop

and the inclusion of "etc " in that statement indicates the proponent believes there are other agricultural uses that could be undertaken on neighbouring properties but has not specified them.

2. Precedent set by council in refusal of the previous level 2 quarry with crushing of material application DA2014/136

Council rejected the previous level 2 quarry application with crusher DA2014/136 after consideration of the EPA's assessment and this rejection sets a precedent highly supporting that this new quarry application DA2015/122 should also be refused as the proposed quarry and its operation details provided in the EER relating to both the rejected and new applications are the same and therefore those grounds for refusal for the previous quarry application would still be deemed to be valid.

On the basis that the proposed quarry and its operation details provided in the application and both the rejected and the new EER's are the same, as detailed in section 1, above, the refusal ground E sets precedent for application of the 750M to apply to the new application.

- With or without a separation zone the same encroachments on neighbouring and nearby residents, as identified in the previous application rejection grounds, would be experienced including but not limited to:
- Impose potential use and development restrictions and unfairly aggravate land use conflicts between different land use activities.
- Neighbouring properties would be unfairly limited to enjoy the use of their land due to noise and dust pollution due to short distance from quarry or access road and neither of these can be adequately contained or treated within the proponents land.

3. Other encroachments on neighbouring and nearby residents

Just having a quarry next to a property decreases the value and turns many buyers away particularly those looking for a change to a country lifestyle. Even with the level 1 quarry and mining lease next door or nearby, many buyers would turn away from purchasing. Add a higher volume of output with crushing even more would turn away. Add a 750m separation zone and the likelihood of selling would be near impossible unless sold for very low price.

Neighbours would be required to monitor the quarry operations against the application conditions and commitments and report any misdemeanours for appropriate action and follow up. Previous such reporting of Quarry machinery operating noise via council to proponent have had no responses or outcomes.

4. Existing approved permit for erection of statues at 1384 Tea Tree Road

Work for the erection of the 6 statues has commenced and there is potential risk to the statues due to vibration from the quarrying and crushing activity. Council must ensure that the Quarry activity and crushing will therefore not affect this previously approved permit in any manner. Any potential damage that may occur on an already permitted structure must be considered when assessing any new applications for permit.

5. No consultation with affected property owners

There has been no consultation by the proponent with neighbouring property owners.

A letter dated 2/7/2015 was received from the proponent's consultant in relation to an application being lodged for Level 2 quarry increase in production from 4,999 to 10,000 only (DA2015/61) which was withdrawn.

Previous consultation with the proponent's consultant for other rejected level 2 quarry was useless and a waste of time as he could not answer or avoided to give a satisfactory answer to any questions raised.

6. Rationale

The rationale given in the EER "the market has broadened to include a demand for consistent-sized gravel material for some clients." has no substantiating evidence such as a business plan to support that statement.

As Council do not require a business plan for new or changed business application there is no evidence provided that there is:

-Local or other market demand for either product or the size of that market currently or in the projected future of the quarry especially consider the existing quarries within the local

vicinity.

- Financial viability for either level quarry

I have not witnessed any quarry material transported by truck, from the quarry since the access road strengthening required by State Growth was completed in August/Sept at least four months ago and except for a period of 15 consecutive days I have been home most days since 15 October 2015 being 3 months. I did however witness 1 car trailer load prior to the completion of the required access road strengthening.

This does not support that there is a current demand or client base for any material yet alone an increase in material and one would have expected there to be so based on the proponent seeking and obtaining approval from State Growth and Council a minor amendment to the permit to allow transport prior to the required road strengthening being carried out and up until 3 December 2015.

This was granted not long before the road works were actually carried out (approval advise was received from council dated 22/7/2015) but still no transport of material is being undertaken.

Page 10 of the EAR for previous rejected Level 2 quarry with crusher states "the EER supplement also states that to the proponents/consultants knowledge much of the capacity of the larger nearby existing quarries is not being utilised for various reasons this has not been confirmed". If these businesses are not utilising their resources to full capacity one must assume that these business do not have enough demand for their resources as they wouldn't be silly enough to turn away business or lose potential income and yet the proponent thinks that he will be able to compete with them, most of which have larger supply of resources and existing client bases, to establish his own client base and operate profitably.

7. Noise

Neither the proponent, EPA or the noise expert employed by the proponent can categorically state that noise from either the quarry operations or the crushing process will not exceed the allowable 10db (a) above the normal ambient noise levels.

Tea Tree Road does carry a large amount of traffic but not an excessive amount of traffic you can get periods where there is virtually little or no passing traffic. Most passing traffic, modern cars and large vehicles, usually make very little if any noticeable noise and the frequency of loud cars, motor bikes and trucks is normally nowhere near 60 occurrences an hour (equivalent to 1 loud vehicle per minute).

Train frequency during the day is minimal and unless I sleep through a lot, is less than 10 per 24 hour period and they pass by for a very brief period. Some of the trains have quietened down recently due to newer engines.

Compare those occurrences to:

- ongoing noise of heavy machinery being revved up and operated continuously and the grating noise of the extraction of the rock over an hour or several hours.
- up to 5 continuous days of crushing noise which may be excessive as actual running tests have not confirmed the level of operating noise for the identified crusher to be used on site.
- an old diesel truck travelling on a gravel road within 70 metres of a residence then stopping and starting for entry on or off the access road potentially 30 times a day
- the same scenario as directly above but with a trailer attached with clanking trailer linkage on braking.

I have not witnessed recently or for many years, if at all, the number of trucks or machinery traffic on the access road to the level permitted at Mr Williams's property on a daily basis but this application indicates that some days it is anticipated that there will be 15 trucks entries and exits the property (30 movements). This is a big increase from current actual usage that

occurs of an occasional truck/machinery (doubt if it would be equivalent to 1 every week (52 per annum) and therefore there will potentially a substantial increase in traffic noise generated.

Proponent parks and services the quarry heavy machinery in the area around his house/workshop.

The noise generated this close to neighbouring properties when starting up, idling, travelling to and from the quarry (often up a new track up the northern face of the hill not the access road) has not been noted or considered in the application or noise reports. The Heavy machinery operating in that area are clearly audible within neighbours and nearby residences particularly so the Wheel Loader that it appears will not move or work unless it is continuously revved to the max.

Noise complaints have been lodged by the author of this presentation through council, one in 07/2014 prior to the level 1 quarry permit being granted and three on 2/6/2015, 3/6/2015 and 10/7/2015 after the permit was granted and it is known at least one other resident has also made noise complaints to council.

The complaints are forwarded via Damian Mackey for forwarding on to the proponent so that there are other witnesses to the complaints so receipt of them cannot be disputed by the proponent and also for council follow up with the proponent. I recall reading somewhere in the application or EER that the proponent stated there have been no complaints received if my recollection is correct then that statement is false.

There are many other loud noises generated by the proponent that also impact neighbouring and nearby residents and adding to the quarry increased production will increase the occurrence and level of loud noises experienced by neighbours for example:

A proportion of work is carried out by proponent outside of the actual workshop servicing vehicles and working with metal. Often loud revving of vehicles and machinery and metal clanging including loading metal into truck is emitted from this area.

Excavation and loading of rock from the "non approved quarry" behind the workshop last incidence witnessed 13/12/2015. I question how this area can still be excavated to the level it has and if continued it will meet up with the approved quarry site.

Other uses of heavy machinery around the house and driveway area which has included the construction, with rock, of 3 flat raised areas around the house, workshop and access road. A couple of hours of excavator and wheel loader activity actually took place earlier today as I was preparing this representation (9/1) in the drive way area where the pine trees are and one has just started and revved up again now at 7.40pm (9/1).

Regular discharge of firearms at any time of the day or night

8. Crusher

One must question the Proponents intent is for the change wording from "with crusher" in the rejected 1" application to "introduce crushing" in this new application.

This change leads one to think there might be a hidden agenda for possible further application to increase crushing or trying to fool people into thinking this quarry application proposed operations are different to previous rejected application.

As the crusher is being hired:

The testing and report by Mr Terts is not based on the actual crusher indicated as intending to be used but another crusher in an entirely different quarry environment

There is no guarantee that the same crusher or type as advised in the EER will be hired, will be available for hire when required or that the quarry operator will not use a different type of crusher at any time which may have different noise levels than those stated in the report by Mr Terts.

It appears that the proponent may have some intent to purchase a crusher as he has advertised for considerable period of time, at least twice to buy a crusher on the gum tree site. If the proponent were to purchase a crusher it would probably be old and not of the same type as has been indicated in the application and the noise level of such would

expected to be higher and could exceed the allowable noise level.

I raised the first advertised wanted to purchase advertisement by the proponent with his consultant in relation to the previous rejected application and his response by e-mail on 2/3/2015 was " Mr Williams does not intend to purchase a crusher for the quarry activity, it is too costly and with hire options available it makes economic sense to utilise a hire option - especially given the small amount of material to crush...".

I therefore question the motive/intent of the proponent advertising to purchase a crusher. Latest advertisement ran on Gum Tree from 15/7/2015 to at least 6/8/2015 please refer to evidence attached.

As the application states noise testing will be done of the 1" crushing there is no indication of proponent's future intent if this test proves that crushing exceeds allowable noise levels.

9. Concerns of a Councillor with possible conflict of interest voting on this application

I have received information that one of the Southern Midlands councillors has commercial business interest with the quarry consultant Dr Richard Barnes. If this information is correct then one must query that would be deemed a conflict of interest and thus that councillor should not be eligible to vote on this application and if that partnering business interest was present at the time should not have been eligible to vote on the previous rejected application.

10. Proponents attitude to law, legislation and individuals concerns

- As the proponent had lodged a new application for level 2 increase in extraction to 10,000 cubic metres (later withdrawn) prior to the cancelling their appeal against the previous rejected application (letter received from their consultant advising of this application ref DA2015/061 dated 2/7/2015) indicate the proponents lack of confidence in winning the appeal and that in the rashness of lodging the appeal the intricacies and formalities of the appeal process and the cost and resources required by not only himself but all other parties to the appeal process were not considered by the proponent.
- The proponent cancelled the appeal process when it became obvious to him this was a serious process and that Council would need to collect and provide evidence, witnesses etc to support rejection of the application and likewise other participants in the appeal would need to provide evidence to support their individual cases against the application. There was no consideration or apology by the proponent to the other parties of the appeal that had already spent precious time and money on this process.
- Both the level 1 and level 2 quarry applications submitted by the proponent have stated that there will be no signage at the front of the property that is related to quarry activity yet The proponent erected signage advertising his level 1 quarry as "soon to be opened" and then later as "open" prior to being able to legally transport material from the quarry.
- In the "Mercury "29/7/2015 article headed Quarry Fight over for Couple, the proponent was reported as quoting "The council has bottomless pockets when it comes to spending money on something like this.... " This statement appalls me, and I'm sure many other rate payers, in that it shows the proponent's lack of consideration for others in wasting rate payers money that could be better utilised in the community due to their selfish attitude to lodge and then cancel the appeal when the process became too hard for them to handle.
- The proponent is very vocal on radio and in the Mercury blaming Government, Councils or individuals for problems/restrictions that he is experiencing relating to laws or procedure's that apply and are accepted by others and is seen to be seeking exemption or special privileges for himself.

- Proponent's long term harassment of a neighbour through complaints to council over a period of nearly 2 years over noise which were mostly unsubstantiated by 3 different noise testings undertaken 2 by Southern Midlands Council and 1 by independent Glenorchy City Council. No complaints were received in relation to this noise problem by the other direct closer neighbouring property or other nearby neighbours most of which were also contacted and questioned by council officers about the dogs proposed noise. The Mayor, Councillors, Council management and Council officers were all individually contacted many times by Mr Williams over this long periods(almost daily in some cases)being an example of another appalling waste of rate payer's money and council time by the proponent.
- The proponent stood for the 2014 council election and his platform included "We need a full time animal control officer" and was also reported in the Mercury on 11/10/2013 in article titled"law urged to hit killer-dog owners" relating to the need for a new law relating to sheep attacks by dogs however these are examples of the hypocritical nature of the proponent as his previous corgi dog frequently roamed considerable distances (as far as properties well up Williams Road) and his current dog also for a period of time frequently roamed onto neighbouring properties often several times a day.
- Mr Williams has consistently broken the gun law in discharging a fire arm within 250M of 3 residences without approval any of the residence owners. This has continued over many years with many reports to police by various neighbours, who have shown little interest in upholding this law for the safety and comfort of the residents and nearby road traffic. One neighbour has concerns for theirs and visitors safety as visibility between properties is blocked by the pine trees and they have apprehension being in some area's when it is possible a firearm could be discharged in that direction.

It is very noticeable that during periods that Mr Williams has his quarry applications lodged with the council that this activity reduces or ceases but then resumes again after the close off of date for representations.

Council Officer Comment

Council Officers have addressed the issue of "fairness" in the assessment of this quarry. Council, as Planning Authority, must consider the objectives of the Act in consideration of the representations.

In relation to conflict of interests and voting on the matter, the Councillors are fully aware of the "Interest Provisions" of Part 5 of the Local Government Act 1993

As detailed in this report a 750m radius of the quarry would encapsulate a significant amount of adjoining land.

REPRESENTATION 3

Dear Sir,

I am writing this representation in opposition to the Quarry Application submitted by C & S Williams as advertised in the Mercury on Saturday 12 December 2015.

The application for Level 2 quarry to increase the production capacity to 10,000 cubic metres per year and to introduce crushing is the same as the previous application for Level 2 Quarry with crushing that was submitted by C & S Williams which was rejected by council.

I cannot understand how the same application could have been resubmitted and accepted after Mr Williams appealed the council decision and then later withdrew the appeal. I thought that it was all done and dusted and that would be the last we'd hear of it of it until I was made aware of the notification in the Mercury.

A precedent has already been set by the previous refusal of level 2 quarry with crusher and councillors must be held accountable to that precedent as the application basis for this current quarry application has not changed in any significant way in regards to the amount of material to be extracted and crushed or the operation terms of the quarry and machinery to be used.

I am not aware of any new information /evidence being provided which would support removal of the 750m recommended separation zone and therefore it should still apply to this new application and the application rejected for the same reasons as the previous application.

As a nearby property owner, I am deeply concerned of the restrictions that this zone would impose on those neighbouring properties within it in relation to any future changes that they might wish to undertake requiring planning permission and that such an application would require to be considered against the quarry's existence due to this 750m zone applied across their property.

This 750m zone would also reduce the value and future saleability of those properties as who in their right mind would want to buy a property with such restrictions attached to it as imposed by this zone. Even without this 750m zone just having a commercial quarry operating and/or a mining lease within nearby vicinity of these properties would turn many potential buyers away therefore affecting their The reduction in property values within the area would have a flow on impact far wider than the 750M zone as buyers compare nearby property valuations/sale prices which would therefore impact on my property value and potential sales market property values.

Council Officer Comment

Council Officers have addressed the issue of "fairness" in the assessment of this quarry. Council, as Planning Authority, must consider the objectives of the Act in consideration of the representations.

As detailed in this report a 750m radius of the quarry would encapsulate a significant amount of adjoining land.

REPRESENTATION 4

Dear Sir

I write with regard to another application for permit for a level 2 quarry at 1356 Tea Tree Road, Tea Tree upgrading from an existing Level 1 quarry by Mr and Mrs C Williams.

As an affected neighbouring property owner We [names excluded] at [address excluded] are lodging our absolute objection to the operation of a Level 2 Quarry. We believe that any quarry an certainly a level 2 which carries a 750m Separation zone would devalue our property greatly. We have worked hard at establishing our home and property over the last 23 years and feel that a level 2 should not be to the detriment of neighbouring property owners.

We are concerned about the noise and dust levels, the use of a 'crusher'. Tea Tree Rd is an extremely busy road with vehicles a lot of the time doing 100km plus coming over the rise near [name excluded] residence heading down past Mr Williams property entrance off Tea Tree Road. I should imagine fully laden trucks exiting the property may cause problems.

We have also been made aware that there may be a conflict of interest regarding Councillor [name excluded] who voted in favour of Mr and Mrs Williams proposal. [name excluded] has commercial business interest with the quarry consultant Dr Richard Barnes. If correct this councillor should not be eligible to vote on this application.

Having left suburbia in [word excluded] we moved to Tea Tree for a more peaceful life, however, since Mr Williams moved to the area with his constant interference, shooting at any time of the day or night. Driving at ridiculous speeds [word excluded], we feel that

peaceful life was all a dream.

I have found in past years that Council and other governing bodies have simply given in to Mr Williams applications and requests. Because of his hounding and harassing nature, continual phone calls I think that maybe it was easier option. And when he thought he might not get his way 'call the Mercury'!

[...words excluded...]

In closing we must again make it clear of our total objection to a level 2 quarry. I certainly would not want to buy a home if a quarry was operated nearby, and surely any prospective buyers would feel the same.

Council Officer Comment

Council Officers have addressed the issue of "fairness" in the assessment of this quarry. Council, as Planning Authority, must consider the objectives of the Act in consideration of the representations.

In relation to conflict of interests and voting on the matter, the Councillors are fully aware of the "Interest Provisions" of Part 5 of the Local Government Act 1993

As detailed in this report a 750m radius of the quarry would encapsulate a significant amount of adjoining land.

REPRESENTATION 5

We act for [name excluded]. This letter is a representation in response to the application for permit DA 2015/122.

The location for the proposed level 2 hard rock quarry development will be situated at a 10 metre setback from the south western boundary fence line (of 1384 Tea Tree Road). Within the proponent's Environmental Effects and Planning Report (EPR) development application, it has been pointed out there are 9 location deemed to be sites of sensitive use within the 750m-buffer zone. Without including the proposed 10 major temple structures and the various Buddha statues that the Tasmanian Chinese Buddhist Cultural Park will consist of, there are already 8 sites of sensitive use currently in existence on the [the] property that will be affected by this quarry. Please see attached map marked A.

Our client is opposed to the application for the following reasons:

A. The ongoing sustainable operation of the proposed Level 2 quarry will rely on an unacceptably large offsite buffer on land in other ownership to prevent the encroachment of any incompatible future land use or development.

B. The proposed quarry's offsite buffer will impose use and development potential restrictions entirely covering other owners' lands and significantly covering some other owners' lands, and is therefore not 'fair' and therefore not meeting Objective 1(b) of Schedule 1 of the Land Use Planning & Approvals Act 1993.

a. The occupants or landowners adjoining the proposed quarry at 1384 Tea Tree Road (CT155148/1) will be unfairly limited to enjoy the use of their land in the vicinity of the proposed Level 2 quarry as the proposed quarry is an unacceptably short distance (10m) from the property boundary.

b. The occupants or landowners adjoining the land at 1220 Tea Tree Road (164335/1) will be unfairly limited to enjoy the use of their land in the vicinity of the access road during quarry cartage operations due to the short distance from the property boundary.

C. The Council cannot grant a permit for the proposed quarry as it would unfairly aggravate land use conflicts between different land use activities, both existing land use and future land use. This is contrary to objective 2.2(a) (xi) of the Planning Scheme.

D. The Council must protect areas, namely the adjoining land, which may be required for future development from inappropriate development (the proposed Level 2 quarry). The proposed Level 2 quarry would reduce the capacity for land use and development on adjoining land due to its existence. This is contrary to objective 2.2(a) (xiii) of the planning scheme and the intent of the Rural Agriculture Zone.

E. The proposed quarry's separation distances to existing sensitive uses is unacceptably at variance from that recommended in the Tasmanian Quarry Code of Practice, which constitutes the State's best practice guidelines. This document recommends that planning authorities and operators seek to maintain a 750 metre separation distance for this type of quarry, whereas there are 8 dwellings within this distance, with the nearest being 443 metres.

F. The proposed Level 2 quarry unreasonably relies on the Council and adjoining landowners to regulate and restrict land use and development within the offsite buffer area (750m SRAD) in order to protect the quarry from any adverse land use or development.

G. Noise from the proposed quarry operation area cannot be adequately contained or treated within the boundary of the subject land during quarry operations. Council must consider this matter in accordance with Part 11.10.1(xvii) of the Planning Scheme. Noise from the quarry will emanate beyond the boundary of the land at an unsatisfactory level and regularity to the detriment of the landowners and occupants at 1384 Tea Tree Road (CT 155148/1).

H. There is an unacceptable risk that dust from the proposed quarry operation area and access road cannot be adequately contained or treated within the boundary of the subject land during quarry operations. Council must consider this matter in accordance with Part 11.10.1(xvii) of the Planning Scheme. The risk is at the detriment of the landowners and occupants at 1384 Tea Tree Road (CT 155148/1) and 1220 Tea Tree Road (CT 164335/1).

Council Officer Comments

The 10m distance of the quarry from the property boundary of 1384 Tea Tree Road is noted by Council Officers. The short distance between the quarry further exacerbates the reliance on offsite buffers to protect the ongoing access to the quarry resource. Officers are also concerned that the proximity of a level 2 quarry with crushing may limit the agricultural potential of land within close proximity to the quarry i.e. the land may not be suitable for growing grapes or other produce that may be spoiled by dust.

The above statements (A – H) were the Council grounds for refusal for the previous Level 2 Quarry Permit (refused in May 2015). The grounds of refusal were under the Southern Midlands Planning Scheme 1998.

Council Officers have addressed the issue of "fairness" in the assessment of this quarry. Council, as Planning Authority, must consider the objectives of the Act in consideration of the representations.

As detailed in this report a 750m radius of the quarry would encapsulate a significant amount of adjoining land.

REPRESENTATION 6

Objection and Reasons

I, [REDACTED] Tree Road ask that the stage 2 quarry development by C & S Williams be rejected due to the following concerns:

- a) The Rekuna area while zoned rural contains properties as small as approximately two acres, making the residents relatively closer in proximity than usual in rural zones included in the buffer zone is six houses. The noise of a stone crusher will affect our ability to work and live in manner that is expected in a rural setting.
- b) An exclusion zone proves that this quarry crushing operation will affect the living standards of all nearby residents as exclusion zones are to protect from development that may affect a quarry.
- c) It is my opinion that this proposal is to stifle other nearby developments.
- d) The applicants already operate various machinery businesses from their property that can clearly be heard most days giving me the opinion that a crusher will be excessive noise pollution to an unacceptable level, given the close vicinity of the existing neighbours and the sound carrying along the hill lines.
- e) I ask that the details of the council's conflict of interest process be advised to me, including advice on this situation for this current application and for the voting process on the previous application/s.
- f) I do not disagree that C & S Williams should be allowed to operate a gravel business in the confines of their own property, however the exclusion zone of 750 SRAD will be detrimental to other residents enjoying the same opportunities and rights to enjoy or utilise their own properties.

Council Officer Comment

Council Officers have addressed the issue of "fairness" in the assessment of this quarry. Council, as Planning Authority, must consider the objectives of the Act in consideration of the representations.

In relation to conflict of interests and voting on the matter, the Councillors are fully aware of the "Interest Provisions" of Part 5 of the Local Government Act 1993

As detailed in this report a 750m radius of the quarry would encapsulate a significant amount of adjoining land.

REPRESENTATION 7

Objection and Reasons

Exclusion Zone (SRAD)

It appears to me that no effort has been taken to minimise the effect of this proposal on neighbouring properties.

The applicants' property extends beyond the mining lease and there is no discussion in the proposal about why the operations could not be located further south – reducing the effect of an exclusion zone on neighbouring properties. Other land is owned and the opportunity to locate the quarry elsewhere seems available or at a minimum the crusher could be used at the southernmost point of the applicants' property.

The proposed access road to quarry already extends beyond the mining lease area (*figure 3, page 15 of the applicants proposal*).

There is also no indication or discussion of how the site will be managed over time. I would expect that there should be some explanation of a planned progressive use of the site – e.g. work on the quarry face to continue to the south of the site to enable some possibility to shift the SRAD away from the existing neighbours.

The applicants have taken efforts to explain that the noise and dust won't affect others and if this were true then, without prejudice, it is my opinion that a smaller SRAD would be acceptable. The applicants and their consultants are projecting that there will be little or no impact from the quarry – hence there is little or no need for a 750m SRAD. The capacity to apply a smaller SRAD is supported by the quarry guidelines:

SRADs (extracted from the quarry guidelines)

- *where regular blasting takes place 1000 metres;*
- *where material is crushed only 750 metres;*
- *where vibrating screens alone are utilised 500 metres; and*
- *where no blasting, crushing or screening occurs 300 metres.*

The approval authority may consider variations of the above distances where the nature or manner of the operation can justify this.

Ideally the SRAD would be fully contained within the applicants' property. There is no evidence that any attempt has been made by the applicants to voluntarily consider reduction of the SRAD or increase their access to additional land. For example, no approach has been made to purchase land or lease property from us within the exclusion zone to enable this development to occur within the

Objection to the Proposed Level 2 Hard Rock Quarry at 1356 Tea Tree Road Campania – Without Prejudice

confines of C & S Williams owned or controlled property. As indicated in the quarry guidelines it is expected that operators would seek to minimise the effect of a quarry on neighbours and *operators may consider purchasing, leasing or entering into an agreement over surrounding lands.*

At the most southern edge of the applicants' property, the impact on neighbouring properties would be greatly reduced and as the report indicates, there are little to no sensitive uses on the southern side of the applicants' property.

I am particularly concerned that the applicants' proposal is almost silent on the exclusion zone and certainly does not address or attempt to minimise the effect on neighbouring properties. There is no direct indication of the impact of the 750m SRAD with only one minor reference on page 31 of the proposal. What, if any, considerations were taken into account to minimise the impacts on neighbouring properties? In my opinion it is unreasonable that this development should unfairly restrict future use of neighbouring properties.

The detrimental effects of the SRAD are unacceptable for our farming activities and growth of our enterprises at [REDACTED]

Advice of Crushing Event

I am concerned that "in writing" needs to be further explained. A simple handwritten note, hand delivered is not considered sufficient. An item mailed late on a Friday is unlikely to be received within the 72 hour timeframe. There are anomalies in the mail delivery system for Rekuna that cause delays in receiving mail and several public holidays would jeopardise the receipt of timely advice of a crushing event.

What are the avenues for redress if the 72 hour advice is not followed or can be shown to be inadequate?

Sediment Pond

I am concerned that the applicants do not have the ability to create and manage the sediment pond in an acceptable manner.

I have witnessed a breach of the applicants existing dam that caused damage in the past with water gushing from their property along Tea Tree Road, through other properties – almost to the eastern end of tea tree road. This does not give me sufficient confidence that a sediment pond can be effectively and safely managed by the applicants.

Complaints Register

In my opinion there is insufficient information about how the complaints register will operate. Where is the register, how often must it be reviewed, what is acceptable redress or rectification of issues?

Risk Management Plan

I am surprised that there is no Risk Management Plan in the proposal for consideration by neighbouring parties. I can see that the applicants have responded to concerns previously raised but in my opinion that is insufficient as a carefully, well managed business must document its risks and mitigation strategies. A well-developed Risk Management Plan would certainly have been beneficial to my understanding of how the quarry would operate, for example do the applicants have a Dangerous Goods Licence? I imagine that the levels of fuel held on site will amount to a quantity

Objection to the Proposed Level 2 Hard Rock Quarry at 1356 Tea Tree Road Campania – Without Prejudice

than would require a Dangerous Goods Licence but I have no means of knowing about this, or many other risks, from the information provided in the proposal. I therefore cannot judge all of the risks to me or to my property.

Noise

Some points I wish to be noted from the proposal are:

- There seems to be no discussion of empty trucks versus full trucks and the resulting difference in noise levels;
- The number of traffic movements doesn't seem to include internal truck movements which of course could be substantially higher without being counted within the number of traffic movements;
- There seems to be no discussion about the variation in carrying sound across hills as opposed to falling levels. I understand the graphs presented in the proposal but note that there is no cumulative presentation of all neighbouring properties in a single graph which would have been beneficial. Neither do the graphs commence at zero on the y axis and in my opinion this distorts the presentation of the information;
- There is only selective discussion of sound effects on some neighbours and I could not find any reference to the effect on my property at [REDACTED]; and
- I have [REDACTED] spent extensive periods of time recuperating at home. What may seem only a few days for the operation of the crusher, would be excruciating for anyone experiencing an illness or requiring a long recovery period.

Dust Control

I note the proposal to water down the internal road to minimise dust. I am concerned about how this can be effectively achieved when there is no discussion about sufficient access to the volumes of water required. Given the current dry conditions, watering of the internal road may have been necessary every day over recent months. I also could not locate any reference to a water tanker in the applicants' list of equipment for the quarry so wonder how the water would be spread over the road.

Management of Breaches

I am concerned that should an approval be granted, there is potential for breaches of conditions to occur. I have no confidence that there is any adequate level of management of breaches or management system to ensure avoidance of breaches. Overall, I fear that a level 2 quarry would become a perpetual nuisance to me or other neighbouring parties who will have no avenue to seek appropriate rectification of issues.

Council Officer Comment

Council Officers have addressed the issue of "fairness" in the assessment of this quarry. Council, as Planning Authority, must consider the objectives of the Act in consideration of the representations.

As detailed in this report a 750m radius of the quarry would encapsulate a significant amount of adjoining land.

REPRESENTATION 8

ONCE AGAIN WE FIND OURSELVES SITTING DOWN TO WRITE A REPRESENTATION IN RELATION TO ANOTHER PROPOSED LEVEL 2 GRAVEL QUARRY AND HOPE THAT ONCE AGAIN DUE CONSIDERATION IS GIVEN TO OUR CONCERNS.

AS THIS PROPOSED QUARRY HAS GONE TO COUNCIL VOTE BEFORE AND BEEN REJECTED, ALSO GONE TO AN APPEAL WHICH THE OWNER OF THE LEVEL 1 QUARRY PULLED OUT OF AND DIDN'T PURSUE.

WE ARE BAFLED AS TO WHY THIS HAS COME UP AGAIN AND ARE WONDERING WHY THE COUNCIL CAN EVEN CONSIDER THIS PROPOSAL AS IT IS THE SAME AS WHAT WAS REJECTED PREVIOUSLY,

OUR CONCERNS ARE AS FOLLOWS.

AS THE REKWA AREA WHERE WE LIVE HAS BECOME MORE OF A RESIDENTIAL AGRICULTURAL AREA IN RECENT YEARS.

WE BELIEVE THE PROPOSED LEVEL 2 QUARRY IS AN INAPPROPRIATE DEVELOPMENT FOR THIS AREA.

THE 750M BUFFER/EXCLUSION ZONE IS UNACCEPTABLE AS IT INCLUDES PARTS IF NOT ALL OF NEIGHBOURING PROPERTIES.

IN RELATION TO OUR PROPERTY THIS BUFFER ZONE INCLUDES OR WOULD AFFECT OVER HALF OF OUR LAND INCLUDING OF ALL OUR CURRENT OUTBUILDINGS AND OUR HOUSE.

THIS WE CONSIDER TO BE EXTREMELY UNFAIR TO HAVE POSSIBLE RESTRICTIONS PUT ON OUR PROPERTY BY A NEIGHBOURING PROPERTY.

AS WE ARE STILL DEVELOPING OUR ASSET AND HAVE A LOT OF FUTURE DEVELOPMENT IN THE PIPING; AND SORT OF BUFFER OR EXCLUSION ZONE WHICH COULD POSSIBLY STOP FUTURE PLANNED WORKS ON OUR PROPERTY IS UNACCEPTABLE AND SHOULD NOT EVEN BE CONSIDERED BY THE COUNCIL MAINLY DUE TO THE HIGH NUMBER OF EXISTING INFRASTRUCTURE OWNED BY THE MANY NEIGHBOURING PROPERTIES THAT THIS ZONE WOULD/COULD AFFECT.

WE "STILL" HAVEN'T HAD A MEETING/DISCUSSION ABOUT THIS MATTER WITH THE ~~PROPOSED~~ OWNERS OF THE QUARRY. IT WAS SUGGESTED THAT A MEETING BE SET UP BY THE OWNERS OF THE EXISTING LEVEL 1 QUARRY TO DISCUSS THE POSSIBILITY OF A LEVEL 2 QUARRY WITH ALL RELEVANT/AFFECTED LAND OWNERS IN THE AREA, THIS WAS SUGGESTED BY THE CONSULTANTS ACTING ON BEHALF OF THEM.

NOISE.

WE ARE CONCERNED ABOUT THE NOISE AS THIS WOULD BE POSSIBLY A 6 DAY OPERATION.

AS IT WOULD APPEAR A CRUSHER MAY

BE INTRODUCED WHICH IS A VERY NOISY PIECE OF PLANT/EQUIPMENT. HAS THIS PIECE OF EQUIPMENT BEEN TESTED ON SITE AND A NOISE MONITOR BEEN USED TO SEE IF IT MEETS ALL REQUIREMENTS. WE WOULD REQUIRE WRITTEN NOTIFICATION WITH ALL RELEVANT DOCUMENTATION WHEN THIS CRUSHER WAS GOING TO BE USED IF IN THE UNLIKELY EVENT THAT THE LEVEL 2 QUARRY WAS GIVEN A PERMIT.

THE WHEEL LOADER ON SITE IS EXCESSIVELY NOISY IS THIS STANDARD AND DOES IT HAVE THE ORIGINAL ENGINE AND ALL OTHER RUNNING GEAR THAT THIS MACHINE CAME OUT OF THE FACTORY WITH DUE TO THE EXCESSIVE NOISE THIS MACHINE PRODUCES AND THE POSSIBLE HIGH NUMBER OF TRUCKS ENTERING AND LEAVING THE PROPOSED QUARRY SITE, THIS WOULD HAVE A NEGATIVE AFFECT ON OUR LIFESTYLE.

DEVALUATION.

WE PURCHASED OUR PROPERTY IN 1997 AND SINCE THEN HAVE SUBSTANTIALLY UPGRADED OUR ASSET.

FOR EXAMPLE WE HAVE RENOVATED OUR HOUSE AND COMPLETED MANY UPGRADES TO OUR PROPERTY ALSO WE HAVE PURCHASED AND ADHERED TO OUR EXISTING TITLE ANOTHER 290 ACRES FOR ONGOING FUTURE DEVELOPMENT.

WE BELIEVE THAT THE PROPOSED LEVEL 2 GRAVEL QUARRY IF APPROVED WOULD

HAVE A NEGATIVE IMPACT ON THE VALUE OF OUR PROPERTY. THIS HAS BEEN RAISED BEFORE AND NO-ONE HAS ANSWERED THIS BUT DEVALUATION OF PROPERTY IS ANOTHER BIG CONSIDERATION THAT THE COUNCIL NEEDS TO TAKE NOTE OF. POSSIBLY THIS COMES BACK TO THE V AFFECTS OF A BUFFER/EXCLUSION ZONE IF THIS PROPOSAL WENT AHEAD. THIS NEEDS TO BE ANSWERED NOT PUSHED ASIDE.

WE BELIEVE THAT THIS PROPOSAL OF A LEVEL 2 GRAVEL QUARRY AT 1356 TEA TREE RD IS NOT SUITABLE AND WOULD HAVE A MAJOR IMPACT ON TO MANY OTHER PROPERTY OWNERS SURROUNDING THE PROPOSED SITE. AS THIS HAS BEEN RESIGNED BEFORE BY COUNCIL WE WOULD EXPECT THAT THE SAME OUTCOME WILL HAPPEN THIS TIME.

AS ALL COUNCILLORS HAVE BEEN PUT INTO OFFICE BY THE VOTE OF THE PEOPLE NOT AN INDIVIDUAL, WE WOULD EXPECT THAT THEY ACT IN THE BEST INTEREST OF THE PEOPLE NOT AN INDIVIDUAL.

THIS PROPOSAL IS NOT A SUITABLE ACTIVITY FOR THE REICUNA AREA. AND IF THE OWNER WANTS TO PURSUE A LEVEL 2 QUARRY ACTIVITY HE SHOULD LOOK FOR AN ALTERNATIVE SITE.

Council Officer Comment

Council Officers have addressed the issue of “fairness” in the assessment of this quarry. Council, as Planning Authority, must consider the objectives of the Act in consideration of the representations.

As detailed in this report a 750m radius of the quarry would encapsulate a significant amount of adjoining land.

LETTERS OF SUPPORT (REPRESENTATIONS 9 -23)

The letters of support were provided on a proforma sheet. Each form was individually signed by separate persons. All ticked the box “support for the Williams Quarry (DA)” and some provided further comment. The comments are dot pointed verbatim in this table aside from the removal of personal details or illegible hand writing. An example of the proforma sheet, with personal details excluded, is also provided:

- I believe that Mr Williams Quarry to be passed to make more competition in the area
- I have no objection whatsoever regarding Williams Quarry. If it be noise or any [inelligible] that may occur from a rock crusher it will not effect me in anyway. To create some work. Hope this quarry can go ahead.
- I believe that there is a need for this quarry to be approved an in operation to add competition in the gravel market through the Coal Valley area. And we are more than happy to support Mr Williams in his venture.
- This quarry will provide a valuable source of quality gravel in this area. Thank you
- I wish to support local business.
- I think we need to ... cut through all the red tape we have today. Bring back the good old days!
- As operator of [name excluded]. I have no objections to another quarry in this area. Saves cartage thus making jobs cheaper for customer.
- For the last coupla year’s there has been extensive heavy earth moving equipment working in our area, No one came and asked what my opinion of that was, so how you can quate there are 8 nabers against this project when I was not asked for my opino before being quoted in the meada.

General Manager
Southern Midlands Council
PO Box 21
OATLANDS TAS 7120

Received
18 JAN 2016
File No:
Doc Id:

Date - 16-1-2016

Dear General Manager,

I/we, [redacted], of
Campania

write to lodge a representation expressing

- support for the Williams Quarry (DA)
- concern about the Williams Quarry (DA)
- Other -

proposed at 1356 Tea Tree Road, Rekuna TAS 7030 by Mr and Mrs Williams.

Specifically, I make the below comment(s) for your consideration in assessing the application.

.....
.....
.....
.....
.....
.....
.....

Yours sincerely

[redacted signature]

Phone - [redacted]

Council Officer Comments

The comments from persons supporting the quarry have been noted by Council Officers and should be considered by the Council.

COUNCIL OFFICER SUBMISSION TO THE EPA

I refer to the Development Application DA 2015/122 for a Level 2 gravel quarry at 1356 Tea Tree Road that is currently under consideration by the Environment Protection Authority. Further to Council's letter dated 28 September and the EPA's response dated 7 October 2015 the following submission is made under S.25(2)(a) of the *Environmental Management & Pollution Control Act 1994*.

1. Environmental Deficiencies in the Application Documentation

The application contains deficiencies pertaining to acoustic impact that, it is submitted, ought to be addressed before the assessment can be finalised. These are detailed in the attached document from Renzo Tonin & Associates, *William's Quarry, Rekuna – Level 2 Development Application, Acoustic Review, 15 January 2016*

2. Compliance with the Fairness Objective of the Resource Management & Planning System

One of the objectives of Tasmania's Resource Management and Planning System is 'fairness'. Part 1 S.1(b) of Schedule 1 of the *Environmental Management & Pollution Control Act 1994* states that one objective is 'to provide for the fair, orderly and sustainable use and development of air, land and water'. (Underline added).

The proposed Level 2 quarry is located just 10 metres from land in other ownership. However, there would be a 750m radius Standard Recommended Attenuation Area (SRAD) surrounding the quarry, pursuant to the Quarry Code of Practice. This will encompass the entirety of three nearby owners' titles and very large proportions of several others.

Of the approximately 177 hectares encompassed within the SRAD only 21.63 hectares, or 12.2%, would be contained within the applicant's own land.

The SRAD would limit future development and use potential of the land within it. Whilst this is not an issue for the applicant/owner who obviously is prepared to accept such limitations, it will be a negative outcome for the other landowners.

In addition to the implications of the Quarry Code of Practice SRAD, the Attenuation Code in the new Southern Midlands Interim Planning Scheme 2015 will mean that the existence of the Level 2 quarry will automatically create a 750m radius statutory Attenuation Area, unless a lesser area is shown as an overlay on the planning scheme maps. (As the application includes no evidence that the impacts of this particular quarry would extend less than 750m, so there is currently no justification considering a smaller impact area.)

It is submitted that the very large proportion of the SRAD not within land owned by the applicant and the accompanying large spatial extent of development potential restrictions on all or most of land in various other ownerships is so extreme that it is fundamentally 'unfair' to those landowners and is therefore not in accordance with the objectives of the RMPS.

A view from the applicant on whether the proposal is in accordance with the fairness objective of the RMPS would assist in determining the application.

It is noted that the 750m SRAD is a broad-brush distance applying to a broad category of quarries into which the proposal falls. As alluded to above, it may not necessarily accurately reflect the true spatial extent of negative impacts that would emanate outwards from this

particular quarry. The true distance may be smaller, and would be determined by such things as the particular machinery, the design and shape of the quarry, the location and height of any attenuation earth bund walls and the topography of the subject land and surrounding land.

3. Impact of Future Economic Development

One of the objectives of Tasmania's Resource Management and Planning System is to facilitate economic development. (Refer Part 1 S.1(d) of Schedule 1 of the *Environmental Management & Pollution Control Act 1994*).

It is submitted that the very large proportion of the SRAD imposed on land in other ownership (87.2%) will create a significant limitation on future economic development potential on too much land owned by others.

In addition to potential permitted and discretionary uses in the current planning scheme, the RMPS provides for other possible uses to be considered through mechanisms such as planning scheme amendments, combined 'S.43A' applications, Projects of Regional Significance and Projects of State Significance. The existence of the Level 2 quarry and its accompanying use and development potential restrictions will stymie an unknown number of future entrepreneurial enterprises on land in other ownership.

It is submitted that the proposal will create use and development potential restrictions on *too much* land in other ownership and is therefore not in accordance with the economic development objectives of the RMPS.

4. Poor Strategic Choice of Site

The very small percentage of the SRAD area contained within the applicants' own land, (12.2%), and the very small separation distance between the proposed quarry and land in other ownership, (10m), compared to the SRAD, (750m), points to a fundamentally poor strategic choice for a Level 2 quarry site.

It is submitted that land use conflict and an unfair degree of impact on the ability of neighbouring owners to enjoy their land are likely to result in practice, regardless of conditions of approval.

Ideally, the SRAD for a quarry proposal would be entirely contained within the applicant's own land. There are many large rural properties in Southern Midlands where this is possible, even where very large SRADs are involved.

However, in practice, quarry resources are often not in ideal locations and 'second-best' sites are more usually the case. This is where a minor proportion of the SRAD covers land in other ownership and does not consume significant parts of neighbouring titles nor encompass sensitive uses such as dwellings in other ownership.

The third-best situation is similar to the above, but with dwellings or other sensitive uses within the SRAD.

In light of the above, the location of the proposed Level 2 quarry can only be considered as a 'fourth-rate' site, in terms of potential for land use conflict, the number of dwellings within the SRAD and restrictions on future use and development potential imposed on others' land.

It is submitted that a detailed explanation from the applicant as to the logic and

considerations taken into account when choosing the proposed site for the Level 2 quarry is necessary.

5. The Tasmanian Chinese Buddhist Cultural Park

The 750m radius Standard Recommended Attenuation Area would cover most of the land to the east which is the intended site of the Tasmanian Chinese Buddhist Cultural Park (TCBCP), referenced in 3.0.4 – L Economic Infrastructure: Local Objectives in the Southern Midlands Interim Planning Scheme 2015. The TCBCP is proposed to include temples, educational facilities and tourism facilities. It would constitute a major boost to the economic development of Tasmania, assist in forging stronger ties between the State and one of its major trading partners and would be a rich addition to the State's social and cultural fabric. A nearby quarry generating significant negative impacts on land proposed for the TCBCP would jeopardise these outcomes.

The proposed Level 2 quarry is 10m from the boundary of this land and approximately 100m from the nearest likely part of the TCBCP. Given that the TCBCP would be a 'sensitive use', the Applicant's view on the appropriate separation distance between the quarry and sensitive use would be of assistance in assessing the proposal.

Information on the real spatial extent of negative impacts emanating outwards from the quarry on to others' land (all nearby land, not just the TCBCP land), is considered necessary.

6. Assessment Process after Close of Public Notification Period.

Given the history of the previous similar quarry application on this site, the close proximity to land in other ownership, the amount of land in other ownership subject to the 750m SRAD / interim planning scheme Attenuation Area into the future, the number of dwellings in other ownership within the 750 SRAD, it is likely that this application will be similarly 'adversarial'. It is requested that the Board consult with Council in regard to the procedures it intends to put in place to fulfil its responsibilities under S74(8) of the *Environmental Management and Pollution Control Act 1994*, which are aimed at resolving conflict and dispute during the assessment process.

It is also noted that under S.74(4)(a) of the Act, the authority responsible for assessing the proposed environmentally relevant activity must provide the proponent with guidance on the issues arising from the proposed activity which might give rise to public concern.

Further Officer Comment

Council engaged a consultant to review the noise report submitted by the Applicant and to review the EPA noise assessment of the development. The consultant provided the following relevant points:

- ***The methodology used by the applicant's noise consultant to determine ambient noise levels and noise limits is deficient and will not sufficiently guard against the generation of environmental nuisance.***
- ***The EPA review of the applicant's noise consultant's report is insufficient.***
- ***The EPA's guidelines and assessment are substandard in comparison to Australian best practice and therefore do not sufficiently guard against the generation of environmental nuisance.***

ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015

Rural Resource Zone

The land is in the Rural Resource Zone. The proposal is a discretionary land use and development in this zone. The proposal must satisfy the requirements of the following relevant provisions of this zone:

Discretionary Use		
Objective: To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No acceptable solution.	<p>P1</p> <p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p> <p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p> <p>(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.</p>	<p><i>The proposal is not an agricultural land use.</i></p> <p><i>The characteristic of a quarry are activities that generate dust, vibration and noise.</i></p> <p><i>The quarry has a 10m separation distance between the quarry and the adjoining land at 1384 Tea Tree Road.</i></p> <p><i>The short distance between a level 2 quarry and land in other ownership is a concern. This has been highlighted by persons that have lodged a representation.</i></p> <p><i>The land immediately adjoining the quarry is a north facing slope. Digital data provided from the Department of Primary Industries Water and the Environment demonstrates that the adjoining land in the vicinity of the quarry would be suitable for a number of different orchards or crops, such as grapes, olives, hazelnuts etc. The land would also be capable of sustaining livestock.</i></p> <p><i>Council Officers are of the opinion that a range of</i></p>

		<p><i>agricultural, pastoral, and other rural activities have not been prioritised by the Applicant in considering the location for this Level 2 quarry.</i></p> <p><i>Though the EPA have provided a condition that dust must be suppressed it is still thought unlikely any person would grow produce in close proximity to a level 2 quarry given the potential for dust impacts or exposing workers to noise impacts.</i></p> <p><i>The condition is reliant on other persons to report such incidents. There is no other proposed or conditioned method of monitoring such impacts.</i></p> <p><i>It is also unlikely a person would build an animal stables or stockyard in the vicinity of the quarry as the noise and vibration from the quarry would disturb animals and persons working the land. Essentially a person would need to position an agricultural enterprise in consideration to the quarry, whereas, if the quarry had a more suitable setback from boundaries then a person's ability to use and develop their land would be more reasonable.</i></p> <p><i>There are of course some rural activities such as forestry, grazing or extractive industries that may well occur on land in close proximity to a Level 2 quarry, but there are many other 'Permitted' or 'as of right' activities that are now unlikely to occur. Effectively</i></p>
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		<p><i>the quarry has the capacity to limit the ability for others to use their land.</i></p> <p><i>Furthermore any new use or development on the neighbouring lands, that require Council Approvals are potentially further restricted by the 750m SRAD that would surround the quarry. Council Officers would need to consider the impacts of any new use or development in the context of the existence of a level 2 quarry. The quarry operator would also seek to protect ongoing access and use of their quarry through the planning system.</i></p>
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<p>Setback To minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A4</p> <p>Buildings and works must be setback from land zoned Environmental Management no less than:</p> <p>50 m.</p>	<p>P4</p> <p>Buildings and works must be setback from land zoned Environmental Management to satisfy all of the following:</p> <p>(a) there is no impact from the development on the environmental values of the land zoned Environmental Management;</p> <p>(b) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;</p> <p>(c) there is no potential for contaminated or sedimented water runoff impacting the land zoned</p>	<p><i>The proposal complies with the acceptable solution.</i></p>

	Environmental Management; (d) there are no reasonable and practical alternatives to developing close to land zoned Environmental Management.	
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Design
 To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape..

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

	<p>(c) be located in and area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</p>	
<p>A3</p> <p>The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3</p> <p>The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <p>(a) does not have significant impact on the rural landscape of the area;</p> <p>(b) does not unreasonably impact upon the privacy of adjoining properties;</p> <p>(c) does not affect land stability on the lot or adjoining areas.</p>	<p><i>The proposal complies with the objective.</i></p>

Road and Railway Assets Code

The purpose of this provision is to:

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

This code applies to the proposal as the quarry will intensify the use of an existing access.

Existing road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>P1</p> <p>Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than 60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any written advice received from the road authority.</p>	<p><i>The Department of State Growth are the Road Authority for Tea Tree Road.</i></p> <p><i>The Department has previously required the Applicant to upgrade both the access and a section of Tea Tree Road to allow for more frequent heavy vehicle movements associated with a quarry.</i></p> <p><i>The Department have advised that “Mr Williams has undertaken the upgrade of the road pavement adjacent his access, along with access works. The Department of State Growth is satisfied that the conditions applied to this proposal in regard to the State road asset have been met.”</i></p>
<p>A2</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>P2</p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road;</p>	<p><i>The Department of State Growth have assessed the proposal.</i></p> <p><i>The proposal complies with the performance criteria.</i></p>

	<p>(e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.</p>	
<p>A3</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p>P3</p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.</p>	<p><i>The speed limit of Tea Tree Road is more than 60km/h. The standard therefore does not apply.</i></p>

Development adjacent to roads and railways

To ensure that development adjacent to category 1 or category 2 roads or the rail network:

- (a) ensures the safe and efficient operation of roads and the rail network;
- (b) allows for future road and rail widening, realignment and upgrading; and
- (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network..

Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1.1</p> <p>Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:</p> <p>(a) new buildings;</p> <p>(b) other road or earth works; and</p> <p>(c) building envelopes on new lots.</p> <p>A1.2</p> <p>Buildings, may be:</p> <p>(a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or</p> <p>(b) an extension which extends no closer than:</p> <p>(i) the existing building; or</p> <p>(ii) an immediately adjacent building.</p>	<p>P1</p> <p>The location of development, from the rail network, or a category 1 road or category 2 road in an area subject to a speed limit of more than 60km/h, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:</p> <p>(a) the proposed setback;</p> <p>(b) the existing setback of buildings on the site;</p> <p>(c) the frequency of use of the rail network;</p> <p>(d) the speed limit and traffic volume of the road;</p> <p>(e) any noise, vibration, light and air emissions from the rail network or road;</p> <p>(f) the nature of the road;</p> <p>(g) the nature of the development;</p> <p>(h) the need for the development;</p> <p>(i) any traffic impact assessment;</p> <p>(j) any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and</p> <p>(k) any written advice received from the rail or road authority.</p>	<p><i>The proposal complies with the acceptable solution.</i></p>

Road accesses and junctions

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>No new access or junction to roads in an area subject</p>	<p>P1</p> <p>For roads in an area subject to a speed limit of</p>	<p><i>The access is not regarded as a new access but more an intensification of an existing access. This matter has been</i></p>

<p>to a speed limit of more than 60km/h.</p>	<p>more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.</p>	<p><i>assessed in other standards.</i></p>
<p>A2</p> <p>No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p>P2</p> <p>For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.</p>	<p><i>The existing access is to be used for the proposed quarry.</i></p>

Sight distance at accesses, junctions and level crossings To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.		
Acceptable Solutions	Performance Criteria	Officer Comment
A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.	P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the frequency of use of the road or rail network; (c) any alternative access; (d) the need for the access, junction or level crossing; (e) any traffic impact assessment; (f) any measures to improve or maintain sight distance; and (g) any written advice received from the road or rail authority	<i>The Department of State Growth have provided comment and assessment of the proposal. The access complies with the objective.</i>

Parking and Access Code

Parking

There is sufficient land available for onsite vehicle parking associated with the proposed quarry. The proposal complies with parking standards of the Scheme.

Access Standards

Design of Vehicular Accesses To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.		
Acceptable Solutions	Performance Criteria	Officer Comment
A1 Design of vehicle access points must comply with all of the following:	P1 Design of vehicle access points must be safe, efficient and convenient, having regard to all of the	<i>The Department of State Growth have provided comment and assessment of the proposal. The access complies with the objective.</i>

<p>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.</p>	<p>following:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users.</p>	
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Vehicular Passing Areas Along an Access

(a) the design and location of access and parking areas creates a safe environment for users by minimising the potential for conflicts involving vehicles, pedestrians and cyclists;

(b) use or development does not adversely impact on the safety or efficiency of the road network as a result of delayed turning movements into a site.

Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>Vehicular passing areas must:</p> <p>(a) be provided if any of the following applies to an access:</p> <p>(i) it serves more than 5 car parking spaces;</p>	<p>P1</p> <p>Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:</p> <p>(a) avoidance of</p>	<p><i>The application states that the quarry will be run and operated by the owner of the land.</i></p> <p><i>It is unlikely that dedicated passing bays are required to serve the intensification of the quarry. As there are unlikely to be frequent two way vehicle movements that may impact the road network.</i></p> <p><i>Officers are satisfied that should</i></p>

<p>(ii) is more than 50 m long;</p> <p>(iii) it meets a road serving more than 6000 vehicles per day;</p> <p>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;</p> <p>(c) have the first passing area constructed at the kerb;</p> <p>(d) be at intervals of no more than 50 m along the access.</p>	<p>conflicts between users including vehicles, cyclists and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users.</p>	<p><i>passing bays be required i.e. the mining lease is taken over by different persons that there is capacity for passing bays to be created along the internal access road.</i></p>
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On-Site Turning

Objective:

To ensure safe, efficient and convenient access for all users, including drivers, passengers, pedestrians and cyclists, by generally requiring vehicles to enter and exit in a forward direction.

Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:</p> <p>(a) it serves no more than two dwelling units;</p> <p>(b) it meets a road carrying less than 6000 vehicles per day.</p>	<p>P1</p> <p>On-site turning may not be required if access is safe, efficient and convenient, having regard to all of the following:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists, dwelling occupants and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users;</p> <p>(e) suitability of the location of the access point</p>	<p><i>The proposal complies with the objective.</i></p>

	and the traffic volumes on the road.	
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Facilities for Commercial Vehicles		
To ensure that facilities for commercial vehicles are provided on site, as appropriate.		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial Vehicle Facilities AS 2890.2:2002, unless:</p> <p>(a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site;</p> <p>(b) the use is not primarily dependent on outward delivery of goods from the site.</p>	<p>P1</p> <p>Commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.</p>	<p><i>There is sufficient room on the land to allow for the load, unloading and manoeuvring of heavy vehicles and commercial vehicles on the land. The proposal complies with the objective.</i></p>

Access to a Road		
To ensure that access to the road network is provided appropriately.		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>Access to a road must be in accordance with the requirements of the road authority.</p>	<p>P1</p> <p>No Performance Criteria.</p>	<p><i>The proposal complies with the Acceptable Solution.</i></p>

Attenuation Code

The Planning Scheme stipulates that use or development described below is exempt from this code if any of the following apply:

- (a) activities requiring assessment under the Environmental Management and Pollution Control Act 1994 by the Board of the Tasmanian Environment Protection Authority;
- (b) additions or alterations to an existing building used for sensitive use provided that the gross floor area does not increase by more than 50% or 100 m² whichever is the greater.

As the proposal must be assessed by the Board as a Level 2 activity the Council is not required to assess the proposal against the objectives of this code. In other words it is the role of the EPA to assess any potential environmental harm posed by a Level 2 quarry.

However, it is important the Council are aware of the implications of the Code on adjoining land, should the quarry be approved (permit granted). That is the application of a 750m Standard Recommend Attenuation Distance or buffer extending from the boundary of the Mining Lease.

As stated previously in the report a 750m buffer would encapsulate a significant amount of private land. Many of the land owners within this buffer area have expressed serious concern for the land use planning implications of such a buffer over their land.

The Attenuation Code states that the code would apply to:

- (a) development or use that includes the activities listed in Table E9.1 and E9.2 in a zone other than the Light Industrial, General Industrial or Port and Marine Zone;
- (b) development or use for sensitive use, including subdivision intended for sensitive use;
 - (i) on land within an Attenuation Area shown on the planning scheme maps, or
 - (ii) on land within the relevant attenuation distance from an existing or approved (permit granted) activity listed in Tables E9.1 and E9.2 if no Attenuation Area is shown on the planning scheme maps and that activity is not located in the Light Industrial, General Industrial or Port and Marine Zone.

The Attenuation Code would, by default, apply the full 750m SRAD for the proposed quarry as a legislated matter for the Planning Authority to consider for future land use and development on adjoining land. The code would apply to all land within the 750m SRAD. Any development or use for a sensitive use on land within the SRAD will be considered at the discretion of Council (unless exempt).

The alternative is for the Council to enact a Planning Scheme amendment to reduce the size of the SRAD to something more acceptable in size and map this overlay on the Planning Scheme maps. This gives precedence over the default SRAD.

Further Explanation of SRAD

A Standard Recommended Attenuation Distance (“SRAD”) is a measurement or area designed to assist in the planning process with particular regard to potential land-use conflicts between specific activities (e.g. a quarry) and other land-uses sensitive to any reduction in environmental quality (e.g. a new dwelling, visitor accommodation).

A regulatory authority (i.e. Council, EPA, MRT) and the Applicant (or quarry operator) will often refer to the SRADs as a tool to assess the appropriateness of the location of a new proposal. The SRADs are legislated in Planning Schemes and used as guidelines in the *Quarry Code of Practice 1999* and the *Environmental Assessment Manual 1996* (Guidelines for Local Government in regard to the RMPS). The Council, the EPA and the Applicant’s Consultant use the *Quarry Code of Practice* as a best practice tool in assessing, planning and operating a quarry.

Councils use SRADs to determine appropriate attenuation area overlays on planning scheme maps and will use the SRAD distance for a given activity as the starting point in determining an appropriate buffer distance around a specific activity. These apply to such things as quarries, sewerage treatment facilities, abattoirs, landfill and waste disposal sites etc.

Under the Scheme there are a number of mapped Attenuation Area Special Areas around existing activities in the Southern Midlands. These are activities that require protection and control over encroaching development.

The mapped Attenuation Area overlays also function as a trigger for any persons considering buying a property to be alerted to the existence of a potentially harmful nearby activity. Somebody buying land may not otherwise become aware of the existence of a quarry if a mapped Attenuation Area is not included on the Planning Scheme maps. Southern Midlands Council’s practice has been to include mapped Attenuation Areas for the above reason and also it provides certainty in terms of the exactly what land is covered.

Mapping an Attenuation Area into the planning scheme also allows the individual characteristics of a particular operation and the surrounding landform to be taken into account. This means that the extent of land nominally impacted by the raw SRAD can be reduced to suit the particular situation. The negative impact on the future use and development potential of surrounding land can therefore be reduced to that which is actually necessary in reality. Whilst external bodies such as the EPA would still be required to consider the original SRAD distance in their assessment, they would also have to give weight to the mapped Attenuation Area and the local Council (the planning authority) would only have to consider the mapped Attenuation Area.

An SRAD therefore has several planning implications:

1. A mapped SRAD / Attenuation Area overlay on a Planning Scheme will provide landowners with surety and knowledge of activities in the area at time of purchase or in preparing a Development Application.
2. SRADs are designed to protect certain activities from encroaching sensitive land use activities; and
3. SRADs can be used as a buffer between different land-use activities and therefore can restrict future land use/development
4. SRADs are a tool used for assessing new land use and development i.e. a Planning Authority will assess the potential impacts of a new sensitive land use/development

based on the distance between activities i.e. is the new use/development within the SRAD or outside the SRAD? If within the SRAD what are the ongoing implications?; and also

5. SRADs are used by planning consultants, quarry operators and other authorities in assessing and/or strategically locating resources and infrastructure.

The imposition of an SRAD on land in other ownership will negatively impact the future use and development potential of that land – at least by requiring proponents of future use and development to expend additional resources ‘proving-up’ a proposal or, at worst, by stopping such use and development from going ahead.

An ideal site for a use that requires an SRAD would be one in which all of the SRAD is within land under the same ownership.

A second-best site (which is more often the case in reality) is one in which the SRAD might extend onto land in other ownership, but only impacts small proportions of neighbouring titles leaving their owners with options for future use and development free of the SRAD. Ideally, no houses in other ownership would be within the SRAD.

Williams Quarry: 750m SRAD

The Tasmanian Quarry Code of Practice, which constitutes the State’s best practice guidelines, suggests that *‘planning authorities and operators seek to maintain the following separation distances, measured from the planned maximum extent of the quarry operations to any sensitive use: where material is crushed:750 m’.*

The proposed quarry falls a long way short of this.

As further background information, the SRAD for the previously approved Level 1 quarry was 300m from the operations area. The proposed Level 2 quarry with crushing has an SRAD of 750m from the operations area. The difference between the two proposals is the introduction of a crusher that significantly increases the SRAD area. The 300m SRAD area from the Williams Quarry is depicted in ‘Diagram 1’ of this report. The 750m SRAD area from the proposed Level 2 Quarry is depicted in ‘Diagram 2’ of this report.

The application of the SRAD between the approved quarry and the proposed quarry is significantly different:

- The 750m SRAD includes eight (8) dwellings in other ownership on neighbouring and nearby land.
- The 300m SRAD did not include any other dwellings (aside from the Williams dwelling).
- The 750m SRAD completely engulfs the total land area of 3 (three) adjoining or nearby properties:
 - 1220 Tea Tree Road (100% of land area)
 - 1347 Tea Tree Road (100% of land area)
 - 1233 Tea Tree Road (100% of land area)

- The 300m SRAD impacts only minor parts of adjoining land(s)
- The 750m SRAD impacts a large percentage of:
 - 1384 Tea Tree Road at approximately 70ha of land (73% of the total land area)
 - 1218 Tea Tree Road 45ha of land (57% of the total land area)
 - 1216 Tea Tree Road 5ha of land (30% of the total land area)
- The 300m SRAD impacted only a small portion of 1218 Tea Tree Road at approximately 1ha or 1% of the total land area and approximately 12ha or 12% of the land area of 1384 Tea Tree Road.

Implications of a 750m SRAD

The implications of a 750m SRAD is that all future land use and development within the SRAD will be assessed by Council Officers in the context of the Williams Quarry.

The onus of demonstrating that a new land use or development will not impact on the operation of the Williams Quarry will be placed on the Applicant or landowner at the time of Application to Council.

This is considered by Council Officers to be a potential regulatory burden. Future land users and developers may have to provide expensive environmental reporting or engage in legal proceedings to prove a new development would not limit or be impacted by the Williams Quarry.

The other option, for adjoining landowners, is to develop or use land outside of the SRAD to avoid potential land use conflicts. This ability is completely negated at three (3) of the adjoining properties as the SRAD completely encompasses the land.

New land use or development within an SRAD has been the subject of many legal proceedings before the Resource Management and Appeals Tribunal (RMPAT) such as:

- *GPA & VA Herbert v Brighton Council [2007]*,
- *Stornoway Projects Pty Ltd v Northern Midlands Council*
- *JF Welsford and MA Brink [2014]*
- *Clifton Brick (Tas) Pty Ltd v. Northern Midlands Council [2010]*
- *Josef Chromy Wines Pty Ltd v Northern Midlands Council [2010] TAsRMPAT*

These are cases where a neighbouring landowner, or landowner within an attenuation area, wanted to develop land or propose a sensitive use within the SRAD mapped in the Planning Scheme. The cases demonstrate land use planning implications of imposing a buffer over other land.

Page 6 of the *Quarry Code of Practice* states the following:

“Operators may wish to discuss with the planning authority whether land use controls on surrounding lands are adequate to reduce encroachment of residential development into the area affected by the operation of the quarry. Alternatively, operators may consider purchasing, leasing or entering into an agreement over surrounding lands.

Operators may be able to influence the development of lands adjacent to their premises through the Council planning process under the LUPAA. The opportunities provided include:

- *any person may comment on a draft planning scheme during the exhibition period;*
- *any person may request a planning authority to amend a planning scheme;*
- *any person may make comment during the public notification period of a Permit application; and*
- *any person who made comment as above may appeal against the decision of a planning authority to the Resource Management and Planning Appeal Tribunal.*

The representations provided to Council are the opportunity for persons to raise concerns with the quarry and the implications of the quarry. Council Officers have no evidence that any agreement between the quarry operator and any other persons or landowners has been reached in regard to consenting to the quarry and the imposition of a buffer over their land.

Possible reduction to the SRAD specific to the proposed quarry

Council Officers are of the opinion that the 750m SRAD around the Williams Quarry may be excessive given the size and nature of the quarry and given the topography of the land in the area. The size of the attenuation distance could potentially be reduced to something with less impact on adjoining landowners. This would require specific and further expertise from an appropriately experienced and qualified person.

The larger the SRAD the greater the perceived impacts from the quarry. The onus of demonstrating otherwise is on the Applicant to the satisfaction of Council (and EPA).

Council Officers have previously sought information from the Applicants' consultant on the potential reduction of the attenuation distance specific to the proposed quarry, however no specific information has been provided.

Ideally, the information would include a mapped attenuation area particular to the proposed Quarry, or a written description of the maximum extent of impacts from the quarry.

In the absence of information to the contrary, Council Officers have to assume that this quarry needs the full 750m SRAD to be considered for all future land use planning decisions.



Diagram 1_Level 1 Quarry _ estimated 300m Standard Reccommended

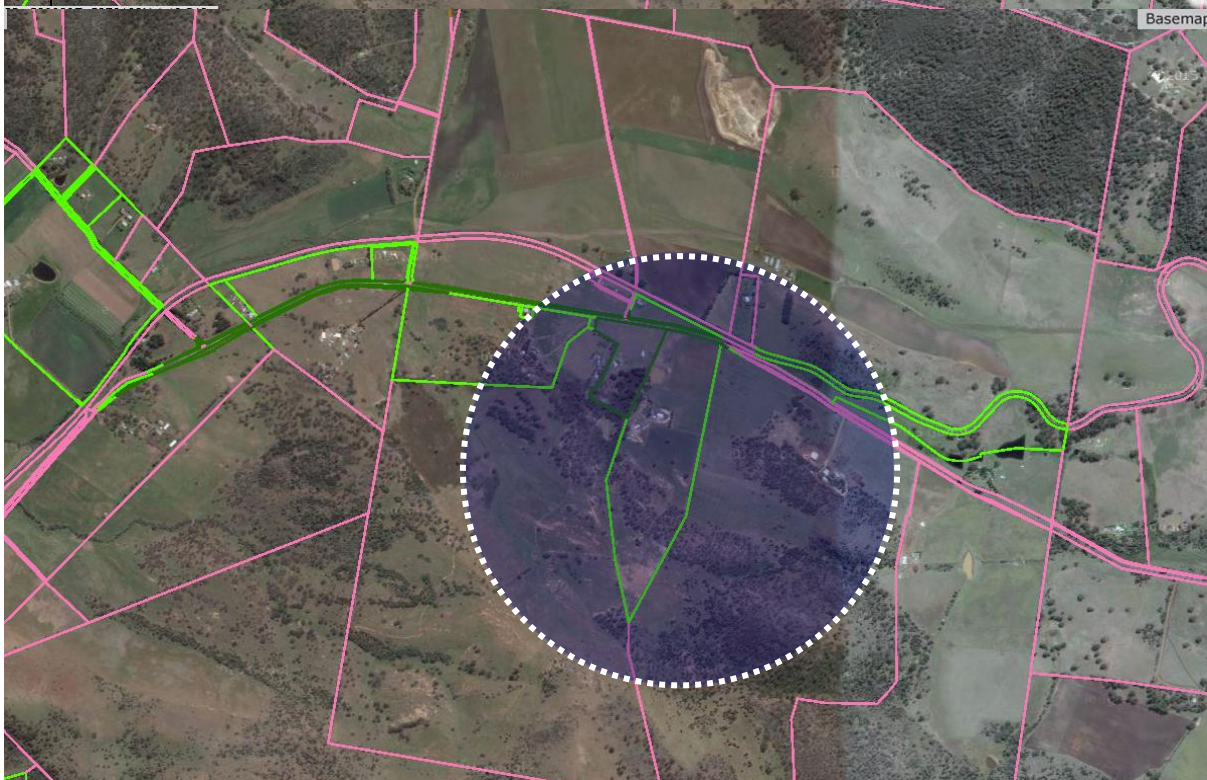


Diagram 2_Level 2 Quarry _ estimated 750m Standard Reccommended

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Stormwater Management Code

Stormwater Drainage and Disposal

To ensure that stormwater quality and quantity is managed appropriately.

Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p>	<p>P1</p> <p>Stormwater from new impervious surfaces must be managed by any of the following:</p> <p>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</p> <p>(b) collected for re-use on the site;</p> <p>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</p>	<p><i>The proposal is likely to comply with the performance criteria</i></p>
<p>A2</p> <p>A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</p> <p>(a) the size of new impervious area is more than 600 m²;</p> <p>(b) new car parking is provided for more than 6 cars;</p> <p>(c) a subdivision is for more than 5 lots.</p>	<p>P2</p> <p>A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.</p>	<p><i>The proposal is likely to comply with the performance criteria</i></p>
<p>A3</p> <p>A minor stormwater drainage system must be designed to comply with all of the following:</p>	<p>P3</p> <p>No Performance Criteria.</p>	<p><i>The proposal is likely to comply with the Acceptable Solution.</i></p> <p><i>The EPA have also assessed this matter.</i></p>

<p>(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;</p> <p>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.</p>		
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Signs Code

The application includes detail of a proposed sign at the entrance to the property. The proposal is for a double-sided sign that can be seen from traffic travelling both an easterly or westerly direction on the Tea Tree Road. The proposed panel is 1m high and 1.2m wide. A diagram of the sign is provided in the attached application. The proposed panel will be erected on timber posts at a maximum 2.8m above ground level (at the top of the panel).

The sign largely complies with the relevant performance criteria of the Planning Scheme. However should, a permit be granted, then a condition of approval must stipulate that the sign must strictly comply with the size and design specifications of the submitted application and that any alteration to the design, size or graphics on the sign will require further approval from the Council.

Objectives of the Resource Management & Planning System (RMPS)

The Planning Scheme, and indeed the Act specifies that Council must consider the objectives and standards of the scheme in addition to those matters in Section 51 of the Act i.e the Planning Authority must seek to further objectives of the RMPS and take into consideration any representation received.

The Act states that it is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the objectives set out in Schedule 1 of the Act.

Schedule 1 of the Act sets out general objectives for the Resource Management & Planning System (the RMPS) and additional objectives for the planning process. The general objectives of the RMPS are:

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*

- (c) to encourage public involvement in resource management and planning; and*
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

Subsection (b) calls for the use and development to be 'fair' and also to 'encourage public involvement in resource management and planning'. Those persons that have lodged a representation, and those indeed impacted by the proposed quarry buffer over their land do not believe the proposal is fair.

It is therefore appropriate, indeed necessary, for Council to consider the 'fairness' of what is proposed.

Of concern in this regard is the imposition of the 750 metre Standard Recommended Attenuation Distance (SRAD) around the quarry, the vast majority of which is not located on land owned by the applicant.

This will have negative impacts on the future use and development potential of a very large area of land in various other ownerships – including three titles that are completely consumed by the SRAD and three others that are largely consumed. Moreover, the *kind* of land impacted is not the little-used and undeveloped back bush-runs of large rural titles, that is usually the kind of land impacted by other owners' SRADs. It is land on which a range of uses might potentially be conceived by the various owners. The owners of the properties completely within the SRAD will have no options available to them to propose such uses on land free of the encumbrance of the applicants' SRAD. The other properties will have their options severely truncated.

Impacted landowners are not accepting of this and the approval of the quarry by Council would constitute the adversarial imposition of use and development restrictions on these people's land.

The problem stems from the fact that the proposed site is far from an ideal strategic locational choice.

The Tasmanian Quarry Code of Practice, which constitutes the State's best practice guidelines, suggests that '*planning authorities and operators seek to maintain the following separation distances, measured from the planned maximum extent of the quarry operations to any sensitive use: where material is crushed:750 m*'.

Ideally, a Level 2 quarry would be located on land of sufficient size to encompass all of the SRAD.

A second-best choice (which, in practice, is more usually the case in Southern Midlands' experience) the SRAD might cover other people's land but only a relatively small proportion.

The location of this proposed quarry, a mere 10 metres from neighbouring land with three properties entirely consumed by the SRAD and another three largely consumed, is far from ideal.

Council considered it appropriate to approve the applicants' Level 1 quarry application on this same site last year. What is now proposed, however, is a very different proposition, as the subsequent expansion of the SRAD from 300 metres to 750 metres indicates.

Of relevance to the issue of fairness is the fact that some potential agricultural uses will be curtailed on the land immediately adjacent to the quarry – due to its very close proximity. Horticultural crops for which dust contamination is an issue, for example. This is an issue assessed elsewhere in this report in terms of compliance with planning scheme objectives and the intent of the Scheme. However, there is a degree of 'unfairness' arising out of this issue.

Of greater concern in weighing the fairness issue, is the impact on a range of potential uses allowable under the planning scheme as it currently stands. These include potential uses such as tourist accommodation, tourist facility or winery (tourist), all of which are not uncommonly proposed on rural zoned land. Applications for additions or sheds at one of the eight existing dwellings within the 750 m SRAD, which are otherwise 'permitted' in the zone, would also become discretionary and subject consideration under the applicant's SRAD. All applications for use and development within the SRAD will be subject to additional costs and time delays, with the onus on those applicants to show that what is proposed will not conflict with the quarry. All of this amounts to an impost on these landowners. As detailed above, three landowners will have no location options open to them free of this encumbrance and three others will have very few real options, if any.

In weighing all of the above, it is considered that the proposal is *unfair* and therefore not meeting Objective 1(b) of Schedule 1 of the *Land Use Planning & Approvals Act 1993*.

Suggested Conditions of Approval

The conclusion of this report is that the proposed quarry ought to be refused. This conclusion has been arrived at considering all the relevant issues and it is not a conclusion to which all such considerations point to. It is considered that, on balance, Council cannot be satisfied that the merits of the proposal outweigh its negative consequences.

If Council were to weigh competing issues and values differently than in this report and determine that the proposal ought to be approved, the following conditions of approval are suggested:

PART A – PLANNING AUTHORITY (COUNCIL) CONDITIONS OF APPROVAL

Concordance with the application and permit conditions:

1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and reports and with the conditions of this permit and must not be altered or extended without the further written approval of Council or, as necessary, the Environmental Protection Authority.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, and it is clear that an appeal has not been lodged, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

Signage

3. Signage must strictly comply with the plans and details submitted to Council in the *Development Application, Planning Report – Level 2 Activity, Williams Quarry, Rekuna* prepared by Van Diemen Consulting dated 31st August 2015. Any alteration to the size, design, location or graphics will require the prior written approval of the Council. Accordingly:
 - a. The developer must submit a plan to the Council prior to the installation of any sign that differs from that approved in this permit. The plan must be to the satisfaction of Council's Manager of Development and Environmental Services.

Existing services

4. 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 works. Any works required impacting public infrastructure is to be specified or undertaken by the authority concerned.

Environmental Protection Authority – Conditions of Approval:

5. The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B, which the Board of the Environmental Protection Authority (EPA) has required the planning authority to include in the permit, pursuant to section 25(5) of the *Environmental Management and Pollution Control Act 1994*.

CONCLUSION

This report has assessed a Development Application for a Level 2 quarry at 1356 Tea Tree Road, Tea Tree. A quarry is considered at the discretion of Council.

Twenty three (23) representations were received during the statutory notification of the application. Eight (8) opposed the proposal and raised concerns with various components of the activity. The remaining fifteen (15) were general comments of support. Two (2) of these persons have land within the 750m SRAD of the quarry. Further to these representations, Council Officers, were invited by the EPA to provide a comment on the proposal. Council provided comment on the fairness of the proposal in relation to land use in the area and the ongoing sustainable operation of the quarry. Officers also provided a review of the noise report submitted by the Applicant. The review specifies deficiencies in the methodology of the Applicant's noise report and later states the EPA's assessment and guidelines for assessing noise impacts do not meet Australian best practice.

Council Officers have considered these representations and provided the content of the representations as part of this report. The standout issue is that the subject land is not of sufficient size to accommodate this proposal. The offsite buffers around the quarry, needed to protect the quarry from potentially conflicting land use activities, rely on a significant amount of land in other ownership. The owners of land impacted by these buffers, that have lodged a representation, do not give their express consent for their land to buffer the proposed quarry.

The Application was referred to the Board for assessment of matters prescribed in the EMPCA and relevant objectives of the RMPS. The EPA Board approved the quarry subject to conditions and endorsement of the Applicant's commitments.

The Application was referred to the Department of State Growth as the Road Authority to assess the safety and impact of additional and more frequent heavy vehicle movements onto the road. The Road Authority is satisfied that previous works to the access are suitable to serve the intensification of the quarry.

Council have paid particular attention to the 750m SRAD and the number of dwellings within the SRAD and the significant amount of land needed to attenuate the quarry and protect access to the resource for the life of the quarry. This report also demonstrated five (5) RMPAT cases that considered the implications of buffers over adjoining land and the potential for land use conflict over time.

A quarry is a discretionary use in the Rural Resource Zone. This means that the scheme envisages that not all locations within the zone are suitable, and that the simple fact that a piece of land is zoned Rural Resource does not mean that a quarry on that land is acceptable. The particular location must be considered.

In summary, the proposed location is considered not suitable for a Level 2 quarry, notwithstanding the fact that it is considered suitable for a Level 1.

It is recommended Council refuse to grant a permit for the proposed Level 2 quarry and the Applicant be notified of the decision with the grounds of refusal detailed in the recommendation of this report.

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Planning Scheme 1998* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council refuse to grant a Permit for a Level 2 Gravel Quarry defined as an Industry (Extractive) at 1356 Tea Tree Road, Rekuna and that a Notification of Refusal to Grant a Planning Permit be issued with the following grounds:

- A. The ongoing sustainable operation of the proposed Level 2 quarry will rely on an unacceptably large offsite buffer on land in other ownership to prevent the encroachment of any incompatible future land use or development. The quarry does not meet Objective 1(b) of the Schedule 1 of the *Land Use Planning & Approvals Act 1993*.
- B. The proposed quarry's offsite buffer will impose use and development potential restrictions entirely covering other owners' lands and significantly covering some other owners' lands, and is therefore not 'fair' and therefore not meeting Objective 1(b) of Schedule 1 of the *Land Use Planning & Approvals Act 1993*, due to the accompanying encumbrances on the use, enjoyment and potential future development opportunities of such land.
- C. The occupants or landowners adjoining the proposed quarry at 1384 Tea Tree Road (CT155148/1) will be unfairly limited to use their land for agricultural land use in the vicinity of the proposed Level 2 quarry as the proposed quarry is an unacceptably short distance (10m) from the property boundary. Therefore not meeting Objective 1(b) of Schedule 1 of the *Land Use Planning & Approvals Act 1993*.
- D. The proposed quarry's separation distances to existing sensitive uses is unacceptably at variance from that recommended in the *Tasmanian Quarry Code of Practice 1999*. This document recommends that planning authorities and operators

seek to maintain a 750 metre separation distance for this type of quarry, whereas there are 8 dwellings within this distance, with the nearest being 443 metres.

- E. The proposed Level 2 quarry unreasonably relies on the Council and adjoining landowners to regulate and restrict land use and development within the offsite buffer area (750m SRAD) in order to protect the quarry from any adverse land use or development.
- F. The analysis and assessment of noise impacts generated by the proposed quarry is deficient and does not sufficient guard against the generation of environmental nuisance.

DECISION

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

12.1.2 DEVELOPMENT APPLICATION (DA 2015/110) FOR A PROPOSED INDUSTRY (RURAL) - DRYING AND PACKING SHED FACILITY IN A WATERCOURSE PROTECTION SPECIAL AREA AT BOWHILL ROAD (CT 150772/3), OATLANDS OWNED BY WAVERLEY PTY LTD

File Ref: T2283972

AUTHOR PLANNING OFFICER (DAVID MASTERS)

DATE 17 MARCH 2016

Enclosures:

- 1. Development Application Plans and Drawings
- 2. Representation
- 3. Supplementary (post mediation) Representation

PROPOSAL

The Applicant Mr Michael Agnew has applied to the Council for a Permit under the *Land Use Planning and Approvals Act 1993* (“the Act”) to develop and use land located on Bowhill Road, Oatlands for a vegetable storage and packaging shed and associated facilities.

The application was lodged under the former *Southern Midlands Planning Scheme 1998*. As Council are aware, this scheme is no longer in operation. Legislation determines that because Council received a valid application during the operation of the former 1998 Planning Scheme, then Council must assess the application under that scheme as though it was still in force.

The land is a 3ha parcel of land, located at Bowhill Road, between the Dulverton Rivulet and the Waverley Cottages property. Most of the land is covered by a water storage dam with the remainder under pasture.

The land is zoned Rural Agriculture and is also subject to a major flood level special area and a watercourse protection special area. A part of the building and outdoor storage and parking area is located in the watercourse protection special area. The proposed development is not located in the mapped Major Flood Level.

The proposed development falls within the definition of Industry (Rural) in the planning scheme. Industry (Rural) is a permitted use in the Rural Agriculture Zone. Council must therefore grant a permit for the proposed use and the approval may be subject to conditions.

However the proposed development also falls within the watercourse protection special area and, as a consequence, the granting of a permit is considered at the discretion of Council. This is the only discretion invoked by the proposal and Council deliberation applies only to the discretions outlined in this part of the planning scheme.

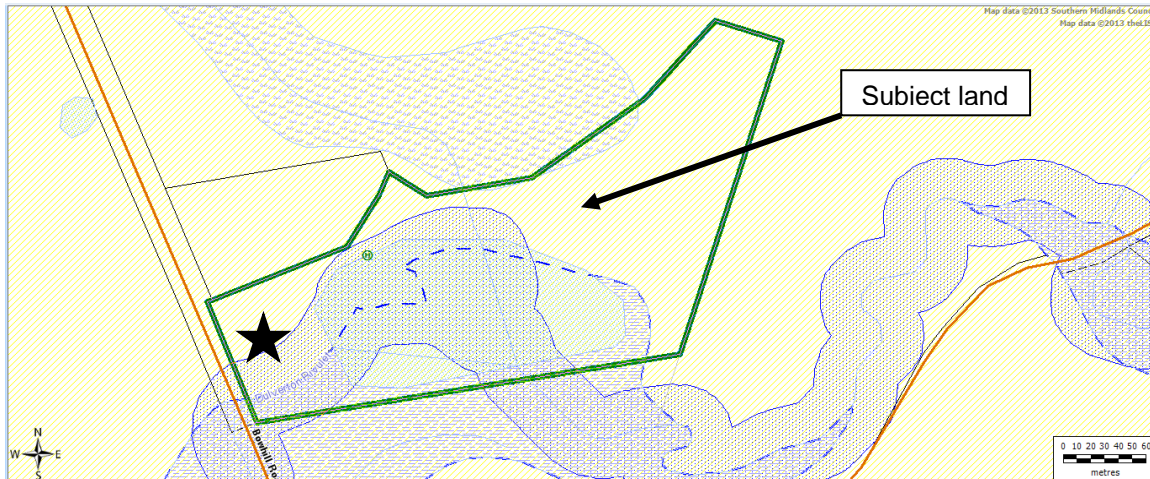
The application states that the shed and facility is to be used primarily for the storage and processing of garlic over the summer months and for other vegetable packing and processing. The shed has a capacity for up-to 50 tonnes of garlic storage at a time.

The Development Application was advertised for the statutory 14 day time period under the Act and received one (1) representation, objecting to, and raising concerns with, the proposal.

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 location of the proposed shed is marked by the black star.



Map 2 _ Aerial image of the land showing the dam area and the adjoining Waverley Cottages. The location of the proposed shed is marked by the black star.

THE APPLICATION

The Application included a set of elevation drawings, a site plan, written description and environmental effects report to accompany the Development Application form.

Council Officers conducted several site visits and held separate meetings with the Applicant and the owners of the adjoining Waverley Cottages. The proposed development is in close proximity to the residence and visitor accommodation at Waverley Cottages and will impact upon that property.

The applicant has, following mediation, provided additional details of the vegetable processing, particularly noting that the drying and initial cleaning and brushing of the garlic will take place in the paddock with much of the waste residue being returned directly to the ground at harvest. This further information now forms part of the application.

MEDIATION

One representation was received in response to the public notification. At the request of the parties, a formal mediation was held on Saturday 6th February at Gretna. This location provided an opportunity to examine garlic drying in progress that was similar to that proposed. Council officers, the applicant and the representor attended the mediation. Full agreement was not achieved to the satisfaction of the parties but the applicant did provide details of proposed operational changes that are intended to reduce the impact of garlic processing at the development site.

"I am writing to outline the changes in the proposed use of the shed proposed at Bow hill Road Oatlands.

1. *Due to the success of the temporary drying structures that were manufactured for drying some of the garlic harvested this year it is proposed that future garlic harvested will be dried in the paddock/Farm that the garlic is grown in. The garlic is being grown at Tunbridge this coming season so the garlic will be dried there.*
2. *As the garlic is going to be dried onsite in the paddock at Tunbridge the garlic will also be cleaned across the brushing tables in the paddock allowing any waste to be returned straight back to the paddock it came from. The waste will be dirt and some garlic skins.*
3. *Once the garlic has dried and been cleaned it will be returned to the proposed shed at Bowhill Road where it will be stored, and packed ready for market.*
4. *As the garlic is dried and cleaned before it comes to the proposed shed the potential for odour and dust will be eliminated. It also means that the shed doors will be able to remain closed except for when loading or unloading. The door most frequently used will be the door facing to the south meaning that it will be out of sight of the Oatlands Manor. The other doors will only be used to access the back or side of the shed if necessary.*

I hope this clarifies the changes in use of the shed."

That advice has been considered as part of the application.

The representor also attended the mediation and has submitted supplementary comments in response to the advice (above) that was provided by the applicant. The supplementary submission is considered later in this report as part of the representation.

USE/DEVELOPMENT DEFINITION

Under Schedule 3, 'Use or Development Category Definitions', of the Planning Scheme the proposed use and development of the land is defined as 'Industry (Rural)'. Such use/development is defined accordingly below:

Industry (Rural):

means the use or development of any land for the handling, treating, processing, and/or packing of agricultural products produced in the locality and includes the maintaining, repairing and servicing of farming and forestry equipment used in the locality.

The term includes the ancillary sale of articles resulting from that rural industry.

Use and Development/Status under the Planning Scheme

Per part 6.6 of the Scheme, 'Industry (Rural)' is a permitted use and development in the Rural Agriculture Zone. Accordingly a permit for the use must be granted by Council, with or without conditions pursuant to Section 58 of the Act.

Part of the proposed development (building and outdoor area) is located in the Watercourse Protection Special Area. The Council must consider the impact of the use and development on the waterway per Part 9.7. This matter is considered at the discretion of Council but the exercise of that discretion only relates to those matters relevant to watercourse protection.

Accordingly, the proposal is a discretionary development and was advertised in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993*.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 5th September 2015 for fourteen (14) days and (1) representation was received. The representation objected to the proposal.

The representation is attached in its entirety to this report for the information of Councillors only, and is marked 'Attachment 2 – Representation'. The names and personal details in the representation have been otherwise omitted from the contents of this report.

Issues raised in the representation are outlined in the table below (Table 1). The Officer comments appear in *Italics* where relevant. The implications of the revised operating procedures are noted in **bold** among the officer's comments.

REPRESENTATION

Location: Bowhill Road Oatlands, (land adjoining Waverley Cottages)

Proposal: Industry (Rural) in Watercourse Protection Special Area (proposed shed and facilities for vegetable handling, processing and packaging)

Opening Statement: We are not opposed to business development, however, the proposed garlic drying, processing and storage facility is being built in the wrong location; which will adversely impact on the sensitive environment and neighbouring tourist accommodation business.

Facts about garlic:

1. Exudes an unpleasant permeating pungent odour.
2. Contains at least 33 different sulphur compounds including Ally Methyl Sulphide.
3. When disturbed during handling/processing or is crushed, Allicin (an organosulphur compound) is formed which quickly breaks down to Diallyl Disulphide; the chemical responsible for the pungent, noxious odour.
4. The odour is most pungent when garlic is wet; typically when harvested and whilst drying.
5. www.tis-gdv.de 'Garlic – Transport Information Service' lists the Risk Factors (RF) associated with transporting garlic which includes:
 - odour
 - dust
 - toxicity / hazards to health – life threatening CO2 concentrations and O2 shortages
 - ventilation requirements
 - insect infestation / disease – rats and mice

Impact of proposed development:

Of major concern is the close proximity of this proposed development to an established operating Tourist Heritage accommodation business that was established in the late 1970's and continues to operate under new management as:

Oatlands Manor – Heritage Cottage Accommodation (B&B) ABN. 31945141191

The accommodation facility and supporting buildings are both Heritage Registered and National Trust certified. An additional selling point the business offers clients is a relaxing and peaceful stay in a serene country environment, with extensive views and an abundance of fresh air.

The effects of a permeating pungent odour, the increased levels of dust, noise and vehicle traffic, will all adversely impact on:

- a. business amenity and lifestyle, (including privacy),
- b. create health problems – particularly for those suffering asthma,
- c. cause a depreciation in Heritage and property value,
- d. landscape - obstructed visual bulk from both the roadway and accommodation site; and
- e. the quiet, peaceful serenity of rural living.

<p>Review of Applicants ‘Environmental Effects Report’ dated September 2015</p> <p>Q.1 List any noisy or vibration producing machinery and equipment.</p> <ul style="list-style-type: none"> - Drying fans have a maximum noise level of 49 decibels. - Packing and grading line machinery omit about the same level of noise. - All packing, grading and drying machinery will always be operated within the shed meaning noise levels outside the shed will be minimal to non-existent. <ul style="list-style-type: none"> • I seriously doubt that noise levels outside the shed will be minimal to non-existent. • What is the maximum number of drying fans that will be in use at any one time? • What is the cumulative/total effect of all generated noise from this enterprise; taking into account all operating fans, machinery, traffic (trucks, cars, forklift), and up to 5 staff working a production line? • Will all doors be closed during all operations? • With drying and grading operations occur during the summer months, is it practical or legal to have all doors closed for OH&S reasons? • The orientation of the shed (as per profile drawing) illustrates one of the main sliding doors facing directly west. With minimal boundary setback from neighbouring property, this will create additional problems with noise attenuation from the shed, being directed onto the neighbouring property. The unloading of trucks, forklift operations, (reversing alarms), noise from within the shed is all being directly aimed at the neighbouring property. There are also privacy concerns with these activities being conducted so close to an operating accommodation business whose peak trading time of the year also happens to be the summer months. • As mitigation to noise, it is proposed that trees be planted along the boundary to dampen noise. This is a poor strategy as it would take years before any trees become an effective barrier. • What other mitigating strategies will be used before trees become established? • What types of trees are intended to be planted? If deciduous, they will not be an effective barrier. 	<p>Council Officer Comments</p> <p><i>The proposal is for up-to 60 internal drying fans. The Applicant has firmly asserted the fans will not cause a nuisance to the adjoining property at any hours of the day.</i></p> <p><i>Officers are satisfied the drying fans will be an acceptable noise level during day light working hours. However the Application does not substantively affirm that the fans will not impact on the adjoining accommodation outside of normal operating hours.</i></p> <p><i>The drying process will now take place in the field. This will significantly reduce the need for mechanical ventilation at the proposed development. The applicant has not specified a revised number of ventilation fans.</i></p> <p><i>Officers recommend a condition on the permit that noise levels generated by the activity do not exceed 5db above background levels at the property boundary. This will require further operational management by the applicant.</i></p> <p><i>The reduced need for mechanical ventilation will reduce noise generated from the site.</i></p> <p><i>The shed is orientated as such that machinery, vehicles and personnel will <u>primarily</u> access the shed from the front of the building.</i></p> <p><i>The shed will have a 3m roller door on each side of the building. The applicant claims this is to allow access to the building from all sides when necessary but allow for air circulation through the building for drying the garlic.</i></p> <p><i>The open roller doors facing the adjoining Waverly Cottages for air circulation is a concern for Council Officers. This will need to be further addressed by the Applicant as part of an operational management plan.</i></p> <p><i>The revised operations will principally use the door facing the road and away from Waverly Cottages. Other doors will not be required for ventilation and used sparingly to access and remove stored materials.</i></p>
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<ul style="list-style-type: none"> Who will maintain these trees? 	<p><i>The landscape plantings will need to be undertaken and completed prior to the use of the building commencing. It is recommended that the permit contain a condition to this effect and that the species used shall be those suitable to the area and must form a suitable visual barrier with the adjoining land. This is to mitigate noise from the development and act as a visual screen. This should have the overall effect of raising the amenity of the development. It would be the responsibility of the landowner to maintain these trees.</i></p>
<p>Q.2 Describe any outdoor lighting necessary to run the business and the effect on adjoining land users and road users?</p> <ul style="list-style-type: none"> <i>Lighting will be along the southern side of the shed and will not be visible to neighbouring houses.</i> <ul style="list-style-type: none"> As per the land profile drawing, one of the main shed sliding doors faces due west. It is assumed that this door way will be used as the main un-loading / loading area. There is no mention of outside lighting for this area on the West side of the facility. Will there be lighting on the West side of the facility? 	<p>Council Officer Comments</p> <p><i>Light emissions from the shed must be contained within the boundary of the land. A condition on the permit will be necessary to ensure light does not cause a nuisance to the Waverly Cottages.</i></p>
<p>Q.3 Describe the number and type of vehicles per day that will access the land – including employees, delivery trucks, vehicles, etc.</p> <ul style="list-style-type: none"> Up to 5 cars carrying employees. Truck loads from 2 - 3/Yr ranging to 8 - 10 /Yr. Trucks ranging from a 40 ft semi-trailer to small flat tray. Produce being moved to market at a rate of 1 – 2 tons at a time on a ute and trailer. <ul style="list-style-type: none"> Roadway is believed to be a CAT V (local road) single lane gravel track primarily used for property access. Graded and pothole filled approximately once / Yr. Based on expected movements, there will definitely be an increase in traffic along Bowhill Road. The amount of produce destined to market is undeclared; therefore, the number of loads is unknown. The roadway has several tight turns and is not 	<p>Council Officer Comments</p> <p><i>A traffic impact assessment is not required.</i></p> <p><i>Bowhill Road is suitable for the proposed/anticipated car and truck movements. Bowhill Road has been used for agriculture and forestry practices for some time.</i></p> <p><i>No parking or unloading of vehicles should be permitted in the road reserve. Vehicles, including heavy vehicles, must enter and leave the property in a forward direction.</i></p> <p><i>It is recommended the permit contain conditions to this effect.</i></p>

<ul style="list-style-type: none"> • particularly suited to semi-trailer traffic. • The turning circle for a semi-trailer on site will also be interesting due to minimal boundary setbacks, allocated car parks for employees and a planted tree barrier. • Is a Traffic Impact Assessment required? • As a minimum, road maintenance will definitely need to occur more frequently on Bowhill Road. 	
<p>Q.4 Describe any activities on the land that may cause odour or dust emissions beyond property boundaries and method of controlling / minimising such impacts.</p> <ul style="list-style-type: none"> - <i>Video presentation claims that dust emissions are minimal and would be confined to within the shed.</i> - <i>Garlic odours will also be minimal as long as garlic does not get wet.</i> - <i>The shed and the fans are designed to keep garlic dry.</i> - <i>Garlic would typically only be in the shed during summer months when prevailing winds are from the North meaning any odour would be blown in a Southerly direction away from any near neighbours.</i> - <i>Trees planted along the road and neighbouring boundary will further minimise any odours or dust issues.</i> <ul style="list-style-type: none"> • The video presentation supplied by the applicant dated 12 March 2014, is of a '<u>Re-grading</u>' process. The '<u>Initial</u>' grading of garlic occurs post-harvest and is when the garlic bulbs still contain partial stems, roots and attached dirt/mud. The produce is passed through a rotating cylindrical screen where the garlic is semi-cleaned and stripped of stems, roots and dirt. This process is <i>extremely</i> dusty, dirty and generates the most pungent odour as the garlic is still in a semi-wet state. I have personally witnessed this process and from an OH&S perspective, respirators are an essential requirement as an absolute bare minimum. • The drying of garlic is a metabolic activity that consumes large quantities of O2 and through a self-heating process, generates CO2 	<p>Council Officer Comments</p> <p><i>There will be many days of the year that odour will not be an issue due to favourable wind direction and other environmental conditions.</i></p> <p><i>However based on the Development Application as presented to Council Officers, combined with several site visits and consideration of the serious concerns of the representation, Officers cannot accept that the drying and processing of garlic, is unlikely to cause any odour nuisance to the adjoining Waverly Cottages or impact future development and land use of other nearby land.</i></p> <p><i>The proposal to dry, brush and clean the garlic in the field will significantly reduce the impact of dust and odour at the development site.</i></p> <p><i>It will be necessary for the applicant to provide an expert and scientific impact assessment and operations and management plan specifically tailored for this land and operation and in consideration of the Waverly Cottages. This is necessary due to the close proximity to the Waverly Cottages and property boundaries.</i></p>

<p>concentrations that must be adequately dissipated using appropriate ventilation and a good supply of fresh air.</p> <ul style="list-style-type: none"> • I would strongly contest the assertion that garlic odours are <i>minimal</i> when it is drying. Allicin acid is always present when the garlic is being handled and processed, which as previously stated is responsible for generating the pungent, noxious odour. • The use of prevailing wind direction and trees is an extremely poor mitigation strategy to control/eliminate odour and dust pollution. Wind direction is always variable with changing weather patterns and advancing frontal changes, even in summer. The wind direction on the raised open knoll forms a continuous swirl pattern which is most prevalent around buildings. • The fact that garlic is being dried, processed, stored and packaged in the shed over summer months, also conflicts with the peak operating season for tourist accommodation. • There is a perception that garlic does not stink and that a visit to a local garlic producer in September will clarify this issue? Unfortunately the garlic sheds are mostly empty at this time of year and a true assessment is not possible. A visit needs to be conducted during the Dec / Jan period, post-harvest and during the drying/initial grading process. Only then will you appreciate the true levels of pungent odour, dust and noise. 	
<p>Q.5 State the proposed hours of operation and days of the week for the business.</p> <ul style="list-style-type: none"> - <i>Proposed normal hours would be 8am to 5pm, Monday to Friday.</i> - <i>May occasionally extend an hour either side.</i> • The operating tourist accommodation caters for all overnight, daily and weekly reservations. • It is anticipated that plant operating hours will impact on the comfort of patrons. 	<p>Council Officer Comments <i>The land is zoned rural agriculture. The intent of the zoning is to facilitate agricultural land usage. The proposed hours of operation and nature of the operation is acceptable during the proposed hours in the rural zone. The proposal to partially process the garlic in the field will reduce required hours of operation at the site.</i></p>

<p>Q.6 Describe the expected type and quantity of waste generated by the business and the method of disposal of the waste. Include information and storage of waste product.</p> <ul style="list-style-type: none"> - <i>The cleaning process removes dirt and dried vegetable matter as waste.</i> - <i>Waste is returned to the same paddocks, in the same Chep bins.</i> - <i>Waste consists of about 15% – 25 % of the volume of produce as delivered to the shed.</i> - <i>General waste will be stored in garbage bins on south side of shed – to be delivered to Oatlands Waste Transfer Station.</i> <ul style="list-style-type: none"> • The actual quantity of waste (ie. dirt and dried vegetable matter) has not been divulged. ie. 15 – 20% of what volume? • There is no detail as to how putrescent garlic is to be disposed of or stored. It is doubtful if Oatlands Waste Transfer Station would accept putrid waste. • With extremely strong winds common in the locality, waste bins will need to be adequately stored and secured. • Again, the close proximity to an operating tourist accommodation business, raises concerns of uncontrolled waste being scattered around the site, when the facility is left unattended. 	<p>Council Officer Comments</p> <p><i>Waste vegetable material and soil is a serious potential source of air and odour pollution that may impact the amenity of the adjoining land.</i></p> <p><i>Waste and by product must be removed from the land on a regular basis. This has been discussed with the Applicant. The Applicant can remove waste as regularly as possible.</i></p> <p><i>A condition to this effect must be included in the permit.</i></p> <p><i>Much of the waste material is to be returned immediately to the paddock during the in-field processing.</i></p>
<p>Q.7 Describe any process that may cause water run-off such as vehicle wash down area or other cleaning/washing procedures. Will any chemical or other hazardous material be used in washing/cleaning? How will water be trapped and treated before discharge in nearby waterways?</p> <ul style="list-style-type: none"> - <i>There are no wash down or cleaning processors on site.</i> - <i>Shed is drying shed.</i> - <i>Any moisture will interfere with operations.</i> <ul style="list-style-type: none"> • The submitted planning application is for both a shed and facilities. • Details of the exact facilities have not been stated, however, and absorption pit area drawn to the North of the shed in plans would suggest 	<p>Council Officer Comments</p> <p><i>The Applicants has stated, to Council Officers, that the garlic is harvested during dryer soil conditions. The garlic is then dry brushed to remove excess soil.</i></p> <p><i>In-field processing will return waste immediately to the paddock and reduce accumulation of waste matter at the development site.</i></p> <p><i>Excess soil and other plant matter at the site will be stockpiled and removed from the land as it accumulates. A condition to this effect must be included on the permit.</i></p> <p><i>Two Council Environmental Health Officers have attended this site. Both Officers are satisfied that the land has</i></p>

<p>that this is for a toilet and wash area to cater for the expected 5 employees. Is this the case?</p> <ul style="list-style-type: none"> • As the proposed building site is particularly low lying, has a history of flooding in 1960, 1976, 1986/87, 2008, is situated in a 'Watercourse Protection Special Area' and has very high underground water table as depicted by attached photographs of a water bore on the site, I would be most concerned as to how effluent from the absorption pit does not make its way into a sensitive watercourse? The fact that a man made water hole (40m x 18m and several metres deep) is positioned only 10m from the shed and 15m from the proposed absorption pit, directly downhill and at the centre of the protected watercourse, is a concern for underground water contamination making its way to the surface. Mitigation of this problem has not been addressed in this application and I would expect it be the subject of an On-site Wastewater Management Systems review involving a Site and Soil evaluation, the issue of a Special Plumbing Permit and ultimately Council approval. • There are a number of unresolved questions regarding ancillary services and structures. Eg. Crib room, toilets, sewage and treatment of sewage? • How will equipment/machinery be cleaned? • If water is not being used, will compressed air be used? 	<p><i>the size and capacity to treat onsite wastewater subject to the granting of a Special Plumbing Permit by Council and an acceptable wastewater design and report prepared by a suitably qualified person.</i></p> <p><i>Negative impact on the waterway is therefore unlikely.</i></p>
<p>General comments WRT application The application is incomplete and fails to provide detail in the following areas:</p> <ul style="list-style-type: none"> • Absorption pit <ul style="list-style-type: none"> ○ Type, size, positioning, impact on underground water contamination? • Toilet and wash facilities <ul style="list-style-type: none"> ○ How is waste stored / treated? ○ What odour will be generated? • Car spaces and positioning <ul style="list-style-type: none"> ○ Is the front boundary fence the actual property boundary? (There appears to be encroached onto the roadway). ○ Is there sufficient room for trucks including semi-trailers, to access the 	<p>Council Officer Comments <i>The dam must be constructed in accordance with the requirements of the Water Management Act 1999 and the Water Management (Safety of Dams) Regulations 2011. This legislation is enforced by the Department of Primary Industries Water and the Environment.</i></p> <p><i>The overflow is not located in the vicinity of the proposed shed.</i></p> <p><i>The application does not require a relaxation of the boundary setback standard.</i></p> <p><i>External lighting for security must not</i></p>

<p>site and turn around once trees have been planted and car parks built?</p> <ul style="list-style-type: none"> • Dam wall <ul style="list-style-type: none"> ○ Has an overflow runoff point been considered and included in plans? ○ Has an assessment been made on impact of dam wall failure, on proposed shed where employees will be working? • Security <ul style="list-style-type: none"> ○ Garlic is expensive/valuable and is often the target of theft. ○ The shed and facilities are located 20m from the roadside, in a remote and secluded area. ○ What security will be employed on site? (cameras, lights, high fences, etc) <p>Other noted points:</p> <ul style="list-style-type: none"> • Estimated cost to complete all proposed development works, including site works and labour = \$70,000. <ul style="list-style-type: none"> ▪ Is this a realistic value to move 1,000 cubic metres of clay over a period of a week to complete a dam wall, the hire of earthmoving equipment, construction of a 20m x 20m concrete slab and shed, driveways, car parks, toilets, absorption pit, sewage, plumbing and electrical work? • Existing use of property = Grazing + Cropping + Irrigation Dam. <ul style="list-style-type: none"> ▪ The property is primarily an irrigation dam. ▪ There is physically no space for cropping. ▪ There is no agricultural produce being grown on-site. ▪ Garlic is being transported on-site from various other locations in Tasmania. • As this application is incomplete, there are many unresolved questions, unknowns and uncertainties. <ul style="list-style-type: none"> ▪ This is a worrying point of concern 	<p><i>unreasonably impact the amenity of the adjoining Waverly Cottages or other person on adjoining land.</i></p> <p><i>The application contains enough information to satisfy the requirements of the planning scheme. However further expert information is essential to manage the day-to-day operation of the garlic drying and to demonstrate the garlic drying and overall operation will not negatively impact the health and amenity of persons on the adjoining land per the Environmental Management and Pollution Control Act 1994 and per the intent of the Resource Management and Planning System in Tasmania.</i></p> <p><u><i>Essentially this is the most significant issue for this Applicant and for Council to consider. That despite Council having to grant a permit under the Land Use Planning and Approvals Act 1993 for a permitted land use and development this does not then give immunity to run the business in contravention of environmental legislation.</i></u></p> <p><u><i>If the garlic drying causes air pollution that affects the health or unreasonably restricts others to use their land then the landowner will be subject to action by Council.</i></u></p>
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as to what is intended/will occur on-site, taking into account the applicants previous compliance history.

Closing Comments

The proposed development is to be built on a site which is extremely challenging with respect to:

- boundary setbacks,
- low lying flood plain and Watercourse Protection Special Area issues,
- proximity and impact on neighbouring property including business; and
- the difficulty to mitigate problems created by odour, noise, dust, traffic and late operations.

Under the Environmental Management and Pollution Control Act 1994, the following key points are applicable to this representation:

- o Pollutants can/do include – gas, liquid, solid (dust), odour, energy (noise and vibration) and waste.
- o Environmental Nuisance – is the emission of a pollutant that unreasonably interferes with a person’s enjoyment of the environment.
- o Environmental Harm – treated as material environmental harm, includes the actual adverse effects on the health and safety of humans, as a direct or indirect result of pollution.
- o Contents of Environmental Protection Policy
 - Details the minimum standards to be complied with in installation, operation of vehicles, plant or equipment for control of pollutants or wastes from specific sources or places.
 - Details the qualities and max quantities of any pollutant permitted to be released into the environment.

I have been informed by Council that this development application will be processed IAW the Southern Midlands Planning Scheme 1998, where the objective of the Scheme aims to minimise the potential environmental and land use conflicts, between different land use activities.

It is interesting to note that Southern Midlands

Planning Scheme 2015, as approved by the Minister for Planning and Local Government (Peter Carl Gutwein) on 20 Aug 2015 and which came into operation on 02 Sep 2015, introduced new 'Best Practice' measures that further extended boundary setback distances, so as to minimise conflicts between different land use activities. Due to the environmental sensitivities and challenges of this proposed development, I am surprised as to why 'Best Practice' is not being applied; which appears to be in conflict with the objectives of the Planning Scheme Policy, the Southern Midlands Strategic Planning Framework and the Environmental Management and Pollution Control Act 1994.

For rural zoned properties, ideally there should not be any discretionary relaxation of boundary setbacks for proposed new buildings. Altering the setback distances whilst dealing with an array of environment sensitive issues, will leave little room for error. Ideally a garlic drying, storage and processing facility is best suited for larger acreage, where impact on neighbours will be non-existent. The question remains as to why we are not applying 'Best Practice' measures to assess this application, knowing fair well that there exists a conflict with different land use activities?

Disappointingly, the operating tourist accommodation business was purchased from the applicants family 13 months ago where assurances were given that no development work would occur on the neighbouring site as the land space is predominantly a low lying irrigation dam, not suitable for building on. If the truth was known then, ##### (word omitted) would not have purchased this property/business.

In addition to the purchase cost, , ##### (word omitted) have spent in excess of \$190,000 on renovations and improvements, have connected to the Tasmanian Irrigation (Arthur Scheme) and have planted over 200 native trees. Having invested the majority of, ##### (word omitted) retirement funds into this business, , ##### (word omitted) determined to continue with the expansion and improvements. However, the viability of, *the* ##### (word omitted) enterprise is heavily dependent upon the outcome of this application.

To operate a garlic drying, processing and storage enterprise in such close proximity to tourist accommodation will have a significant and

detrimental impact on business. According to Tasmanian State Government policy, tourism represents the future in economic growth for the state and IAW the Southern Midlands Council Strategic Plan 2014 – 2023, (2.2.1), the aim is to 'increase the number of tourists visiting and spending money in the municipality'.

Essentially, any increase in the level of odour, dust, noise and vehicle traffic, would be outside normal customer expectations who are seeking comfortable accommodation and, therefore, would impact greatly on our business. The importance of positive reviews on social media is paramount to running a success business.

Suggested Solution:

As the actual garlic is not grown in location (ie. is transported in from other regions), and there exists a clear conflict between different land use activities, one would question the business need for why a garlic processing facility needs to be placed within 80 metres of an operating tourist accommodation business?

Would it be a more sensible decision to sell the current site, (which has very limited agricultural production capacity due to its size), and re-invest in a more appropriate location that is correctly zoned, has no challenging environmental site issues and has adequate boundary setbacks that do not impact on neighbouring properties? Once again, is this site appropriate for the type of business being proposed?

Similarly, is it fair and reasonable to expect neighbouring properties to put up with pollutants that impact your health, business, livelihood and enjoyment of rural living?

On a final note, I would invite all Southern Midland Councillors to visit this site to gain an appreciation of the issues involved, so as to formulate a true assessment of the impact to environment and neighbouring business.

SUPPLEMENTARY (POST MEDIATION) SUBMISSION	
Summary of issues raised	Officers comments
Confirmation that all objections/concerns raised in the initial representation remain current.	Noted
Specific response to para 2 - Concern that the proposed in-paddock processing will not fully remove dirt and waste vegetable matter and this will remain (albeit reduced) as an issue at the proposed shed.	Noted. The land is zoned for agricultural purposes. A certain amount of agricultural activity is expected within this zone. Conditions are recommended that address this issue.
Specific response to para 3 - The processing of garlic and other produce at the shed will still cause odour, dust, noise and waste at the site.	As above.
Specific response to para 4 – Disputes the assertion that the potential for odour and dust will be eliminated, particularly during inclement weather, although does acknowledge that these issues may be reduced.	As above.
<i>Other concerns:</i>	
Proximity to and impact on an already established, operating tourist accommodation business from noise, extent of activity and other unspecified processing.	This concern may well be justified. The tourist activity relies, and promotes itself, on the bucolic amenity of the location. The proposed shed and processing activities, in such close proximity, will likely have a negative impact on that amenity. However, the Planning Scheme offers no obvious mechanism for Council to take account of this in making its determination of the application.
Noting that 3 phase power is to be connected are there plans for steel fabrication activities intended for the site?	The proposal does not include steel fabrication activities. Any alteration of the proposed use would require either a new application or an amendment to the permit. However, it should be noted that there are many activities that could occur within the shed that would not require a further permit from the Council so long as they relate to agricultural activities.
Impact of congestion in a localised area.	There will be an increase of traffic movements in the locality. However these will still fall well within the capacity of existing infrastructure. The recommended conditions require a parking layout plan to demonstrate that there is adequate area for manoeuvring of vehicles and safe, practical entry and exit in a forwards direction. The available space may limit the size of vehicles that can access the site.

<p>Impact on privacy and rural vista.</p>	<p>There will be likely impact on the amenity and rural vista as seen from the adjoining visitor accommodation property. The access to the accommodation property is close to the activity and the proposed development is dominant in the principle outlook from the accommodation. The assertion that the proposed development will demean the visitor experience has merit. Conditions are recommended to limit this imposition but there will still be impact. It is noted that the Planning Scheme offers little authority for Council to consider these matters in its determination.</p>
<p>Impact on neighbouring property – the submission is sceptical that the proposed activities will be as benign as claimed.</p>	<p>Noted. The land is zoned for agricultural purposes. A certain amount of agricultural activity is expected within this zone. Conditions are recommended that address this issue.</p>
<p>Importance of positive reviews on social media and impact of negative feedback.</p>	<p>It is accepted as likely that the proposed development will alter the visitor experience and require that visitor expectations will need to be managed. The proposed development may well reduce the overall visitor experience and consequently reduce viability of the accommodation as currently promoted. However, the Council must make its assessment within the scope of matters set out in the planning scheme. This is not a matter for direct consideration under those standards.</p>

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 shed meets 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 proposal is to construct a 400m² colorbond shed in two (2) stages. The first stage is a 10m by 20m building. The second stage is 5m by 20m skillion addition to each side of the building. The wall height of the building is 4m with a maximum 4.7m at the apex of the structure.

The proposal is to locate the building 20m from the Bowhill Road boundary (frontage) and 21m from the adjoining Waverley Cottages shared boundary (side boundary). The proposed building and associated infrastructure is to be located immediately downstream of the dam wall. Although it is well clear of the overflow, the prudence of such a location is a moot point. It is however, not a matter envisaged by the planning scheme and not a matter that falls within the consideration under that planning scheme.

Similarly, the construction of a reasonably large working, agricultural building close to, and within the view-field of, tourist visitor accommodation is not complementary. However, the principle objectives of the planning scheme in this zone are aimed at protecting agricultural activities against development that may fetter them. There is little in the objectives of the scheme to protect non-agricultural development from the impacts of agricultural practices, irrespective of which was established first.

The representation raises concern with the visual impact of the facility on the surrounding landscape and the Waverley Cottages accommodation.

The proposal includes detail on further constructing the dam wall located to the east of the building. It is proposed that this will provide a physical barrier and mitigate impacts from the development. Dam works are not regulated by the Council; however, there is merit to constructing these works to further shield the development from the Waverly Cottages. It may be that the proposed development will limit the allowable capacity of the dam but that is a matter for the Department of Primary Industries, Parks, Water and Environment and not Council consideration. Completion of the dam will further attenuate the building and associated operations from the accommodation land use. The application states that the dam works will be completed prior to commencing construction of the building. Council Officers recommend a suitable condition, confirming this assertion, to ensure the dam enhancement works are completed prior to the commencement of structural building works.

The Applicant has suggested matching the colour of the shed with the colouring of the adjoining Waverley Cottages but has provided no colour schedule. Officers suggest, to best meet the standards of the planning scheme that the building is clad in a non-reflective muted colour that will ultimately blend with the landscape. The Applicant has agreed that they would accept any direction from the Council on the colouring of the shed.

The representation raises a concern the shed will detract from the rural vistas from the Cottages. The planning scheme does not offer the power to prevent the shed form being located on the site but it is reasonable to reduce its visual impact. It is therefore suggested the proposed shed be coloured in a low reflective muted tone that will be recessive to the landscape. Pre-painted metal cladding is available in a limited colour range but there are acceptable colours that are often used in modern design and planning where a building must blend in with a landscape. Colour selection can be incorporated into any approval conditions.

The proposed building is otherwise of a size and scale typical for a working rural environment. While nothing will completely eradicate impacts of this development on the adjoining visitor accommodation and residence, the proposed landscape plantings offer further assimilation of the building into the landscape.

Watercourse Protection Special Area

The purpose of the Watercourse Protection Special Area is to control erosion, pollution and undesirable changes in stream hydrology and to protect natural drainage functions and botanical zoological and landscape values of listed streams, rivers, lakes and wetlands in the municipal area.

The schedule applies to any land use and development that requires significant soil disturbance in a mapped watercourse protection area. Given the proposal is to locate part of the building, car parking and outdoor storage area in this watercourse protection area it is warranted that the Council have regard to the impact on the waterway.

- Council's Environmental Health Officer is satisfied an onsite wastewater system can treat and contain waste on the land without impact on the waterway subject to an appropriate wastewater design.
- A gravel hardstand area is a semi permeable surface that can absorb some water but will produce surface runoff during heavy or lengthy rainfall events. Ideally water should be distributed evenly from around the edges of this surface. This would allow a more 'natural run off' from the area whereby any sediment would be filtered by the surrounding pasture before entering any nearby drains or waterway. This is achievable and can be incorporated into approval conditions.

The proposal is considered an acceptable development in the watercourse protection area.

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. This Part of the Planning Scheme draws on the Intent of the Rural Zone and the relevant schedules to land use and development in the Rural Zone.

Services (water and sewer)

The 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 without impact on the nearby waterway.

The land does not have a potable town water supply. Potable water can be supplied via onsite tanks. Other water such as water to maintain the landscaping can be drawn from the dam or the onsite irrigation offtake valve. There is also a bore located on the land. There is ample water to service this development. The proposed development has limited demand for on-site water usage.

Parking and Access

There is currently a farm gate access to the land from Bowhill Road. The gate is located alongside the access to the Waverley Cottages. To reduce impact on the neighbouring amenity the applicant proposes to relocate the access approximately 40m south along Bowhill Road.

The access has an acceptable sight distance for the proposed use of the land and must be constructed 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 existing farm gate should be removed and fenced to prevent future vehicle movements from this location.

The land has sufficient area to allow for all onsite vehicle parking. However, there are limited options to allow adequate room for heavy vehicles to turn and leave the site in a forward direction and this has not been detailed on the plans. It is recommended that any permit include a condition that requires a parking and access plan to demonstrate vehicles and heavy vehicles can enter, park and leave the land in a forward direction without the need for a second access. This is a standard condition, routinely placed on permits where internal manoeuvring is not adequately specified in the plans.

Part 11.10.1 (xvii) - Adequate containment and/or treatment of noise, liquid, effluent and air pollutants on the site

This is a significant issue with this proposal. The proposed facility is located 21m, at the nearest point, from the shared boundary with the Waverley Cottages property and approximately 75m from the actual cottages/accommodation. For a proposal likely to generate odour from drying wet garlic this is a short attenuation distance. The proposal to dry and clean the garlic in the field will reduce these impacts.

The proposed treatment and control of odour from the garlic from December through to February is reliant on favourable wind and environmental conditions and a reliance on the garlic staying dry in transit and/or storage. Odour from other odorous vegetables such as onions and shallots is not mentioned in the application, however, given the application is for 'vegetable packing and handling' it is likely such vegetables may also be processed on the land at some stage. Such uses are permitted at the site without further reference to Council unless they have potential to impact on the waterway.

Further professional input from an appropriately qualified person will be necessary for Council to evaluate the true extent of air pollutants from the site over time. It is appropriate for the Applicant to provide a plan of management that addresses all sources of air pollutants, particularly odour, and identifies a series of solutions to adequately treat and contain such emissions within the boundary of the land should they occur. It is an acceptable practice elsewhere to require provision of monitoring reports at specified intervals.

It is recommended that a condition to this effect is included on any permit issued by the Council.

Environmental Management and Pollution Control Act 1994 & Environmental Health Officer Comments

Under section 20A of the *Environmental Management and Pollution Control Act 1994* a Council "must use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution". In this case it is possible that this development has the potential to cause pollution in the form of an environmental nuisance. That is, in this case if a strong garlic odour is omitted from the premises that unreasonably interferes with the occupants of neighbouring properties enjoyment of the environment, or is considered likely to do so, this would constitute an environmental nuisance.

If in future it is the opinion of Council that the development causes an environmental nuisance to neighbours the Council may choose to take action:

1. An Environmental Infringement Notice may be issued for each occasion that it is found that in environmental nuisance has occurred for 5 penalty units (currently \$770).
2. An Environment Protection Notice may be issued. This can be used to vary the conditions of the permit issued by Council so that the impact of the development is lessened on neighbours or to secure the general environmental duty of the proponent to prevent an environmental nuisance from occurring.
3. If an Environment Protection Notice was not complied with Council could choose to prosecute the person responsible for the activity in the magistrate's court. The maximum penalty that could be applied by a magistrate is \$154,000.

CONCLUSION

This report has assessed a Development Application for a proposed Industry (Rural) - storage and packing shed facility in a Watercourse Protection Special Area at Bowhill Road (CT 150772/3), Oatlands).

The Application received one (1) representation objecting to the proposal and raising multiple concerns. The primary concern is negative amenity and environmental impacts on the adjoining accommodation.

Council Officers have assessed the concerns of the persons that lodged the representation in this report and have recommended suitable conditions to be placed on the permit seeking to reduce the potential for land use conflict or environmental harm. This will include preparation of a monitoring and operational management plan that must be submitted for Council approval.

Access to the land will need to be improved for road safety and to minimise negative impact on Council Roads. Also a parking plan will need to be prepared that demonstrates the land has suitable room and capacity to allow for vehicle and heavy vehicle parking and turning.

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

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Planning Scheme 1998* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for an Industry (Rural) - storage and packing shed facility in a Watercourse Protection Special Area at Bowhill Road (CT 150772/3), Oatlands owned by Waverly Pty Ltd and that a permit be issued with the following conditions:

CONDITIONS

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings, the operational details (email dated 14/01/2016) and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) Before any work commences a schedule specifying the finish and colours of all external surfaces must be submitted to and approved by the Council's Manager of Development and Environmental Services. The schedule must provide for finished colours that are recessive to the natural rural landscape to minimise visual intrusion. The schedule shall form part of this permit when approved.

Construction of Dam Wall

- 3) This permit cannot be acted upon until the dam wall works, as depicted in the approved plans are completed. This work must be completed prior to the lodgement of application for a Building Permit for the storage shed (in accordance with the *Building Act 2000*).

Lighting

- 4) An external lighting plan must be submitted for approval by the Manager of Development and Environmental Services and must not cause a nuisance beyond the boundary of the land.

Landscaping

- 5) The developer must submit a landscape plan showing the areas to be landscaped, as detailed in the approved application. The plan must include the form of landscaping, plants species and a schedule of maintenance. The plan must be submitted, and approved by the Manager of Development and Environmental Services prior to the lodgement of an application for a Building Permit (in accordance with the *Building Act 2000*).
- 6) The landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of Council's Development Assessment Committee within six (6) months of the granting of a Building Permit.

Operational Management Plan – Odour and air quality control

- 7) The developer must submit an "air quality and odour management plan and impact assessment" as prepared by a suitably qualified consultant. The consultant must be approved by the Manager of Development and Environmental Services prior to the preparation of the plan.
 - a. The plan must detail and assess all sources of air pollutants and odours likely to be generated by the activity. The plan must include an odour modelling report.
 - b. The plan must detail all measures to treat, monitor and contain odour and air pollutants generated by the activity within the boundary of the subject land. The plan must address measures to prevent environmental nuisance beyond the boundary of the land.

- c. The plan must be prepared in specific consideration of the adjoining accommodation land use at 500 Bowhill Road Oatlands (CT131384/1) and to the satisfaction of the Manager of Development and Environmental Services:
 - d. The plan, including odour modelling, must be submitted and approved by Council prior to the lodgment of an application for a Building Permit.
- 8) All recommendations of the operational plan as required by condition 6 of this permit and any further requirements of the Council must be implemented by the developer during the operation of the activity.

Complaints Register

- 9) A public complaints register must be maintained and made available for inspection by a Council Officer upon request. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that environmental harm (including an environmental nuisance) has been caused by the activity:
- a. the time at which the complaint was received
 - b. contact details for the complainant (where provided)
 - c. the subject-matter of the complaint
 - d. any investigations undertaken with regard to the complaint; and
 - e. the manner in which the complaint was resolved, including any mitigation measures implemented.
- 10) The complaint records must be maintained for a period of at least 3 years.

Access

- 11) A vehicle access to the land 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. This may include the widening of the access to better allow for heavy vehicle movements.
- 12) 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.
- 13) The Developer is to contact the Manager, Works & Technical Services to arrange a site inspection within two (2) working days of completion of works.

Parking

- 14) A parking plan prepared by a suitably qualified person approved by the Manager of Development and Environmental Services must be submitted to Council prior to submission of an application for a Building Permit (in accordance with the *Building Act 2000*). The parking plan shall form part of the permit when approved and must include:
- a. all weather pavement details (gravel is acceptable),
 - b. design surface levels and drainage,
 - c. turning paths for all vehicles including heavy vehicles,

- d. dimensions
- e. the plan must ensure that all vehicle enter and leave the site in a forward direction
- f. all parking and associated access must be constructed in accordance with the approved parking plan.

Services

- 15) 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.

Storm water

- 16) 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

- 17) 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

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

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

- 19) 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.
- 20) 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

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

12.2 SUBDIVISIONS

Nil.

12.3 MUNICIPAL SEAL (Planning Authority)

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

Nil.

12.4 PLANNING (OTHER)

12.4.1 CONSIDERATION OF COMPLAINT: NOTICE OF SUSPECTED CONTRAVENTION OF THE PLANNING SCHEME PURSUANT TO SECTION 63B OF THE LAND USE PLANNING & APPROVALS ACT 1993 HUNGRY FLATS ROAD, TUNNACK

Author: SENIOR PLANNING OFFICER (DAVID CUNDALL)

Date: 15 MARCH 2016

Enclosure:

- Notice of Complaint

NOTE

The identity of the complainant has been kept confidential in this report.

BACKGROUND

Council has received a formal notice of complaint from a member of the public against Marius and Kristy Bujora at Hungry Flats Road, Tunnack. The notice was lodged on Boxing Day, Saturday the 26th December 2016 by a person that lives in the Mangalore area.

The complainant alleges the Bujoras keep chickens on their land, to produce free range eggs, and that they do not hold a permit issued under the *Land Use Planning and Approvals Act 1993*. The complainant alleges that the keeping of free-range chickens on the land for the purposes of egg production is "Intensive Animal Husbandry" under the Southern Midlands Interim Planning Scheme and would therefore require a permit.

The complaint is a formal notice pursuant to Section 63B of the *Land Use Planning and Approvals Act 1993*, and 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 by the Planning Authority.

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

THE COMPLAINT

In the notice, the complainant presented information obtained from the Bujoras Facebook page showing the owners business and images of chickens at Hungry Flats Road (see the attached document). The complainant states that the Bujoras are accredited egg producers by the Department of Primary Industries Water and the Environment (DPIPWE). The accreditation is a legal food health and safety requirement for persons producing and distributing eggs.

The complainant alleges the keeping of the birds for egg production is “Intensive Animal Husbandry” under the use class of “Resource Development”. The definition of such land use is defined as follows:

Resource Development

use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.

Intensive Animal Husbandry

use of land to keep or breed farm animals, including birds, within a concentrated and confined animal growing operation by importing most food from outside the animal enclosures and includes a cattle feedlot, broiler farm or piggery.

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

Council Officers visited the property and met with the Bujoras. The primary purpose of the investigation was to establish if the keeping of free-range chickens at Hungry Flats Road is “Intensive Animal Husbandry” or just “keeping and breeding of livestock”.

The Planning Scheme specifies that “Intensive Animal Husbandry” in the Rural Resource Zone, requires a permit. Such a permit would be considered at the discretion of the Council.

The “keeping and breeding of livestock”, in the Rural Resource Zone, per the Scheme, is a permitted land use.

Much of the land in the Rural Resource Zone in the Southern Midlands has been continually used for resource development. Council does not require a person to apply for a permit for ongoing “Resource Development” in this zone.

The Land

The land is a 19.3ha lot in the Rural Resource Zone. The land is accessed from Hungry Flats Road. The land contains open pasture, some remnant vegetation, a dwelling, outbuildings, internal tracks, vegetable gardens, fencing and other rural type improvements. The land is relatively flat with a minor water course traversing the middle of the lot.

Land Use Category

The keeping of chickens on this particular land, is best defined as the “keeping and breeding of livestock” and does not constitute “Intensive Animal Husbandry”.

Accordingly a permit from the Council is not required for the following reasons:

1. The owners keep 200 chickens on the land.
2. The chickens are regularly moved over this land by way of a movable fenced area and movable housing units.
3. The land available for the chickens to run and forage is 18 hectares of mostly arable land.
4. The land has water available for irrigation and drinking water for the chickens.
5. The land has the capacity to grow feed to support the operation.
6. It is evident, from speaking with the owners, and noting the establishment of fenced paddocks and examining historical aerial photographs that the land has been continually and historically used for agricultural practices including animal keeping and breeding.
7. There was no concentrated point source of pollutant discharge from the chicken enclosures and no evidence of land erosion or polluted surface flows entering waterways. In this sense the keeping of the chickens on this land cannot be regarded as “Intensive” as prescribed by the *Wastewater Management Guidelines for Intensive Animal Husbandry Activities* (Department Of Primary Industries, Water & Environment, June 2001).
8. Officers do not consider the stocking rates (birds per hectare available for free ranging), the size of the enclosures, the ongoing rotation of chickens over land of this size to be “...a concentrated and confined animal growing operation”.



Photo 1 - Photo shows all 200 chickens on the land.



Photo 2 - Panarama showing edge of chicken pen and the scale of the property.

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 alleged “Intensive Animal Husbandry” at land described as Lot 1 Hungry Flats Road, Tunnack:

- (a) It be determined that there is no contravention of the Planning Scheme;**
- (b) No charges be brought against the owners of Lot 1 Hungry Flats Road Tunnack;**
- (c) No planning infringement notice or planning enforcement notice be issued to the owners of Lot 1 Hungry Flats Road Tunnack;**
- (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

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

12.4.2 COUNCIL SUBMISSION – DRAFT TASMANIAN PLANNING SCHEME

Author: MANAGER, DEVELOPMENT & ENVIRONMENT SERVICE (DAMIAN MACKEY)

Date: 17 MARCH 2016

Attachments:

- Correspondence from the Tasmanian Planning Commission dated 11 March 2016.
- Information Sheet: Consultation & consideration of the draft State Planning Provisions

ISSUE

Opportunity for Council to consider and make a formal submission on the draft State Planning Provisions.

RELEASE OF THE DRAFT STATE PLANNING PROVISIONS FOR COMMENT

The State has formally released the draft State Planning Provision for the statutory 60-day public comment period. Refer attached correspondence from the Tasmanian Planning Commission and accompanying information sheet for details.

The State Planning Provisions will form the basis of the Tasmanian Planning Scheme, which is intended to be introduced in early 2017. It is therefore particularly important that Council takes this opportunity to consider the draft State Planning Provisions and provide comment on them.

In addition to each Council having the opportunity to provide its own comments, the Local Government Association of Tasmania is undertaking a process to develop a collective submission.

The public exhibition period closes on 18 May. It is therefore recommended that Council schedule an elected member workshop after mid-April, with a view to formally endorsing a submission at the Council meeting on 27 April.

PROCEDURE FOLLOWING CLOSE OF SUBMISSIONS

Following the close of the comment period, the Tasmanian Planning Commission will hold formal public hearings to consider the matters raised in the submissions. The Commission will then provide a report to the Minister for Planning making recommendations as to the final form of the State Planning Provisions. It is anticipated that they will be finalised in the third quarter of the calendar year. It will then be the responsibility of each Council, acting as the local Planning Authority, to draft its 'Local Planning Schedule.

The Tasmanian Planning Scheme will be made up of the State Planning Provisions combined with the Local Planning Schedule for each municipal area.

LOCAL PLANNING SCHEDULES

The Local Planning Schedules will include:

- Certain written provisions, such as Specific Area Plans, Particular Purpose Zones and some of the content of certain statewide codes such as the Local Historic Heritage Code.
- All mapping, including zones and overlays.

Whilst zone and code mapping are statutorily 'local provisions', this work will, in practice, be substantially directed by the State as the government will want to ensure it is done in a generally consistent way across Tasmania. It is unclear to what degree local Planning Authorities will be able to tailor the approach to mapping in their local areas to recognise local community desires and local policy positions of Councils.

As draft Local Planning Schedules are developed for each municipal area, they will also be subject to a statutory public notification process followed by public hearings at the Tasmanian Planning Commission, similarly to the State Planning Provisions process. Once a municipality's Local Planning Schedule is finalised, the Tasmanian Planning Scheme will come into force in that area and the relevant interim planning scheme cease operation.

PROPOSED COUNCILLOR WORKSHOP

The draft State Planning Provisions are 429 pages long and the accompanying explanatory document is 245 pages. This is a considerable amount of information to consider. It is therefore recommended that Council schedule an elected member workshop after mid-April, with a view to formally endorsing a submission at the Council meeting on 27 April 2016.

A copy of both documents will be provided to Councillors in good time before the workshop, either hard copy or electronic - depending on preference.

The documents are also available over the web at the Tasmanian Planning Commission website: http://www.planning.tas.gov.au/planning_our_future/draft_state_planning_provisions

RECOMMENDATION

THAT Council schedule an elected member workshop in April to consider the draft State Planning Provisions with a view to formally endorsing a submission at the next Council meeting on 27 April 2016.

DECISION

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

Attachments

TASMANIAN PLANNING COMMISSION

Our ref: DOC/16/15156
Officer: Marietta Wong
Phone: 03 6165 6810
Email: tpc@planning.tas.gov.au

11 March 2016

Mr Tim Kirkwood
General Manager
Southern Midlands Council
PO Box 21
OATLANDS TAS 7120

Email: mail@southernmidlands.tas.gov.au

Dear Mr Kirkwood

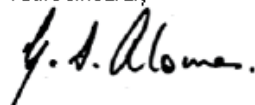
Invitation to Comment – Draft State Planning Provisions (SPPs)

The draft State Planning Provisions (SPPs) have been approved by the Minister for Planning and Local Government for exhibition under section 21 of the Land Use Planning and Approvals Act 1993 (the Act). The Commission must then consider the SPPs and report back to the Minister under sections 24 and 25 of the Act.

Council is invited to make comments in writing (or a representation) during the exhibition period from 15 March to 18 May 2016. Council's comments can be made by email to tpc@planning.tas.gov.au.

A copy of the draft SPPs and other relevant exhibition documents can be viewed and downloaded from the Commission's website at www.planning.tas.gov.au from 15 March 2016. If you encounter any difficulties in downloading the documents, please contact the Commission on 6165 6828 for assistance.

Yours sincerely



Greg Alomes
Executive Commissioner

Level 3, 144 Macquarie Street Hobart Tasmania GPO Box 1691 Hobart TAS 7001
Ph: 03 6165 6828 Email: tpc@planning.tas.gov.au
www.planning.tas.gov.au

Information Sheet 3/2016

Subject: Consultation and consideration of the draft State Planning Provisions

Purpose: To provide information about the Commission's process for consultation and consideration of the draft State Planning Provisions

Introduction

The Minister for Planning and Local Government has approved the draft State Planning Provisions (SPPs) for exhibition under section 21 of the *Land Use Planning and Approvals Act 1993* (the Act).

The Act requires the Commission to make the draft SPPs available for comment, then to consider the SPPs and report back to the Minister [sections 24 and 25].

Background

The Minister formed a Planning Reform Taskforce in 2014, which was given the task of preparing the Tasmanian Planning Scheme to provide a single planning scheme for Tasmania.

Amendments to the Act took effect on 17 December 2015 and provide a process for the introduction of the Tasmanian Planning Scheme.

The Tasmanian Planning Scheme comprises the State Planning Provisions (SPPs) and Local Planning Schedules (LPSs). The SPPs are confined to administrative, zone and code provisions, and specifications for LPSs. LPSs include Particular Purpose zones, Specific Area Plans, Site Specific Qualifications, zoning maps and overlays.

The Commission's present task is limited to consideration of the draft SPPs.

Consideration of draft LPSs will follow once Planning Authorities have prepared and submitted their LPSs to the Commission. Submission of the first draft LPSs is expected in late 2016.

Comments on the draft State Planning Provisions

Any person may make a comment in writing about the draft SPPs during the **60 day period commencing Tuesday 15 March 2016 and up until close of business Tuesday 18 May 2016** [section 22].

The draft SPPs can be obtained by downloading them from the Commission's website (www.planning.tas.gov.au) or viewing them at the Commission's office on Level 3, 144 Macquarie Street, Hobart during office hours.

Hard copies are not available but an electronic copy of the draft SPPs and other relevant documents can be provided on CD (free of charge) if you have difficulty in accessing the online versions.

The Commission is required to make available for viewing:

- the draft SPPs;
- the Minister's Terms of Reference;
- any explanatory document; and
- any incorporated documents [section 22(5)].

The Terms of Reference have been prepared by the Minister [section 17] and concern the draft SPPs. An explanatory document has been provided to the Commission by the Minister. Incorporated documents are external documents relied upon in the draft SPPs. They help interpret the draft SPP provisions.

The Commission's consideration

After the period for comments closes, the Commission has 90 days to consider the draft SPPs and report to the Minister. The Commission may request the Minister grant an extension of time to complete this task [section 25].

The terms of the Commission's consideration are set out in the Act [section 24] and include the need to consider the comments received. The Commission may hold public hearings as part of this task. If you have made written comments, the Commission will contact you about the next steps, including any hearings. Even if you did not make comments, the Commission's hearing processes are public and it will notify any hearings in the newspaper so that you may attend.

In its report to the Minister the Commission will make recommendations about the draft SPPs and advise the Minister if it considers the draft SPPs meet the criteria set out in the Act. This process includes scope for the Commission to make modifications to the draft SPPs and recommend a modified version to the Minister.

Minister's decision

The decision about whether to proceed with the SPPs and in what terms, is a matter for the Minister [section 26 and 27]. The Minister is required to notify his decision in the Government Gazette. The SPPs come into effect on the day they are notified in the Gazette [section 29].

The SPPs have practical effect only when there is also a LPS in effect for a Council area.

Further information

If after viewing the draft SPPs, the explanatory document (setting out the purpose of the draft SPPs) and other documents, you require further information about the content of the draft SPPs, please contact the Manager, Planning Policy Unit, Department of Justice by emailing planning.unit@justice.tas.gov.au.

Enquiries about the processes for consultation and consideration of the draft SPPs can be directed to the Tasmanian Planning Commission as follows:

Telephone: (03) 6165 6828
Email: tpc@planning.tas.gov.au
Website: www.planning.tas.gov.au

Greg Alomes

Executive Commissioner
Tasmanian Planning Commission

March 2016

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

13.1 Roads

Strategic Plan Reference – Page 13

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

Nil.

13.2 Bridges

Strategic Plan Reference – Page 14

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

Nil.

13.3 Walkways, Cycle ways and Trails

Strategic Plan Reference – Page 14

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

Nil.

13.4 Lighting

Strategic Plan Reference – Page 14

1.4.1a 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.

13.10.1 SOUTHERN TASMANIAN COUNCIL'S AUTHORITY (STCA) – REGIONAL WASTE MANAGEMENT ARRANGEMENTS

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 15 MARCH 2016

Attachments:

- Extract from the STCA Agenda – 2nd March 2016
- Extract from the Minutes of the Council Meeting held March 2015

ISSUE

Council to consider a recommendation from the Southern Tasmanian Councils Authority in relation to it performing the regional waste management function (in lieu of the Southern Waste Strategy Authority).

BACKGROUND

The future of the Southern Waste Strategy Authority has been the subject of debate for a considerable period. In the latter part of the 2015 calendar year, the STCA established a Regional Waste Management Strategy Group to consider the range of issues and options for regional waste management. The intention was for that group to report to the STCA in sufficient time to establish appropriate arrangements for the commencement of the 2016/17 financial year.

The Regional Waste Management Group was chaired by the Mayor of the Sorell Council (Kerry Vincent) and included nominated elected members and officers from member councils. Note: The Southern Midlands Council did not nominate a representative.

An extract from the Minutes of the Council Meeting held March 2015 has also been provided for further background information.

DETAIL

The Working Group has developed, endorsed and recommended to the STCA Board a set of Terms of Reference, schedule of activities and an associated budget with recommended council subscriptions.

Please refer to the attached documents.

In reference to the decision made at the March 2015 meeting (as shown below in italics), the following comments are provided:

[EXTRACT]

“Moved by Deputy Mayor A O Green, seconded by Clr E Batt

THAT:

- a) The information be received;*
- b) Council endorse Option 3 as its preferred option for 2015/16, primarily for the reason that this would maintain the SWSA as a legal entity, and ensure that a regional waste organisation continues to exist - at least until such time that there is full support for the STCA sponsored model; and*
- c) indicate its preparedness to support the STCA model on the proviso that all twelve southern Councils participate, and subject to the development of operating arrangements which provide for input by all Councils (at elected member and officer level); and*
- d) strongly advocate for any newly established ‘Waste Management Strategy Group’ under the banner of the STCA to have a sufficient level of delegation whereby it can progress initiatives and programs in a timely and efficient manner, provided they are within the allocated budget*

CARRIED

[END EXTRACT]

Dot point (c) – it is apparent from the discussion at the STCA meeting that all twelve councils will participate in the model, however each individual council is yet to formally consider the STCA’s recommendation. In terms of membership (and input), each member Council is to nominate an elected representative and relevant officers from member councils are also invited to attend.

Dot point (d) – the Waste Management Strategy Group will automatically have the authority to implement its budget and associated activities.

Human Resources & Financial Implications – Councillors will note that SMC’s annual subscription (being part of the total budget of \$150K) is \$2,400. This is a calculation based

on the size of each Council. The total budget is a reduction of approx. \$100K from the normal SWSA total budget, acknowledging that its budget was lower in 2015/16 to reflect its reduced activities.

Council's past contribution to the SWSA, based on quantity of waste disposed, was approximately \$2,400 per annum. This included Council's contribution to the Garage Sale Trail.

As part of the documentation, the Waste Management Strategy Group has recognised that the budget is modest, but then states that it provides an opportunity to deliver practical regional projects that the group felt were important as well as starting to look at bigger strategic regional waste management issues.

Community Consultation & Public Relations Implications – The budget does include amounts relating to school education programs; community promotions and the like, however would appear to be limited in scope given the nominated amounts.

Policy Implications – Policy position.

Priority - Implementation Time Frame – Arrangements to commence from 1st July 2016.

RECOMMENDATION

THAT Council endorse the proposal that the STCA host the Waste Management Strategy Group, noting:

- a) the Terms of Reference as endorsed by the Southern Tasmanian Council's Authority;
- b) the proposed draft Budget for the 2016/17 financial year and associated council subscriptions; and
- c) the proposed regional waste group activities for the 2016/17 year as endorsed by the STCA.

DECISION

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

Attachments

Terms of Reference – Waste Management Strategy Group

Overview

The Waste Management Strategy Group is a committee of the STCA Board, responsible to the Board.

The Waste Management Strategy Group is a standing committee of the STCA Board.

The Waste Management Strategy Group is established to facilitate strategic planning for waste management in southern Tasmania, and to implement operational activities outlined in the Southern Waste Management Strategy and the Regional Action Plan.

The functions of the Waste Management Strategy Group shall include:

- advocacy and engagement with the government, community and other organisations on waste management issues
- municipal waste minimisation programs
- waste stream control and performance monitoring
- establishment of a non-municipal waste minimisation program
- monitoring of residual waste treatment technologies
- infrastructure developments
- outlining regional landfill risk and resourcing issues
- education and marketing programs
- identifying opportunities to reduce greenhouse gas emissions
- represent the southern councils' views in the implementation of waste management processes at both a state and local level
- seek funding, resources and partnership opportunities with external sources including government and other organisations
- Other functions as determined by the STCA Board

Membership

The Chairman of the Committee shall be appointed by the STCA Board, once every two years. The remaining members of the committee shall be appointed by the Board based upon the nominations received from member councils.

The membership of the Waste Management Strategy Group should reflect the diversity of the member councils of the STCA Board and be constituted as follows:

- Chair (Board member of the STCA)
- A nominated elected level representative from member councils
- Relevant officers from member councils are also invited to attend

Each elected member representative on the Group is entitled to one vote on matters presented before the Committee for decision.

Landfill operators, including Copping, can be invited to attend the meetings as observers.

Private industry representatives are also invited to attend meetings for discussion on particular items as determined by the Group.

Other experts, guests or relevant stakeholders be invited to attend meetings on the request of the Group.

Secretarial support

The STCA will provide secretariat support to the Waste Management Strategy Group.

Quorum

The quorum necessary for the transaction of business shall be [7] members. A duly convened meeting of the committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the committee.

Frequency of meetings

The Waste Management Strategy Group shall meet at least quarterly during the year at appropriate times in the reporting, planning and budget cycle.

Other meetings can be called as required.

Notice of meetings

Meetings of the Waste Management Strategy Group shall be called by the secretary

Unless otherwise agreed, notice of each meeting confirming the venue, time and date together with an agenda of items to be discussed, shall be forwarded to each member of the committee and any other person invited to attend no later than [5] working days before the date of the meeting. Supporting papers shall be sent to committee members and to other attendees with the Notice of Meeting or on another day before the day of meeting, as appropriate.

Minutes

The secretary shall minute the proceedings and resolutions of all meetings of the Waste Management Strategy Group.

The Chair shall ascertain, at the beginning of each meeting, the existence of any conflicts of interest and have them minuted accordingly.

Minutes of committee meetings shall be circulated promptly to all members of the committee and, tabled at the next STCA Board Meeting , unless a conflict of interest exists.

Conflict of Interest

If a member of the committee has declared a conflict of interest it is the

responsibility of the Chair to ensure that appropriate actions are taken to ensure that the conflict of interest does not bring into question the propriety of decisions made by the committee.

Duties

The committee shall provide the most cost effective management and facilitation of:

- advocacy and engagement with the government, community and other organisations on waste management issues
- municipal waste minimisation programs
- waste stream control and performance monitoring
- establishment of a non-municipal waste minimisation program
- monitoring of residual waste treatment technologies
- infrastructure developments
- outlining regional landfill risk and resourcing issues
- education and marketing programs
- identifying opportunities to reduce greenhouse gas emissions
- represent the southern councils' views in the implementation of waste management processes at both a state and local level
- seek funding, resources and partnership opportunities with external sources including government and other organisations

Reporting responsibilities

Following each meeting of the Committee, the Chairman shall report formally to the STCA Board on the proceedings of the Committee at the next available opportunity.

The Committee may make whatever recommendation to the STCA Board it deems appropriate on any matter within its remit where action or improvement is needed.

The Committee shall recommend a budget and set of activities to be undertaken each year for endorsement by the Board and then be charged with the implementation of this budget and associated activities.

Public comment

While the Chair of the Southern Tasmanian Councils Authority (STCA) remains the spokesperson for the Authority, the Chair may delegate that responsibility to the Chair of the Waste Management Strategy Group for matters related to the duties of the Waste Management Strategy Group.

Draft 2016/17 Regional Waste Group Budget

The following is a budget of \$150,000, this is funded through pro-rata levies derived from council subscriptions based on the size of each council, in the same way and breakdown of subscription fees that are paid to the STCA. However, it doesn't rule out opportunities to seek funding from government or other sources to run projects.

This budget provides the new Group with sufficient funding to undertake waste management and mitigation activities as well as starting to look at larger strategic issues, whilst also allowing it to build its credibility with member councils. It is anticipated that over time as the Group delivers results the budget can be increased and further activities and projects undertaken.

It is also worth noting that this budget represents some savings from previous SWSA budgets as the duplication of items such as rent, CEO costs, auditor general fees, accountancy fees etc are only being paid once through the STCA Budget.

evenue	
Council Contributions	\$150,000
Total Revenue	\$150,000
Expenditure	
School Education Program	\$50,000
Communications/Promotion	\$25,000
Garage Sail Trail	\$15,000
Grants/Sponsorship	\$10,000
Administration Costs	\$10,000
- Meeting expenses	
- Printing	
- Stationery	
- Postage	
Projects	
Agriculture Hazardous Waste Collection	\$7,500
Household Hazardous Waste Collection	\$7,500
Development of Regional Waste Group Action Plan	\$2,500
Recycling bin contamination stickers	\$5,000
Study/Report into solution for major regional waste issue	\$15,000
Total Expenditure	\$147,500
Result (surplus)	\$2,500

Council	Contribution	% Amount
Central Highlands	\$2,400	1.60%
Glamorgan/Spring Bay	\$2,400	1.60%
Southern Midlands	\$2,400	1.60%
Tasman	\$2,400	1.60%
Brighton	\$7,700	5.18%
Derwent Valley	\$7,700	5.18%
Huon Valley	\$7,700	5.18%
Sorell	\$7,700	5.18%
Kingborough	\$18,600	12.40%
Clarence	\$30,240	20.16%
Glenorchy	\$30,240	20.16%
Hobart	\$30,240	20.16%
	\$150,000	100%

Proposed Regional Waste Group Activities

The following are a list of activities to be undertaken by the Regional Waste Strategy Group in 2016/17, some of these have an associated budget amount others will be provided through the secretariat support of the STCA CEO.

Of course this doesn't preclude the Group focusing on other activities as they arise throughout the year, or other items the CEO or smaller officer working groups may be tasked to investigate.

The activities are designed to strike a balance between practical regional projects and starting to look at longer-term strategic waste management issues.

Advocacy

There is strong support for the Waste Management Strategy Group to develop a strong advocacy program. This is extremely important as it ensures engagement with policy makers and political decision makers across all tiers of government. The advocacy program would include the new EPA Director attending two Waste Strategy Group meetings per year and the Minister for Environment, Matthew Groom MP also attending a meeting to outline the State Government's waste policy. Other opportunities for engagement and advocacy would arise throughout the year including membership on the State Government's Waste Advisory Committee, media activities and the CEO and representatives from the Group meeting with departmental staff and ministerial advisers.

School Education Program

The School Education Program has long been a successful activity of the regional waste group in southern Tasmania. This program has waste education officers conduct school visits to speak about a range of topics the importance of reducing and correctly disposing of waste, recycling and the impacts of littering. Over the past nine months this program has been delivered by officers from Glenorchy and Clarence Councils. This has been an effective model and the new body should look to continue this method of operation. An expression of interest would be opened to all councils to gauge capacity and interest in helping provide this service. School visits would be allocated around the region to ensure coverage across southern Tasmania.

Communications Program

A key role of the Regional Waste Group is to undertake communications and promotion of key waste minimisation messages. There is an opportunity to partner with the Northern and Cradle Coast waste bodies to partake in innovate cost effective communication programs. Preliminary discussions have taken place between the three bodies and the Cradle Coast Authority have identified an internal officer resource that will take the lead on many of the communication activities.

Garage Sale Trail

The Garage Sale Trail is a national program that promotes reuse, waste education and community building. All of the southern councils have participated in the Garage Sale Trail in recent years through the regional waste body. It is recommended that this commitment for 2016/17 continue, with the regional waste group providing half of the entrance fee. The Garage Sale Trail has also helped generate significant publicity for member councils and the region.

Grants/Sponsorship

The Regional Waste Body has traditionally set aside a small amount of funding each year to sponsor community events or provide grants for programs that are aligned with its core functions. The sponsorship and grants are another way to promote the regional waste groups message as well as acting as a promotional tool.

Household and Agricultural Hazardous Chemical Waste Collection

Previously the State Government and a product stewardship scheme provided funding for a household hazardous waste collection program. This was highly regarded by councils and the local community. In recent years the funding for this program has finished. Whilst there is a limited product stewardship program to accept more recently purchased agricultural products that need disposal, there is a very limited legacy waste collection program, unless the owner is prepared to pay a significant price. There is an opportunity for the regional waste group to partner with the state government and the proponents of this product stewardship program to ensure there is a household and agricultural hazardous waste collection program. This could also be extended to the north and north west waste group as well as external organisations with an interest in this area such as Taswater. The collection program would operate on a number of specified days per year at different landfills across the region. Community members would need to register to drop off items and a limit would be placed on the amount that could be collected. But this is a vital service that would deal with legacy household and agricultural hazardous waste.

Development of Regional Waste Group Action Plan

It is important that the Regional Waste Strategy Group has a clearly defined set of priorities and associated actions to help deliver results. Whilst the Blue Environment Report, completed a number of years ago acts as the key strategy document for the regional waste group, a more focused Action Plan needs to be developed to drive the Group's agenda. It is anticipated that this would mostly be completed by the STCA CEO, with the possibility of some assistance from an external resource. This Action Plan would start to focus the group on the key strategic waste and landfill issues in southern Tasmania and how the region can work together to deliver viable solutions for member councils.

Recycling Bin Contamination Stickers

The Group has identified that recycling bin contamination remains a major issues throughout the region. Through the development and production of some regionally consistent contamination stickers councils could start to communicate with property owners about appropriate contents of a recycling bin. With councils having greater capacity to quickly examine recycling bins, these stickers would be provided by the regional waste group and could be easily attached by council staff to a bin, encouraging a resident to reduce recycling bin contamination. An associated information flyer/leaflet could also be placed in the letter box to better educate and inform the resident.

Study/Report into Solution for Major Regional Impact Issues

There seems to be a number of similar major waste management issues facing each council across the region, these include stockpiling of scrap metal, E-waste disposal, large amounts of green waste, tyres etc. The group should identify the most prominent of these problems and have some external work undertaken to try and identify a cost effective regional solution. There are also opportunities through the regional waste group to look at regional issues such as joint tendering, procurement and collection.

Northern and North West Waste Group Cooperation

With regional waste bodies present in the north and north west of Tasmania, opportunities exist for far greater collaboration and working relationships. The Regional Waste Group should provide opportunities for elected representatives and council staff from each of these groups to gain knowledge and expertise from each other as well as looking at strategic issues that could benefit from collaboration and cooperation.

[Extract from Council Meeting held March 2015]

13.10 Waste

Strategic Plan Reference – Page 17

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

13.10.1 Southern Waste Strategy Authority – Future of a Southern Regional Waste Group

AUTHOR GENERAL MANAGER (T KIRKWOOD)

DATE 19th MARCH 2015

ENCLOSURE: SWSA – Correspondence dated 12th March 2015 (incorporates copy of the STCA’s Regional Waste Group Governance Paper)

ISSUES

Council to consider the enclosed Paper prepared by the Southern Waste Strategy Authority and determine its preferred option regarding the future of a southern regional waste group.

BACKGROUND

Following the withdrawal of Hobart City Council from Southern Waste Strategy Authority (SWSA), remaining Member Councils were polled regarding the future of SWSA and the great majority agreed to maintain SWSA in its then current format (excluding Hobart City Council) until 30th June 2015 and that a decision regarding the future of SWSA would be made prior to that date.

The SWSA has prepared the enclosed Paper, which includes a copy of the Southern Tasmanian Councils Authority (STCA) submission entitled ‘Regional Waste Group Governance Paper’.

DETAIL

In reference to the SWSA Paper, the Board feels that there are three possible alternatives, they being:

1. Wind SWSA up and return any remaining moneys to the current members.
2. Transfer the operations of SWSA to STCA and wind SWSA up and transfer remaining moneys to either STCA or current members.
3. Maintain SWSA as a separate legal entity and adopt a different method of operation and funding for 2015/16.

The Board has provided the following commentary on each of the alternatives:

Wind Up SWSA

This option clearly repudiates the undertaking given to the State and returns Waste Management Strategy to individual Councils. It would send a clear message to the State that Local Government is not united on Waste Management Strategy and would effectively repudiate the current agreement that LG has with the EPA, that a State Levy would be 100% hypothecated to waste management practices.

Sooner or later a waste levy will be introduced into Tasmania and if LG is split, the levy most likely would go straight into consolidated revenue and only a very small amount would be used to address waste management issues.

Strategically, it is considered that this would be a very risky option but certainly in the short term would return some funds to individual councils and eliminate the need for a contribution to a RWG in the future.

The Board is of the opinion that it would be shortsighted and premature to fold up a regional waste management group function in Southern Tasmania.

Waste Strategy to be administered within STCA

The proposal from STCA is attached is attached as Appendix 1.

Firstly it needs to be said, that the Board is not against this arrangement per se. The Board however is concerned that this proposal appears still to be in the conceptual stage.

This proposal is deficient in that it does not:

- i. Identify the basis on which contributions would be determined
- ii. Identify the quantum of contribution of funds by member Councils
- iii. Identify the activities that would be undertaken
- iv. Provide the opportunity for decision makers to meet regularly
- v. Specifically identify any savings which might be made
- vi. Indicate whether all 12 members of STCA support and are willing to fund the proposal

In addition it appears that “waste” would be subsumed within a “sustainability” portfolio and administered by a Committee of the Board which would make recommendations to the Board. Not all Councils would be necessarily represented on the Committee. All decisions of the Committee would have to be ratified by the Board.

It seems difficult to understand how the proposal as currently presented could fulfil the commitment that has been given to the State regarding a regional waste group’s capacity.

It has been mentioned that this is the model that operates in the north west of the State. This is not the case. The major differences are:

- The North-West RWG although housed within the Cradle Coast Authority, uses the CCA only as a postal address and to manage accounting.
- The NWRWG is entirely autonomous and manages the dispersal of the voluntary levy collected from the landfills.

- Dulverton Landfill Authority is contracted to provide all other services, manage contracts etc. for the NWRWG.
- The Board of CCA is not involved in the running of the NWRWG.

At this stage the Board considers that the STCA proposal has not been developed sufficiently to enable the Board or Member Councils to assess whether they could or would support this proposal.

The Board is further concerned that there is no clear indication that this proposal is supported by all Members of STCA and it is possible that some Members may not be prepared to contribute to the cost of a waste function and could in fact withdraw from STCA thus fracturing the political unity in the South.

The Board feels that STCA would need to place a fully costed proposal before its Members and obtain their agreement to this proposal before it could recommend that STCA and SWSA be combined.

Maintain SWSA as a legal entity

Although through unfortunate circumstances, the staffing situation which now exists, gives SWSA the opportunity to consider if there are other governance options which might fit the criteria.

It was quite clear given the declining volumes of waste going to Hobart and Glenorchy landfills and the likelihood of Copping being the only landfill in the south in the reasonably near future, that the funding basis of SWSA in the past was not sustainable into the future.

It would now seem that SWSA will have no employees after the 30th June 2015 and could look at other models of operation for 2015/16.

One model which could be considered, is the NRWG model where the Group is hosted within Launceston City Council. The NRWG has no employees and has an agreement with LCC which provides the services for a fixed charge.

Discussions have taken place and there is at least one Council which would be interested in participating in such an arrangement in Southern Tasmania for 2015/16. There may be others. It was however considered prudent to ensure there was at least one Council interested before suggesting this as an option.

In the past when Hobart City was a member, the annual contributions were about \$K300 p.a. This year the figure is about \$K223.

The CEO has prepared a budget for 2015/16 which would enable SWSA to operate at a reasonable level if hosted by a member Council without calling on Members for further contributions. It is assumed that hosting will involve, all accounting functions, all administrative functions such as agendas, minutes, telephone enquiries, correspondence and maintaining website and other similar activities. This budget is detailed below.

Hosting (Estimated at .2 FTE)	25,000
Accounting (finalize 2014/15)	5,000
Insurance	2,500
Garage Sale Trail	10,000
General Expenses	5,000
Available for activities (Media, schools and other projects)	70,000
Total	\$117,500

The Board is of a view that at this time option 3 is preferred because:

- i. It will enable LG in Southern Tasmania to continue to honour the undertaking that has been given to the State Government regarding the establishment and maintenance of a Regional Waste Group;
- ii. No contribution would be required from Member Councils in 2015/16;
- iii. It will enable continued representations to be made to the State Government regarding the waste levy. If the levy becomes a reality, then the legal framework of SWSA will remain and if the Government rules out a levy then a more informed decision can be made as to whether a RWG is even required;
- iv. SWSA nominates the Southern LG delegate to the Waste Advisory Committee. Our current nominee's term finishes in August 2015 and this will enable a replacement member to be nominated;
- v. It will enable STCA to prepare a detailed proposal addressing the items which are considered deficient in the current proposal and to obtain agreement of all Members of STCA to the proposal; and
- vi. It will enable Member Councils to assess whether the model proposed is satisfactory if during the year Members determine that SWSA should remain as a legal entity.

Comments / Discussion:

From the Southern Midlands Council's perspective, participation in the SWSA is at a minimal cost, being an annual levy of \$1,674, plus an additional \$741 payable for the Garage Trail initiative. For this level of contribution, the SWSA has provided significant achievements and recognition for the Southern Midlands in terms of promoting waste minimisation; and exposure through education and marketing programs.

Irrespective of the preferred option, it is apparent that there will be a significant reduction in resources available for the development and implementation of waste strategies, which is indicated by only a 0.20 FTE going forward. The question must be asked, is this sufficient to meet the primary objectives of either the current Authority; or the proposed duties detailed in the STCA Governance Paper?

Whichever option is adopted, the success of a regional organisation is reliant on all Councils being a member, and for this reason, the preferred option should be focussed on achieving full membership.

Based on the above, it is recommended that Council:

- a) adopt Option 3 as its preferred option for 2015/16, primarily for the reason that this would maintain the SWSA as a legal entity, and ensure that a regional waste organisation continues to exist - at least until such time that there is full support for the STCA sponsored model; and
- b) indicate its preparedness to support the STCA model on the proviso that all twelve southern Councils participate, and subject to the development of operating arrangements which provide for input by all Councils (at elected member and officer level); and
- c) strongly advocate for any newly established 'Waste Management Strategy Group' under the banner of the STCA to have a sufficient level of delegation whereby it can progress initiatives and programs in a timely and efficient manner, provided they are within the allocated budget.

Human Resources & Financial Implications – It is anticipated that SWSA will have about \$200,000 on hand at the end of 2014/15. The Board considers that it could operate quite successfully in 2015/16 without any call on contributions from Member Council in 2015/16.

Community Consultation & Public Relations Implications –Refer above comments.

Policy Implications – N/A.

Priority - Implementation Time Frame – The Board of SWSA will be meeting in the last week of April and Council has been requested to be in a position to advise on its order of preferences at that meeting (or submit alternatives). The Board has selected this time frame as it will still enable a Member to have sufficient time to withdraw from SWSA prior to the end of the financial year if it is dissatisfied with the outcome of this process.

RECOMMENDATION

THAT:

- a) **The information be received;**
- b) **Council endorse Option 3 as its preferred option for 2015/16, primarily for the reason that this would maintain the SWSA as a legal entity, and ensure that a regional waste organisation continues to exist - at least until such time that there is full support for the STCA sponsored model; and**
- c) **indicate its preparedness to support the STCA model on the proviso that all twelve southern Councils participate, and subject to the development of operating arrangements which provide for input by all Councils (at elected member and officer level); and**
- d) **strongly advocate for any newly established 'Waste Management Strategy Group' under the banner of the STCA to have a sufficient level of delegation whereby it can progress initiatives and programs in a timely and efficient manner, provided they are within the allocated budget.**

C/15/03/047/19995 DECISION

Moved by Deputy Mayor A O Green, seconded by Clr E Batt

THAT:

The information be received;

Council endorse Option 3 as its preferred option for 2015/16, primarily for the reason that this would maintain the SWSA as a legal entity, and ensure that a regional waste organisation continues to exist - at least until such time that there is full support for the STCA sponsored model; and

indicate its preparedness to support the STCA model on the proviso that all twelve southern Councils participate, and subject to the development of operating arrangements which provide for input by all Councils (at elected member and officer level); and

strongly advocate for any newly established 'Waste Management Strategy Group' under the banner of the STCA to have a sufficient level of delegation whereby it can progress initiatives and programs in a timely and efficient manner, provided they are within the allocated budget

CARRIED

Vote For	Councillor	Vote Against
√	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	

[END Extract from Council Meeting held March 2015]

13.11 Information, Communication Technology

Strategic Plan Reference – Page 17

1.11.1 Improve access to modern communications infrastructure.

Nil.

13.12 Officer Reports – Works & Technical Services (Engineering)

13.12.1 MANAGER - WORKS & TECHNICAL SERVICES REPORT

Author: MANAGER WORKS & TECHNICAL SERVICES (JACK LYALL)

Date: 17 MARCH 2016

ROADS PROGRAM

Maintenance grading is underway in the Clifton Vale area, progressing through to the Native Corners Road in week commencing 21st March 2016. The second Grader is working on Lower Marshes Road and will then continue to Crichton Road.

High Street / Esplanade, Oatlands – Corner Improvements – work on this project has been deferred following location and exposure of the old convict stormwater drainage system. An alternative design plan will be tabled at the meeting for discussion.

BRIDGE PROGRAM

The Swanston Bridge is now open and carrying traffic with guard rail barriers being installed in near future.

WASTE MANAGEMENT PROGRAM

All sites are operating well.

TOWN FACILITIES PROGRAM

General Maintenance is continuing.

QUESTIONS WITHOUT NOTICE TO MANAGER, WORKS & TECHNICAL SERVICES

RECOMMENDATION

THAT the Works & Technical Services 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 R Campbell	
	Clr D F Fish	
	Clr D Marshall	

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 Residential

Strategic Plan Reference – Page 18

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

Nil.

14.2 Tourism

Strategic Plan Reference – Page 19

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

Nil.

14.3 Business

Strategic Plan Reference – Page 20

2.3.1a Increase the number and diversity of businesses in the Southern Midlands.

2.3.1b Increase employment within the municipality.

2.3.1c Increase Council revenue to facilitate business and development activities (social enterprise)

Nil.

14.4 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.

Nil.

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 PROGRAM REPORT

Author: MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

Date: 17 MARCH 2016

ISSUE

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

DETAIL

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

- Submission of development application for the 70 High Street and Commissariat Project.
- Continued planning in conjunction with the Tasmania Fire Service for the events commemorating the 50th anniversary of the 1967 bushfires.
- Refining the Oatlands Commissariat and 79 High Street project plan and preparation of tendering documentation.
- Assessing and making recommendations re potential new Artist in Residence applications for Oatlands Gaolers residence via Arts Tasmania grants program.
- Research and development of wording for Heritage Highway 'tear off maps'.
- Providing guided tour of Kempton heritage day & coaching museum for Hobart Town First Settlers Association.

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

- Continued input into heritage aspects of various projects.
- Development of joint Centre for Heritage at Oatlands/Clarence City Council event for National Trust Heritage Festival in May, aimed at promoting built heritage, HESC etc.

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

- Finalisation of the first-half of 2016 course program.
- Development of a series of short courses to be run for building practitioners in conjunction with the Master Builders Association.
- Planning the implementation of the next 5x5x5 project module (Brighton Army Camp).

- Further discussion with project partners for sourcing of participants.
- Recruitment processes for 5x5x5 staff.

It is with sadness that Councillors are informed of the sudden passing, after a short illness, of Karen Bramich, Collections Officer for the Heritage Projects Program. Karen had been engaged by Council on a 1-day per week basis for the last five years, having been a volunteer for the program for the preceding 2 years. Amongst Karen's achievements was the data-basing, conservation and auditing of Council's archaeological and heritage collection as well as assisting in the facilitation of various volunteer programs. Karen leaves two children and will be sadly missed. She was farewelled with a memorial service at the Oatlands Supreme Court House.

RECOMMENDATION

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

THAT COUNCIL formally acknowledge the input that Karen Bramich has made to the Heritage Projects program over the last 6 years.

DECISION

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

15.2 Natural

Strategic Plan Reference – Page 23/24

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

15.2.1 LANDCARE UNIT, GIS & CLIMATE CHANGE – GENERAL REPORT

Author: NRM PROGRAMS MANAGER (MARIA WEEDING)

Date: 15 MARCH 2016

ISSUE

Southern Midlands Landcare Unit Monthly Report.

DETAIL

- The sale of Mahers Point cottage through the Expressions of Interest (EOI) has concluded and an assessment of the applications is in progress, with Council to make the final determination as to the future of the cottage.
- A funding application through the Midlands Tree Committee had been made to NRM South for \$5000 to assist landholders with further tree planting works.
- Weed works – Some Cumbungi in Lake Dulverton has been removed however a further sighting has now been reported. This will have to be dealt with next week.
- Helen Geard has been working with the Drum Muster program.
- Maria Weeding has been working following up the proposed sale of the Interlaken Stock Reserve. See separate report by the General Manager.

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 R Campbell	
	Clr D F Fish	
	Clr D Marshall	

15.2.2 LANDCARE UNIT – MIDLANDS TREE COMMITTEE BOOK PUBLICATION PROPOSAL

Author: NRM PROGRAMS (MARIA WEEDING & HELEN GEARD)

Date: 16 MARCH 2016

Attachments:

- Riddle of the Trees proposal
- Riddle of the Trees prologue – Draft 1

ISSUE

Councillors to consider and determine their level of support for a book proposal, following a presentation to the Council meeting.

BACKGROUND

In late 1983, the Midlands Tree Committee (Committee) was established. The organisation is run by volunteers and has been working with the community, including farmers, to assist with revegetation and bushland conservation, particularly integrating agricultural practices with environmental management. As part of celebrating more than 30 years influencing the landscape, the Committee commissioned Peter Hay and Tom Dunbabin to document the history of the Committee and its achievements. The committee is known to have had a positive and significant impact upon the southern part of the Midlands landscape.

In 2014 Peter and Tom completed a comprehensive report on the Committee's history. At the 30th year celebration it was decided that the report should be published into a book. Additional work was undertaken by Peter to convert the report into a document that could be published.

A number of Committee members were impressed with the "Fonthill" book and they contacted the publisher, Fred Baker. In September 2015, members met with Fred, Peter and Tom to discuss a range of options. It was determined that a chapter outlining in greater detail Aboriginal interaction with the landscape would be useful, and place the work of the Committee into context. Fred suggested that Bob Casey would be able to undertake the research and write the chapter required. The Committee history would then be published, after costs had been finalised.

In early 2016 the Committee was approached by Bob, Fred and Judy Tierney (Publishing Team) with a new proposal. Bob had undertaken the research and had become fascinated with the history of trees in the Midlands. He believed there were enough good stories and information to justify a book about all the trees in the Midlands (not just native trees).

The new proposal presented to a Working Group of the Committee was a book with a working title of *Riddles of the Trees*. The book would use key chapters from the Committee history document as the 'core' and wrap new chapters around this core. The new material would focus on everything from the history of the topiary, the Pioneer Avenue along the Midland Highway to pine trees being planted on Marys Island. The Publishing Team believes the book would appeal to a far wider audience, increasing the profile of the

Southern Midlands and enhance the understanding of iconic plantings such as the topiary and memorial trees.

The Working Group is open to pursuing the proposal subject to satisfactory financial arrangements and wider Committee membership endorsement. Peter and Tom have expressed a willingness to be involved with the publication process. The book would be 208 pages, hard back, high quality paper and with many colour photos. The Committee would hold copyright. Profit from the book would go toward further work by the Midlands Tree Committee, including continuing to develop the Dulverton Walking track. To date this track has enjoyed significant contributions from the Midlands Tree Committee. At this stage the book would be ready for distribution in the second quarter of 2017.

DETAIL

The Working Group, supported by the Publishing Team, are seeking Southern Midlands Council involvement for publishing a high quality book about trees in the Midlands. The Working Group are confident that the Publishing Team has the experience, skills and enthusiasm to deliver the book in accordance with their proposal. The Working Group has also taken advice from the Publishing Team about likely saleability, marketing and distribution channels.

Publishing a book on this scale however is still a significant undertaking for the Committee. The project is beyond the scope of what the Committee originally sought to undertake, however, the Working Group are of the opinion that if this 'new proposal' book is published, it will have wide ranging benefits for Southern Midlands. The Working Group would like Council to consider supporting the publication of the book to give it the best chance of proceeding.

It is felt that the contribution level should be decided after Judy Tierney and Bob Casey provide a briefing to Council. The contribution level could be in the form of any or combinations of the following: financial support, marketing on the Council web site, allowing the book to be sold at key locations like the Oatlands and Kempton Office and the Mill site, (with or without commission).

Human Resources & Financial Implications - This will be determined by the level of support Council may wish to provide. Further financial details will be provided at the Council meeting.

Community Consultation & Public Relations Implications - Further consultation on this proposal is planned. It is envisaged that the book would be a high quality publication generating positive public relation outcomes for the Southern Midlands and Council (depending on their chosen level of support).

Web site Implications - If Council select to support the proposal the final publication could be promoted on the Council website.

Policy Implications – N/A

RECOMMENDATION

THAT Councillors consider and determine their level of support for a Midlands Tree Committee book proposal, following a presentation to the 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 R Campbell	
	Clr D F Fish	
	Clr D Marshall	

Attachment

RIDDLES OF THE TREES



A PUBLISHING PROPOSAL FOR THE MIDLANDS TREE COMMITTEE

Riddles of the Trees

THIS IS the working title for a book proposed by Judy Tierney, Bob Casey and Fred Baker. At the core of the book is rural tree decline in the southern Midlands. What are the causes? And what can be done to fix the problem?

Bob started researching about three months ago on the vague understanding that a prologue was needed for a *Fonthill*-style book based on a history of the Midland Tree Committee, written by Peter Hay and Tom Dunbabin. Bob quickly became fascinated by Aboriginal firestick farming, which created ideal conditions for European sheep farmers. As James Boyce wrote in *Van Diemen's Land*:

'The removal of the people who had been central to the ecology of the island for such a long period—three times the length of the human occupation of Britain—must have had multifarious impacts which are beyond the capacity of history, and even science, to explain.'

Bob says he would have stopped at this point had he not read that George Augustus Robinson saw large numbers of dead trees around Oatlands in 1831. Thirteen years later, Anna Maria Nixon wrote about dead trees at Spring Hill, and, also in 1844, this intriguing letter was published in the *Colonial Times*.

'SIR, Can you, or either of your scientific readers account for the very general and rapid decay of the gum trees throughout the island, which are evidently giving way in every direction to the wattle. For miles along the road, from hence to Launceston, not a live gum tree is to be seen; they are all dead, and falling rapidly to decay, whilst the wattles spring up in their place, covering the ground. Is this occasioned by a change of the atmosphere, in consequence of artificial drainage, and the opening up of the forestland to the rays of the sun, and gales of wind, or what is the cause? It is really not an unimportant question, and it is a fact apparently remarkable, and worthy of notice by those who do not move through the world with their eyes shut. Pray don't publish this letter without giving an opinion as early as you can. If you cannot describe the cause, ask one of your Royal Society friends to inform you. They of course are all learned in the laws of nature, which, I am sorry to say, I am not, being only an IGNORAMUS.
Hobart Town, Oct 1, 1844.'

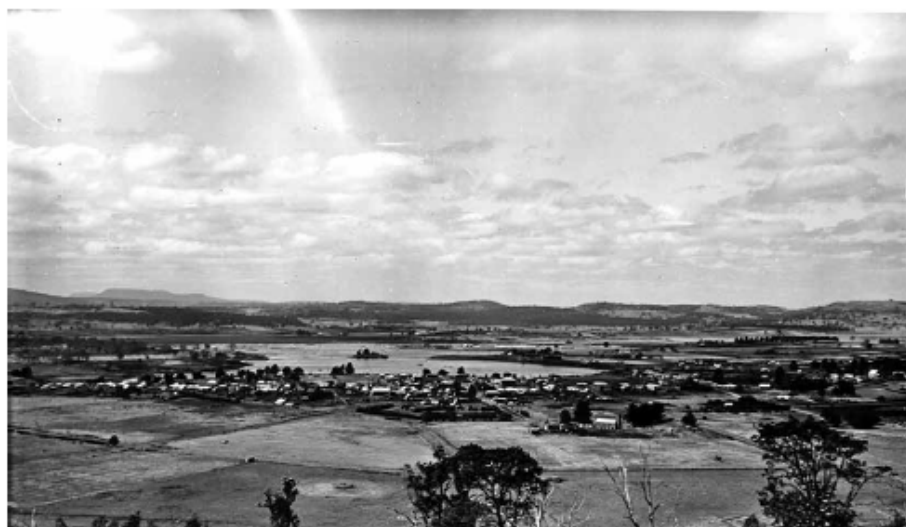
It seems that rural tree decline is not a new phenomenon.

Soon after, Bob made another interesting discovery while trawling through old newspapers on the Trove website. Around 1873, Charles Burbury, Albert Jillett and Tom Fish walked or waded out to Mary's Island in Lake Dulverton and planted a pine tree. The story was told sixty years later:

Tree-Planting Plans For Oatlands

'Steps are being taken to beautify Oatlands and environs by the planting of more trees. In recent years many have been planted at the Oatlands area school, in the Church of England grounds, and by the Oatlands Council in Gay St.

'The Oatlands Tourist and Progress Association has become interested, and has arranged to plant trees in the Lake Dulverton reserve. Many individuals, too, are keen tree-planters. Among these there is none more enthusiastic than the octogenarian Mr



Charles Burbury, of Bowden, Jericho, who has planted trees continuously throughout his life. As a boy he planted them at his home. When a pupil of the Oatlands Grammar School, he and schoolmates were often on the island in Lake Dulverton, and spoke of planting trees there.

For many years the island had only one tree, a eucalypt, which eventually fell. With two old friends, Mr Burbury adopted the idea of planting, and started with a *pinus insignis*, which is now a large tree. It was always referred to as 'Albert Jillett,' as his hands planted it. Albert Jillett and Tom Fish, old residents of Oatlands, long since dead, will, always be remembered for their help in establishing trees. Some of the trees planted on the Island are growing. There are about a dozen good, healthy ones, including some attractive willows. Mr Pennicott planted a wattle there which has spread and multiplied.

Mr Burbury and Mr J Dickenson recently rowed to the island and cleaned it. Trees were put out of danger of fire, and the land was prepared for the planting of trees in the Spring, when it is planned to set out 50 eucalypts, and so make a bright plantation. The venture has been entirely private, but no doubt will arouse the interest of future generations and foster in them the desire to beautify their surroundings with trees. The Oatlands Council, which is becoming more and more 'tree-minded,' will assist in this direction.

—*The Mercury*, April 28, 1943

Charles Burbury, Albert Jillett and Tom Fish started a long and proud tradition which has been continued by members of the Midland Tree Committee. We think their contribution should be recognised with an appropriate sign on the foreshore next to Mary's Island. There are many unanswered questions about trees planted in the Midlands on special occasions. For example, what happened to the fifty trees planted in Oatlands in 1902 to celebrate the coronation of Edward VII? Also, what happened to the oak trees planted by the Duke of York (later George VI) at Mona Vale in 1927 from an oak tree planted in the same location in 1868 by the Duke of Edinburgh, second son of Queen Victoria?

The story of the long-forgotten Pioneer Avenue is worthy of a separate chapter. How many Tasmanians know that thousands of foreign and native trees were planted in clumps and rows discontinuously from Hobart to Launceston in the late 1930s?



A large number of those trees are still alive, most noticeably at St Peter's Pass where there is a very inadequate memorial. A study of the remaining trees would provide useful information about trees best suited to the harsh conditions in the southern Midlands.

Bob's next major discovery was this item which appeared in *The Mercury* in 1947:

'An architecturally-inclined tree barber, who has been at work on the shrubbery, trees, and foliage that line St Peter's Pass, near Oatlands, is responsible. I am told, for converting what was an uninteresting few miles of roadway into a stretch that may soon vie with Melbourne's St. Kilda Rd for pride of place as the best kept scenic road in the Commonwealth. The man who has been cutting the St Peter's Pass trees has earned the praise of hundreds of regular Hobart-Launceston motorists who have noticed the change. I am told that he is not content with simply cutting back the trees. He goes to great pains to mix art with his work, and, while offending boughs that tend to threaten telegraph wires are removed, they are cut in such a way that road users pass between avenues of symmetrically shorn foliage. It should be an idea worth fostering in other parts of the State.'

Who was the mysterious tree barber? It wasn't Jack Cashion, because he did not start work until the early 1960s. Joan Cantwell from the Oatlands History Room has identified a likely candidate.

The History Room has a large number of photographs showing large pine trees in the main street of Oatlands; a series of photographs show various numbers of trees on Mary's Island; and there are some amazing aerial photos showing huge pine trees at the recreation ground and around St Peter's Anglican church. As well, there are paintings by John Glover and Joseph Lycett which show the impact of the Aborigines on the landscape.

In short, there is a wealth of material for a book with the same production values as *Fontwell*, which, as far as we know, has nearly sold out. *Riddles of the Trees* would have much wider appeal and we are confident that at least 2000 copies could be

sold at \$70 each. Judy's media contacts will be of great help with this and she also intends to use the Oatlands community radio station to encourage local people to contribute information and images.

Judy Tierney
Bob Casey
Fred Baker

- ◆ The contents page attached will give some idea of how the new material can be combined with the Hay/Dunbabin MS, which we suggest should be posted on the internet so that everyone can read the full history of the MTC.
- ◆ There are many opportunities for MTC members to become involved in the book project through research, interviews and on-site inspections.
- ◆ Authors credited will be Peter Hay, Tom Dunbabin, Judy Tierney and Bob Casey.

Riddles of the Trees

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Prologue: The Ecology of the Southern Midlands

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Riddles of the Trees

PROLOGUE – FIRST DRAFT

FIRST DRAFT

PROLOGUE: Firestick Farmers

When the first Aborigines walked into Tasmania more than 34,000 years ago there were few trees in the eastern half. By around 12,000 BP, those regions were much less arid and the Aborigines roamed widely through the southern Midlands, firing the bush as they went. It is only recently that the long term consequences of that firing have been properly understood.

Caves in south-western Tasmania show occupation lasting more than 20,000 years. During much of that time, the eastern regions had desert vegetation and shifting sand dunes. By about 12,000 BP, the southern Midlands had become much more hospitable and from then on there is clear evidence of Aboriginal occupation and trees.

CAPTION: Tasmania was severed from the mainland when Bass Strait was formed about 10,000 years ago

After comparing records with a New Zealand site on the same latitude, Professor Bill Jackson concluded that Tasmania's complex vegetation was in a state of 'disclimax' that was best explained by fire disturbance. In *The Tasmanian Legacy of Man and Fire* (1999), he wrote: 'The Aborigines used fire extensively as a tool, to advertise their presence to others, to flush animals out of cover, to combat enemies and to systematically burn patches of vegetation in a controlled manner to create green pick grazing for herbivores, thus ensuring future hunting success.'

SIDEBAR The term 'firestick farming' was invented in the 1960s by archaeologist Rhys Jones who spent a lot of time excavating in Tasmania. He chose the word farming deliberately, it seems, because many people kept insisting that Aborigines had trod lightly over the continent. On that false basis the first Australians were dispossessed and the continent was declared terra nullius.

Eucalypts survived Aboriginal firing practices remarkably well, especially in areas with clay-rich soils. As time went on, some species became almost completely dependent on fire. Regular cold burning also encouraged large areas of non-forest vegetation.

'When the free settlers arrived, they found the eastern half of the island with extensive open savannah grassland tracts in the Midland graben and other major valley systems,' Jackson wrote. 'These tracts were rapidly taken up, since little or no clearing was necessary to start a grazing enterprise. It is clear that the openness of the vegetation was the product of patch-burning by the Aborigines.'

Jackson claimed the incidence of fire in Tasmania was overwhelmingly due to human activity. 'Lightning-induced fire is rare, unlike in mainland Australia,' he wrote. 'An analysis of the wildfire records shows that the incidence of fire resulting from lightning

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PROLOGUE – FIRST DRAFT

strikes is very small and the area thus burnt is also comparatively small since rain usually accompanies electrical storms in Tasmania.’ Because of climate change, the state is now experiencing many more fires started by lightning.

Interestingly, Jackson hypothesised about what low rainfall areas, like the southern Midlands, would look like today if Tasmania had truly been terra nullius. ‘In the absence of fire produced by humans, a very different pattern of vegetation would have existed,’ he wrote. ‘The vegetation would be an almost complete forest cover of sclerophyll (with) narrow corridors of rainforest communities in gullies and in very protected polar-facing aspects.’

So, according to Jackson, it was the intelligent use of fire by allegedly primitive people which laid the basis for Tasmania’s economic prosperity, enabling the Europeans to run sheep on open grasslands - and all the Aborigines got in return was oppression leading to genocide.

Bill Gammage reached similar conclusions in *The Biggest Estate on Earth* (2011): ‘Today almost everyone accepts that in 1788 people burnt random patches to hunt or lure game. In fact this was no haphazard mosaic making, but a planned, precise, fine-grained local caring. Random fire simply moves people’s guesses about game around the country. Effective burning, on the other hand, must be predictable. People needed to burn and not burn, and to plan and space fires appropriately.’

Vic Jurskis had a wider perspective in his 2005 report titled ‘Decline of eucalypt forests as a consequence of unnatural fire regimes.’ ‘Fire was an integral part of the Australian environment before European settlement,’ he wrote. ‘The conventional view of fire as a “disturbance”, and the misconception that “natural succession” occurs in the absence of “disturbance” to eucalypt ecosystems, cause much confusion about eucalypt forest decline. Natural fire regimes stabilised eucalypt ecosystems so that they were self sustaining, whereas post-European interference has substantially changed the environment, initiating unnatural ecosystem processes. Eucalypts are declining whilst many of their arborescences and competitors are proliferating.’

CAPTION: Many trees were collaterally damaged during the so-called Black War in the late 1820s. Aborigines used fire as a weapon in well-organised terror campaigns. To lessen the risk of surprise attacks, settlers in outlying areas were advised to clear trees around their huts.

The views expressed by Jurskis, Jackson and Gammage have recently been challenged by Scott Mooney from the University of New South Wales. After a comprehensive study of charcoal deposits in Australia and New Zealand, Mooney claimed Aborigines used fire selectively at a local scale. He also claimed that fire activity intensified when the Europeans arrived. ‘We’ve put the firestick in the wrong hands,’ he told the *Sydney Morning Herald* (December 6, 2010). ‘The firestick shouldn’t be in Aboriginal people’s hands. It’s really a European thing.’

Further research may support Mooney’s claims in relation to the mainland but we think theories about firestick farming are relevant to the southern Midlands because the paleontological evidence is well supported by historical accounts. George Augustus

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PROLOGUE – FIRST DRAFT

Robinson, who travelled widely with his native friends, made numerous references to them firing the bush.

Robinson made this diary entry in northern Tasmania on July 17, 1831: 'All the country fifteen miles inland from the coast had been burnt and is good hunting ground, but it is evident that only a small remnant of this once formidable race of aborigines remains. My sable companions frequently asked me what had become of the natives, as they had not discovered any traces of them.'

CAPTION Tasmanian Aborigines climbing trees (Getty image)

Accounts of Aboriginal fires date from 1642 when Dutch explorer Abel Tasman observed dense smoke from fires which he thought were lit by giants. Tasman also saw trees 'standing so far apart that they allow a passage everywhere, unhindered by dense shrubbery or underwood.' That land is now thickly forested.

BREAK

One year after Tasmania's catastrophic 1967 bushfires, Bill Jackson outlined his ecological drift theory which has been debated by botanists ever since. The theory tries to explain how fires can, over long periods of time, change the boundaries between rainforests, dry forests and grasslands. Several studies have shown the theory holds up well in parts of the south-west but more research needs to be done in dry areas like the southern Midlands.

CAPTION: Professor Bill Jackson

Jackson, who died in 2002, admitted it was not possible to show experimentally that his theory was correct. He also acknowledged that 'because of the apparent static nature of the community boundaries at present, it is still difficult to understand how such extensive areas of disclimax vegetation could arise in even 34,000 years. Changes to the physical structure of the soil and its fertility seem even less likely to have occurred within this timespan.'

Faced with a dilemma, Jackson suggested a much earlier date for the Aboriginal occupation of Tasmania, 70,000 years BE. Unfortunately, carbon 14 dating is wildly inaccurate in the South-West because of humic acid in the peaty soil. Unless a new method is found we may never know if Jackson was correct.

When the Europeans arrived in 1803, the Oyster Bay tribe was the largest of the island's nine tribal groups with territory stretching from the Tasman Peninsula up the East Coast to St. Patricks Head, and westward as far as the Jordan River's upper reaches. After wintering on the coast, the five southernmost bands would move into the southern Midlands at the end of August, returning to the coast the following June.

At St. Peter's Pass, there was a boundary with the Northern Midlands tribe which consisted of at least three groups, including the Stoney Creek people. Lyndal Ryan has estimated a population of less than 400 for the entire tribe, the lands of which extended all the way to the mouth of the Tamar River. The Northern Midlands people had extensive dealings with their neighbours but, according to Ryan, those dealings were not always harmonious.

Riddles of the Trees

PROLOGUE – FIRST DRAFT

CAPTION Map showing boundaries of the Aboriginal tribes

On the other hand, the landlocked Big River Tribe had amicable arrangements with the Oyster Bay bands and they foraged in each other's territories. From the Ouse River, the Big River people also roamed north towards the Blackman River and south as far as the Derwent River. There was no permanent inhabitation in the southern Midlands but there was plenty of activity.

In 1968, archaeologist Harry Lourandos excavated Aboriginal sites around Lake Dulverton at Oatlands, Crown Lagoon at Lemont and Grimes Lagoon near Tunbridge. Summing up, he wrote: 'The East is a blanket of artifacts and artifact assemblages stretching from the coast to moorland over 3000 feet on the Central Plateau. Implement scatters are detected in ploughed fields, along the eroded perimeters of inland lakes and marshes, and are stratified in sedimentary deposits alongside water-courses.'

The Big River tribe reportedly numbered fewer than 600, out of an estimated island population of between 5000 and 7000. Their last corroboree was performed outside the Castle Hotel in Bothwell on January 5, 1832. In Oatlands, Aborigines reportedly danced among the trees where the Church of England now stands.

BREAK

In 1811 and 1821, New South Wales governor Lachlan Macquarie completed overland journeys between Hobart and the northern settlement at Port Dalrymple. Like today's motorists on the Midlands Highway, he traversed a series of plains.

From Spring Hill, Macquarie rode northwards across Woodford Plain, part of which was later named Fourteen Tree Plain. On the other side of Lemon Hill, named after a bushranger of that name, Macquarie crossed Westmoreland Plain close to where Oatlands is now. Beyond St Peters Pass were the York Plains, and near Tunbridge were the Salt Pan Plains, where the governor stopped to have a taste. He did not meet any Aborigines but saw plenty of smoke from their fires.

CAPTION: Governor Lachlan Macquarie

CAPTION: The treeless Salt Pan Plains, depicted by Joseph Lycett in the 1820s, are almost unchanged today. (Plus Jericho Plain)

The plains crossed by Macquarie were not all the same. The Salt Pan Plains had been treeless for thousands of years while the plain around Oatlands was almost the complete opposite. In 1811, the governor described a 'jungle' at nearby Macquarie Springs, one of many places he named after himself. Ten years later he was impressed by the land next to Lake Dulverton: 'This a very eligible situation for a town,' he wrote, 'being well watered and in the midst of a rich fertile country'

Further south, an early settler at Jericho, Dr John Hudspeth, was well aware that Aboriginal burning had shaped the landscape. Significantly, he described the plain near Lake Tiberias as 'more like a gentleman's park in England, laid out with taste, than land in its natural state.' Twenty years earlier, Lieutenant John Bowen had described the banks of the Derwent River as 'more like a nobleman's park in England than an uncultivated country'

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As Bill Gammage observed, the words chosen by Hudspeth and Bowen were very revealing:

‘Trees planted as if for ornament, alternating wood and grass, a gentleman’s park, an inhabited and improved country, a civilised land. Much of Australia was like this in 1788. After “bush”, a word from southern Africa, the most common word newcomers used about Australia was “park”. This is striking, for (two) reasons. First, “park” was not a word Europeans elsewhere associated with nature in 1788. Until “national park” was coined in the United States much later, a park was man-made. Second, “park” did not mean a public park as today, for few existed in Europe in 1788. It meant parks of the gentry, tastefully arranged private estates financed by people comfortably untroubled by a need to subsist.’

CAPTION: Parts of Bowsden, now owned by Charles and Stephanie Burbury, have not changed much since 1823 when Dr John Hudspeth described the Jericho plain as ‘like a gentleman’s park.’

Governor Macquarie was accompanied in 1821 by surveyor George Evans who later wrote this description of the York Plains north of Oatlands: ‘Without an actual survey, the mind is not capable of conceiving the grandeur of the scenery here displayed. Sloping valleys, formed by numerous hills, four of which are nearly at equidistant points from each other, of about 200 feet in height, present one of the most beautiful landscapes imaginable.’

Evans was an accomplished artist and it is almost certain that some of his sketches were copied by the convict artist Joseph Lycett. Despite never setting foot in Van Diemen’s Land, Lycett showcased the colony in a series of paintings which were published in London from 1824. His pastoral scenes were specifically designed to entice English migrants, but some of them are surprisingly accurate. Forget the foregrounds and look at the hills, valleys and plains in the distance.

DOUBLE PAGE SIDEBAR: A recent photograph shows that John Glover’s ‘Cawood on the Ouse River’ (1838) was amazingly accurate. The treeless plain did not result from extensive clearing by the first settlers; it was fire-farmed for thousands of years by members of the Big River Tribe. Whether Aboriginal firing created the plain is another matter. As Professor Bill Jackson admitted, it would have taken tens of thousands of years for such a large area to transition from forest to grasslands. Another Glover landscape, ‘Montacute’ (1838), is equally revealing of the Bothwell district, through which the Big River people travelled to the southern Midlands and beyond, firing the bush as they went.

English landscape artist John Glover arrived in Hobart in 1831 and later settled on Mills Plains near Evandale in northern Tasmania. Some of his most famous paintings feature Aborigines in imagined settings, and his gum trees look completely wrong, so it would be easy to dismiss his work as insignificant.

In *Down Home: Revisiting Tasmania* (1988), Peter Conrad claimed Glover got the gum trees wrong on purpose. ‘The eucalypts preen in a rubber-limbed, double-jointed dance,’ Conrad wrote. ‘They writhe, they wriggle; their jerky boughs enwreath into those ample S-curves which Hogarth defined as the signature of beauty itself. Conrad derived a certain

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comfort from Glover's infidelity because it 'proved that reality needn't be taken as given: it was manipulable, according to your own compulsive way of seeing.'

CAPTION 'Constitution Hill at sunset, Van Dieman's Land, from near Mrs Ranson's Public House, June 29th 1840,' is typical of John Glover's aboriginal paintings, except for the gum trees which are less 'curly' than usual. Note also the dead trees in the foreground.

David Hansen had no doubts about Glover's greatness. 'Where he makes the trees curly and decorative that's purely a stylistic thing,' Hansen explained. 'It's not that (Glover) couldn't paint them: he took the gnarly, lumpy branches and smoothed them out.' Other experts have agreed with Hansen, dismissing claims that Hans Heysen, and other members of the Heidelberg School, were the first artists to paint gum trees properly.

Glover was seemingly obsessed with gum trees and sketched hundreds of them throughout the state, including at Jericho in the southern Midlands. Many of his sketches and paintings have dead trees in the foreground and nobody seems to know if this was another stylistic effect or some kind of symbolism. Maybe Glover was reminding people that, like the trees, we are all destined to die.

One of Glover's most sensitive paintings, 'A Corrobory, of Natives under the Wild Woods of the Country' (1835), was commissioned by George Augustus Robinson while he was officially in charge of the Aborigines' welfare. In a letter to Robinson, Glover said he wanted to 'give an idea of the manner (the natives) enjoyed themselves before being disturbed by the White People.' The artist was well aware of the Aborigines' plight having sketched a group in Hobart shortly before they were banished to Flinders Island in Bass Strait.

CAPTION: John Glover sketched gum trees at Spring Hill near Jericho

It is still widely believed the Tasmania's Aborigines were headed for extinction because they had lost the art of making fire. That claim has been repeated many times, most insultingly by Keith Windschuttle who stated that even Neanderthals had mastered the art of fire making.

Apparently, all of these claims are based on a single journal entry made by George Augustus Robinson on December 28 1831: 'As the chief always carries a lighted torch I asked them what they did when their fire went out. They said if their fire went out by reason of rain they [were] compelled to eat the kangaroo raw and to walk about and look for another mob and get fire of them. They must give fire and sometimes they would fight afterwards.' It is worth pointing out that, without friction matches, Robinson himself would have struggled to make a fire in the rain.

Most historians, including Lyndall Ryan, now accept that the Aborigines had several ways of making fire, using friction or percussion. Interestingly, they often used a fungus which grows on the trunks of gum trees. When dry, the fungus, commonly called punk, is excellent tinder.

CAPTION: George Augustus Robinson (head shot or group photo)

Riddles of the Trees

PROLOGUE – FIRST DRAFT

CAPTION: Thomas Bock depicted Maulboyheenner (aka Timme) carrying a firebrand

In 1831, Robinson noticed something very disturbing near Oatlands. ‘The trees in the low land and small hills are fast decaying (and) in a few years there will be no trees left,’ he wrote. ‘I am informed that at the Clyde and Shannon it is the same and that the settlers say they commenced falling into decay about three years ago.’

Robinson was almost certainly informed by the *Hobart Town Courier* (September 24, 1831) which reported that ice in a marsh near the Shannon River was thick enough to bear a man. That circumstance seemingly accounted for the dumps of dead trees in higher parts of the island which many supposed were occasioned by insects or a noxious quality in the soil.

Two years later, Edward Markham was curious about thousands of native trees dying around the almost-dry Lake Dulverton. ‘You see a forest standing like a winter in England, all derobed of the leaves,’ Markham wrote. ‘It appears as strange to the native youths, as they do not know what it is for the trees to shed their leaves, for in this country they only shed their bark.’

In 1834, Quaker missionary George Washington Walker thought grazing animals and drought were the most likely causes of tree decline: ‘Wherever cattle have been introduced the forests have been thinned, probably from the destruction of the underwood, thus exposing the roots of the trees which shoot along the surface, to the action of the sun; hence the drought of summer proves their destruction. Hundreds and even thousands of acres may be seen, with the trees dead. Few scenes convey a more striking picture of destruction.’

Was it frost or drought or blight or something noxious in the soil? Were cattle and sheep responsible? Were ‘continual burnings’ by the natives hastening the process, as Robinson believed. Or were some trees dying because Aborigines were no longer firing the grasslands?

In his prize-winning book, *Van Diemen’s Land* (2014), James Boyce speculated that possums hastened tree decline after the removal of their main predator, the Aborigines. He wrote: ‘In the main Aboriginal hunting ground of the grassy woodlands, a possum population explosion would have had a noticeable impact, as many of today’s landowners of the midlands, still defending remnant trees from possum damage, can testify.’

Ironically, removal of the Aborigines forced the Europeans to copy their burning regimes. ‘Controlled burns were integral to both hunting and farming in the grassland plains,’ Boyce wrote. ‘In areas where Aborigines had been dispossessed, the British were forced to set the country on fire themselves.’

Louisa Anne Meredith wrote about landowners on the east coast burning portions of their sheep runs at different times to ensure new growth every three years or so: ‘When this is neglected for a length of time... such a body of fuel forms that when a fire does reach it, the conflagration is thrice as mischievous in the destruction of fences as it otherwise would be.’ Meredith was in no doubt that the colonists had learned these methods from the Aborigines.

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Boyce ended his account with this eloquent statement: ‘The removal of the people who had been central to the ecology of the island for such a long period - three times the length of the human occupation of Britain - must have had multifarious impacts which are beyond the capacity of history, and even science, to explain.’

Total: 3510 words

15.3 Cultural

Strategic Plan Reference – Page 24

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

Nil.

15.4 Regulatory (Other than Planning Authority Agenda Items)

Strategic Plan Reference – Page 25

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

Nil.

15.5 Climate Change

Strategic Plan Reference – Page 25

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

Nil.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)

16.1 Community Health and Wellbeing

Strategic Plan Reference – Page 26

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

Nil.

16.2 Youth

Strategic Plan Reference – Page 26

4.2.1 Increase the retention of young people in the municipality.

Nil.

16.3 Seniors

Strategic Plan Reference – Page 27

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

Nil.

16.4 Children and Families

Strategic Plan Reference – Page 27

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

Nil.

16.5 Volunteers

Strategic Plan Reference – Page 27

4.5.1 Encourage community members to volunteer.

Nil

16.6 Access

Strategic Plan Reference – Page 28

4.6.1a Continue to explore transport options for the Southern Midlands Community.

4.6.1b Continue to meet the requirements of the Disability Discrimination Act (DDA).

Nil.

16.7 Public Health

Strategic Plan Reference – Page 28

4.7.1 Monitor and maintain a safe and healthy public environment.

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.

16.8.1 TENDER – DEMOLITION OF THE PARATTAH RECREATION GROUND GRANDSTAND

Author: DEPUTY GENERAL MANAGER (ANDREW BENSON)

Date: 16 MARCH 2016

Attachments:

- Request for Tender (RFT)
- Two Tenders Submitted

(because of the bulk of these attachments, one package will be available at the meeting for Councillors to peruse – a copy can be made available prior to the meeting if required – contact Andrew Benson):

ISSUE

Consideration of Tender submissions for the demolition of the Parattah Recreation Ground Grandstand.

BACKGROUND

This tender contract includes:

- The demolition and removal of the existing grandstand at the Parattah Recreation Ground.
- Cleaning up the site and making good the site.

Council engaged Phil Gee, BE, FIEAust, CPEng, MBA, Managing Director, Sugden & Gee Pty Ltd. on a contract basis to undertake the Superintendent's role in respect of this project, along with the development of the tender documentation in partnership with Council's Deputy General Manager and Council's Manager Works & Technical Services.

The Request for Tender was processed through Council's E Procurement Portal, via Tenderlink. The process was seamless and very efficient to operate/manage. An online forum was established as part of the Tender process with the Superintendent being available via email up until five days before the Tender closed for questions in respect of the Tender documents and/or site conditions. With the process being undertaken through the E Procurement Portal, all organisations registered received a copy of the information and the responses, in a transparent manner. A Site Meeting was held and minutes of that meeting were lodged on the E Procurement Portal for distribution.

When the Tender closed the Nominated Officer (in this case Deputy General Manager – Andrew Benson) received an e-mail through the Portal to advise that the Tender had closed and the “keys to the Tender Box” were available through a coded number access (this number is only available to the Nominated Officer). There was a Tender Opening Committee of two people, including the Nominated Officer who was at the computer to witness the downloading of the zip file with all of the Tenders and then the opening of the zip file. A Summary of the Tenders and their respective pricing was then printed off and the two members of the Tender Opening Committee signed that they were present and witnessed the opening of the Tenders on the Summary. The complete Tender documents along with the signed Tender Opening Committee Summary were then forwarded to the Tender Review Panel plus the Superintendent for consideration. A copy of all documents was also sent to Council’s Records Management Office for lodgement in Council’s Records Management system as a permanent record of the Tender submissions.

There were no non-conforming Tenders submitted.

The initial Tender Assessment Panel meeting was held on Monday 14th March 2016, where the Project Superintendent, Phil Gee provided a draft Engineer’s Report for consideration by the Panel. A rigorous analysis was undertaken of all Tenders and a range of options as provided in the documentation were considered on their respective merits.

ENGINEER’S REPORT

The following Report is provided by Sugden & Gee

[COMMENCEMENT OF ENGINEER’S REPORT]

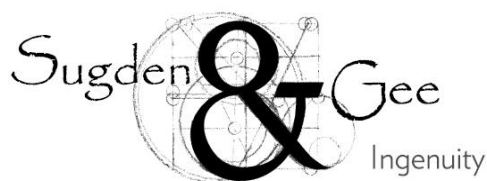
Parattah Recreation Ground Grandstand Demolition

Contract No. 02/2016

Report on Tenders

Prepare for: Southern Midlands Council

Date: 15 March 2016



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Appendix A *Request for Tender*
Appendix B *Tender Assessment Schedule*

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Prepared by: Phil Gee

Date: 15 March 2016

Report Revision History					
Rev No.	Description	Prepared by	Reviewed by	Authorised by	Date
DRAFT A	Draft for Tender Assessment Panel	PG	AB	PG	12/2/16
REV00	Following Tender Review Panel	PG	PG	PG	15/2/16

Introduction

The Southern Midlands Council (SMC) advertised a Request for Tenders (RFT) for the demolition of the grandstand at the Parattah Recreation Ground, Contract No. 02/2016 in the Mercury newspaper on 13 February 2016. A copy of the Request for Tenders is contained in Appendix A.

The existing grandstand is in a dilapidated state and it had been determined that it should be demolished and the site made safe.

Tenders for the Contract closed at 4 pm on Monday 7 March 2016.

This report provides an assessment of Tenders received for Contract No. 02/2016.

Code for Tenders & Contracts

The Tender process and this assessment has been conducted in accordance with SMC's Code for Tenders and Contracts in that it aims to achieve:

- open and effective competition
- value for money
- enhancement of the capabilities of local business and industry, and
- ethical behaviour and fair dealing

The Tender process was undertaken in accordance with the Southern Midlands Council's Code for Tenders and Contracts.

The Tenders were assessed by a Tender Review Panel who will make a recommendation to Council.

The Conditions of Tender, specification, Conditions of Contract and Tender Form were prepared without bias and aligned with appropriate Australian Standards and Workplace Standards codes for demolition.

Tenders Received

The following two Tenders were received:

Tenderer	Price (excl. GST)
Bills Civil Construction Pty Ltd	\$12,000.00
Fulton Hogan Industries	\$89,077.00

Required Documentation

Tenderers were required to submit the following documentation:

- Form of Tender and schedules completed and signed by the Tenderer
- Insurance Certificates of Currency
- The proposed systems for risk management including workplace health and safety, quality of product and environmental management.
- A program scheduling the various activities from the Date of Acceptance of Tender through to issue of the Final Certificate.
- Relevant project experience of the Tenderer in bridge construction and design and construct contracts
- Relevant qualifications and experience of key staff that the Tenderer will use to deliver this Contract.
- Relevant qualifications and experience of any sub-contractors to be used to deliver the contract.
- Proposed methodology and program.
- A statement of the Tenderer's current capability and capacity to deliver the contract on time
- A statement of the Tenderer's financial capacity to carry out the Contract
- Any supporting documentation which the Tenderer considers relevant to the Tender
- Information to support the selection criteria of the Tender assessment

All Tenderers provided a signed Tender Form and schedules, insurance certificates and risk management system. Neither Tenderer provided the addition required information with their Tender and the required information was sought by way of clarification from the lowest Tenderer Bill's Civil Construction Pty Ltd.

Assessment

The Tender assessment criteria were clearly outlined in Request for Tender.

A schedule summarising the Tender assessment of all Tenders against the assessment criteria is contained in Appendix B. The following is a discussion of Tenders against each of the assessment criteria.

Prices and rates

Based on plant and labour requirements to complete the demolition over a week, the estimated cost pricing for the project is in the range \$17,5k to \$22.5k excl. GST. However, this does not take into account any salvage value of the materials that Tenderers may factor into their pricing.

The Tendered price from Bill's Civil Construction Pty Ltd of \$12,000.00 is considered fair and reasonable. The Tendered price from Fulton Hogan Industries of \$44,800.00 is well above the cost price estimate.

All Tender pricing Schedules were checked to ensure they corresponded with the Tender Lump Sums and found to be correct.

Proposed demolition methodology

The lowest conforming Tenderer, Bill's Civil Construction Pty Ltd, propose a simple methodology:

1. Secure site
2. Notify neighbours and provide site security
3. Remove roof to the ground with 20t excavator and pull down walls,
4. Cut walls and roof while on ground and load in section
5. Cart to their Brighton depot
6. Clean up site
7. Fence site until cleared
8. Inspection and sign off

During clarification discussion with Bill Clark of Bill's Civil Construction Pty Ltd he indicated that they intend to assess the site, make judicious cuts in the superstructure then push the grandstand over using excavators. The walls and roof will then be cut up to sizes that fit on a truck with the cladding attached so that it does not blow away.

Company Experience & Capability

The lowest conforming Tenderer, Bills Civil Construction Pty Ltd has provided a list of demolition projects (houses, offices, warehouses, service station, sheds) and civil contracts. They verbally provided references which were checked and they are a long standing contractor in the Brighton and Glenorchy area who have worked for both councils and undertaken a number of subdivisions.

Personnel Experience & Capability

The lowest conforming Tenderer, Bill's Civil Construction Pty Ltd provided a list of six staff and equipment. The project will be supervised by the owner, Bill Clark, with experienced excavator drivers, truck drivers and labourers.

Bill Clark of Bill's Civil Construction Pty Ltd has advised verbally that they have the capacity and financial capacity to undertake the contract.

Conclusion

The lowest price Tenderer, Bill's Civil Construction Pty. Ltd., is experienced in small scale civil construction and building demolition projects carry appropriate levels of insurance. They have a proposed a straight forward methodology and propose appropriate WHS standards (note: because the building is over 6m high Workplace Standards must be notified before they start).

Based on assessment the Tenders received for SMC Contract 02/2016 for the Parattah Grandstand Demolition:

1. The Tender process was conducted in accordance with the SMC Code of Tenders
2. The best value for money Tender is the Tender received from Bill's Civil Construction Pty Ltd for the sum of \$12,000.00 excl. GST.



Phil Gee, MBA, BE, CPEng, FIEAust, RPEQ
Managing Director
Sugden & Gee Pty Ltd

Appendix A

Request for Tender

(because of the bulk of this attachment, one package will be available at the meeting for Councillors to peruse – a copy can be made available prior to the meeting if required – contact Andrew Benson):

Appendix B Tender Assessment Schedule

The following is an assessment of the submitted Tenders against the Selection Criteria:

Criteria*	Bills Civil Construction P/L	Fulton Hogan Industries
Price	\$12,000.00	\$44,800.00
Rates Ave (\$)	75	105
Proposed solution	None – received by clarification	None
Conditions	Retention reduced to 5% of retained on PC (error should be 50%) – corrected by clarification	None
Relevant company experience	None – received by clarification	None
Experience and qualifications of key personnel	None – received by clarification	None

*Note: all pricing excludes GST

Date: 15 March 2016

[END OF ENGINEER'S REPORT]

The Engineer’s Report which is part of this Agenda Report includes the minor clarification changes sought by the Tender Review Panel and has been endorsed by the Tender Review Panel. It is confirmed that this process has been undertaken in accordance with Council’s Code for Tenders & Contracts, January 2015 version.

Human Resources & Financial Implications – Anticipated costs associated with the completion of this project are as follows;

1	Tender	\$ 12,000.00
2	SMC Project Management & Contract Administration	\$ 2,708.00
3	Tenderlink Fee	\$ 150.00
4	Disconnect the electrical - Jonesys Electrical	\$ 120.00
	Estimated Sub Total	\$ 14,978.00
5	Contingencies 10%	\$ 1,497.80
	Estimated Total	\$ 16,475.80

Community Consultation & Public Relations Implications – Nil

Web site Implications – Nil

Policy Implications – Nil

RECOMMENDATION

THAT Council

1. **Receive and note the report**
2. **Endorse the processes undertaken;**
3. **Accept the Tender received from Bill’s Civil Construction Pty. Ltd for the sum of \$12,000.00 excl. GST; and**
4. **Sign and seal the Formal Instrument of Agreement with Bill’s Civil Construction Pty. Ltd for the contractual requirements detailed in the Request For Tender 02/2016 and provided in their Tender submission, for the total sum of \$12,000.00 excl. GST**

DECISION

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

16.9 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.

Nil.

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 & Sustainability

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

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 17 MARCH 2016

Attachment:

- Common Service JV Council Update – February 2016.

ISSUE

To inform Council of the Joint Venture's activities for the month of February 2016.

BACKGROUND

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

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

DETAIL

Refer 'Common Services Joint Venture Update – February 2016 attached.

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

Councillors will note that the Southern Midlands Council provided 350 hours of service to six Councils: - Brighton, Central Highlands, Derwent Valley, Glamorgan/Spring Bay, Sorell and Tasman and received 16 hours of services from other Councils.

Details of services provided are included in Figure 3.

Community Consultation & Public Relations Implications – Nil

Policy Implications – N/A

Priority - Implementation Time Frame – Ongoing.

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 R Campbell	
	Clr D F Fish	
	Clr D Marshall	

Common Services JV – Council Update

Council

Southern Midlands

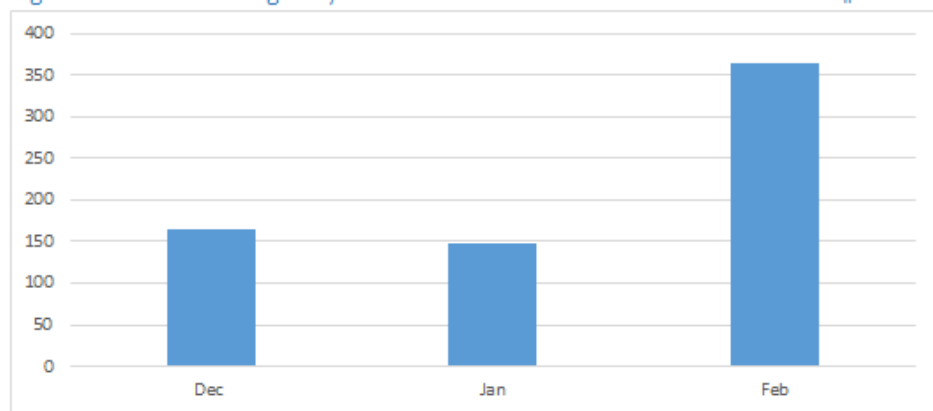
Common Services Joint Venture Participation in February '16

366 hours

Summary

In February 2016, 366 hours of common services were exchanged by Southern Midlands Council. From this total, Southern Midlands provided 350 hours of services and received 16 hours of services from other councils.

Fig 1 – Services exchanged by Southern Midlands Council in recent months



Services Provided by Southern Midlands Council

Fig 2 – Services provided by Southern Midlands Council in February '16 by Council



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



Fig 3 – Details of services provided by Southern Midlands Council in February '16

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

Southern Midlands	350	Summary of services provided
Brighton	183.75	
Planning	175.75	Senior Planner - Relief
WHS / Risk Management	8	Review and update WHS Cloud Drop Box
Central Highlands	28.25	
Planning	28.25	Regulatory Planning
Derwent Valley	38.75	
Planning	10	Strategic Planning services
Permit Authority - Plumbing	28.75	On-site plumbing inspections
GSB	54.75	
Planning	46.75	Regulatory Planning
WHS / Risk Management	8	Review and update WHS Cloud Drop Box
Sorell	8	
WHS / Risk Management	8	Review and update WHS Cloud Drop Box
Tasman	36.5	
Planning	28.5	Regulatory Planning
WHS / Risk Management	8	Review and update WHS Cloud Drop Box



Cost benefits achieved by Southern Midlands and other Councils

366 hours of common services were exchanged by Southern Midlands Council 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%.

In the month of February it is estimated, Council have achieved a net benefit of approximately \$11,500. This was a result of increasing the utilisation of its current staff to earn additional revenue from providing services to other Councils, and from utilising 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).

It is estimated that Southern Midlands Council's direct involvement in common services saved participating Councils (including Southern Midlands Council) approximately \$25,500 for the month of February.



Common Services Joint Venture Update

February 2016

Summary of Recent Common Services Activity

1338 hours of Common Services were exchanged between Councils in February 2016, which is an increase of 30% when compared to hours exchanged in January 2016. Hours exchanged in February were above average (1214 per month), which was predominantly due to a significant increase in hours provided by the Southern Midlands Council in the area of planning. Demand for planning services has increased recently with this level of service exchange expected to continue.

Fig.1--Common Service Exchange in Recent Months

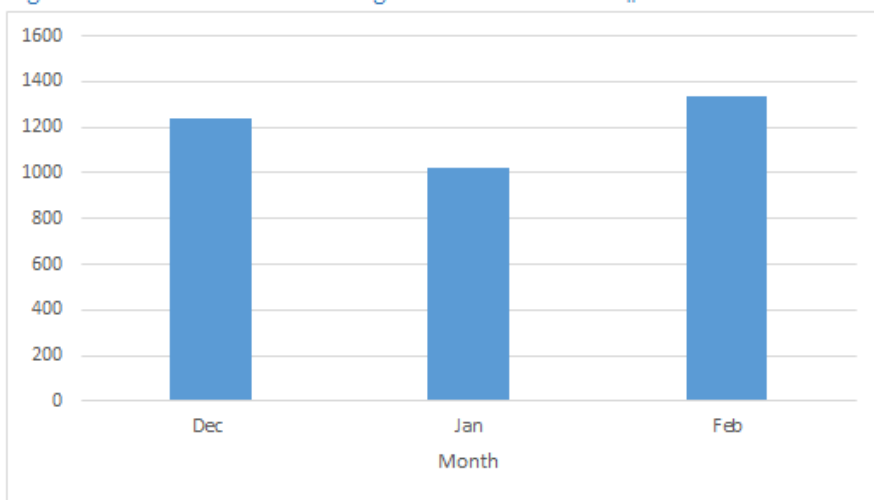
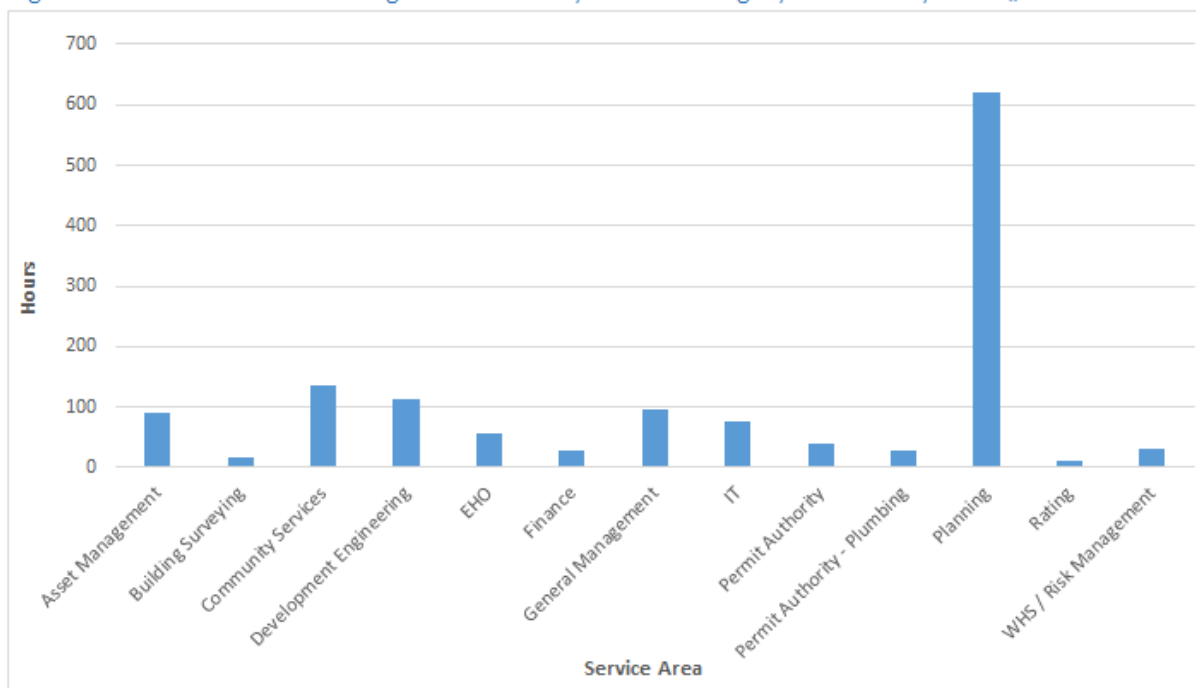


Fig.2--Details of Current Exchange of Services by Council in February 2015

Provider Council	Client Organisation									
	Brighton	Central Highlands	Derwent Valley	Flinders	Glenorchy	GSB	Huon Valley	Sorell	Southern Midlands	Tasman
Brighton			150	11		280	56	135	14	147
Central Highlands										
Glenorchy										
Huon Valley										
Sorell	79									20
Southern Midlands	184	28	39			55		8		36
Tasman								96		

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

Fig 3 - Details of Current Exchange of Services by Service Category in February 2016



Savings to Local Government

A total of 1338 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 \$106,000 for the month of February. This was a result of increasing the utilisation of current Council Staff at Councils providing services, and from Client Councils utilising 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

- With the recent signing of four Northern Territory (NT) councils to the Common Services Joint Venture, participating councils in the NT and Tasmania are preparing to exchange services with one another. NT councils have already begun exchanging services within the Territory under the terms of the common services agreement, and interstate service exchange is likely to occur in the near future in the areas of planning, IT, asset management, and video and print media support.

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 2016 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

Author: EXECUTIVE ASSISTANT (ELISA LANG)

Date: 1ST MARCH 2016

Attachment:

- Call for Motions Discussion Paper '*Partners in an Innovative and Prosperous Australia*'

ISSUE

1. To confirm attendance at the Australian Local Government Association (ALGA) 2016 National General Assembly of Local Government conference; and
2. identify any issues which can form a 'Notice of Motion' for inclusion on the agenda.

DETAIL

The National General Assembly (NGA) of Local Government conference will be held from the 19th – 22nd June 2016 in Canberra.

The theme for the 2016 conference is '*Partners in an Innovative and Prosperous Australia*'. The program will be focused on debating and discussing the role that local government plays in boosting productivity and showcasing innovation and best-practice.

The early-bird registration fee is \$899.00 if registration is lodged prior to the 6th May 2016. Daily registration fees range from \$260.00 to \$470.00. Please note this fee does not include airfares or accommodation.

ALGA is also calling for motions for the 2016 NGA conference. Motions are to be submitted online by the 22nd April 2016.

Human Resources & Financial Implications – Registration fees, accommodation and airfares to be funded from the 2015/2016 budget.

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

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

Priority - Implementation Time Frame – Delegates registration must be lodged prior to the 6th May 2016 to receive the early bird registration fee. Motions are required to be submitted online no later than the 22nd April 2016.

RECOMMENDATION

THAT Council:

- a) confirm attendance at the 2016 National General Assembly of Local Government Conference (ALGA) to be held in Canberra; and
- b) identify any Motions for submission to ALGA by the 22nd April 2016.

DECISION

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

Attachment



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

**National General Assembly of Local
Government**

19 - 22 June 2016

Call for Motions Discussion Paper

**'Partners in an Innovative and
Prosperous Future'**

Motions should be lodged electronically at www.alga.asn.au no later than

11:59pm on Friday 22 April 2016.

Submitting Motions

The National General Assembly of Local Government is an important opportunity for you and your council to influence the national policy agenda.

To assist you and your council to identify motions that address the theme of the NGA, the ALGA Secretariat has prepared this short discussion paper. You are encouraged to read all of the sections of the Paper, but are not expected to respond to every question in each section. Your motion/s can address one or all of the issues identified in the discussion paper.

To be eligible for inclusion in the NGA Business Papers, and then debate on the floor of the NGA, motions must be consistent with the following principles:

1. be relevant to the work of local government nationally
2. be consistent with the themes of the Assembly
3. complement or build on the policy objectives of your state and territory local government association
4. propose a clear action and outcome, and
5. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. For example: *That this National General Assembly call on the Federal Government to restore indexation to local government financial assistance grants.*

Motions should be lodged electronically using the online form available on the NGA Website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. Motions should be received by ALGA no later than 11:59pm on Friday 22 April 2016, electronically in the prescribed format.

Please note that for every motion it is important to complete the background section on the form. Submitters of motions should not assume knowledge. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the sub-committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Motions may be edited before inclusion in the Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association, and will not be included in the Business Papers.

For more information, please contact Clare Hogan at ALGA on (02) 6122 9400.

Preamble

The 2016 National General Assembly (NGA) is most likely to be held in the lead up to the next Federal election. During this time, all national political parties focus on leadership, key messages, marginal seats and political campaigning. National policy initiatives enter the public domain and all Australians are asked to engage in the political process and choose between competing ideas, election promises and the numerous candidates across the nation.

Last year's NGA theme was '*Closest to the People - Local government in the Federation*'. The theme reinforced the vital role of local government in Australia's system of government. It built on the Government's Federation White Paper process, which sought to clarify roles and responsibilities of the levels of government and potentially better align funding with respective responsibilities. It also acknowledged the development of a Green Paper on Taxation. The NGA greatly assisted ALGA in its advocacy and participation in the reform process.

Since then there has been much debate on taxation reform, which will culminate at the 2016 Federal election.

In December 2015 the Council of Australian Governments (COAG) reset the national political dialogue. COAG committed to:

'... close collaboration in areas of shared responsibility, including competition, tax, innovation, infrastructure, cities and regulation, as well as in health and education.'

COAG leaders agreed the principles for a new national economic reform agenda should be:

'...to deliver for all Australians no matter where they live:

- a stronger, more productive and more innovative Australian economy, with more jobs, more opportunities and higher living standards
- fairness and equity, with protection for disadvantaged and lower income Australians, and
- more efficient and high quality services.'

The theme of the 2016 NGA – '*Partners in an Innovative and Prosperous Future*' – invites councils from across Australia to consider the role of local government in this agenda, and how councils can play their role in the delivery of these objectives.

Many of the services and infrastructure provided by councils are not only critical to the social, cultural and environmental well-being of their communities, but also to the economic prosperity of their regions and the nation more broadly.

The NGA debate on motions and associated discussions will seek to highlight how local government can be more agile in delivering those services to communities, as well as send a strong and unified message to the Commonwealth.

Introduction

The 2016 NGA theme is '*Partners in an Innovative and Prosperous Future*'.

This year, the NGA debate on motions and associated discussions will seek to highlight how local government can be more efficient and effective. The discussions will look at how local government, working in partnership with other levels of government, the private sector and the not-for-profit sector, can innovate and create a prosperous future for the community it serves.

This year's theme builds on the work of the 2015 NGA which focused on local government's role in the Federation. The Commonwealth Federation Discussion Paper 2015 sets a context in which motions for this year's NGA should be developed.

The theme '*Partners in an Innovative and Prosperous Future*' seeks to focus attention on the role that local government can play in creating a prosperous Australia. The Federation Discussion Paper notes that Australia today is very different from the country it was at the time of Federation and poses the fundamental question: '... does [the Federation] provide the system of national governance that Australians need right now, and will it help or hinder efforts to adapt and thrive in the vastly different economic, political and social realities of the 21st century?'

To put this question in a local government context:

Are the government systems (including our own), processes and priorities, in many cases set up decades ago, still appropriate today?

Are they delivering accessible and fair systems and are they a help or hindrance? Do they facilitate business activity and contribute to higher living standards, or are they a drag on the local economy? Are they necessary or do they duplicate effort?

Technological change has created opportunities, making many traditional models of business and government obsolete. Have these opportunities been taken up?

Participatory democracy is being enhanced through empowering individuals and local communities with new knowledge and new ways of engaging with each other and with governments. Are these opportunities being captured?

Australian productivity and living standards are comparatively high by world standards. However, the current national productivity and reform debate recognises that without reform, Australia risks being left behind on the world stage—meaning fewer jobs, lower economic growth, and reduced living standards.

COAG has responded positively to this challenge. All governments have committed to collaborate particularly in areas of shared responsibility, including competition, tax, innovation, infrastructure, cities and regulation, as well as health and education.

The 2016 NGA seeks motions that suggest reform, innovation in government operations and opportunities to partner with local government that will support Australia's prosperity.

Local government role in national productivity

Over several decades, the NGA has called on the Australian Government to recognise the importance of greater levels of investment in local and regional infrastructure. This advocacy has been, in part, built on equity considerations as well as productivity considerations.

The NGA has called on the Australian Government to increase Financial Assistance Grants and Roads to Recovery (R2R) funding. These calls have been predominantly based on the need for the Commonwealth to help achieve horizontal equity (i.e. an equitable level of municipal services across the country) and the need to assist local councils to rebuild and maintain local infrastructure, particularly roads.

The rationale for permanent R2R funding and additional freight investment is that essentially the purpose of R2R is to restore the capacity of local roads to a standard able to sustain social and economic services, whereas additional funding through freight investment would be required to improve the standard of roads to meet the higher service levels required to handle higher productivity vehicles and significantly higher volumes of freight traffic.

The NGA's calls to the Australian Government have also sought recognition that local infrastructure provides important economic services. Local roads, for example, are an essential component of the national road network and therefore add to local and regional productivity and, in aggregate, make a significant contribution to state and national productivity.

Community infrastructure also plays an important role in local and regional economic development by enhancing the quality of life for residents as well as helping to attract and retain population, skilled workers and a local and regional workforce. The State of the Regions Report in 2015, commissioned by ALGA and written by National Economics, showed that there is a strong economic rationale for ensuring that all regions in Australia prosper. The report confirmed OECD findings that regional inequality reduces national productivity.

Local government's objectives in local economic development are diverse. They recognise local circumstances, availability of resources and the impact of external factors such as privatisation, technological change, globalisation and structural industry changes. For some councils, particularly in rural and regional areas, the focus is on stemming the decline in population, loss of businesses and local employment. For others, it is a focus on working with local businesses and the local community to optimise economic development and opportunities for the area.

Local government can facilitate and support economic development but it is frequently criticised for impeding economic development by imposing additional costs on business including through regulation, creating red-tape, providing unsuitable infrastructure etc.

Australian councils contribute significantly to the productivity and economy of their regions by focusing their efforts in three key strategic areas:

- creating and maintaining the investment environment – ensuring the availability of appropriate physical and social infrastructure, striving to deliver a quality public domain, and ensuring sufficient housing diversity and lobbying on behalf of local and regional communities for sufficient community services such as education and training, health and well-being, community safety and emergency services
- facilitating new local investment – actively promoting business development through facilitating local economic development, strategic planning, working with business

associations/main street organisations, and active involvement with tourism or other business activities, and

- attracting external investment through the creation of new business and capital – working with regional bodies such as RDA, Austrade and developers to attract and create new businesses and investment.

Local government has a key role to play in the provision of support services and infrastructure that underpins local and regional economic development, and therefore local government plays an essential part in achieving higher productivity. In broad terms, actions geared to creating and maintaining the investment environment in local and regional communities are considered to be of prime importance to a majority of local councils and it is this area that ALGA has focused its greatest attention.

Local government is a natural leader in local economic development because councils know their local business communities, workforce and comparative advantages better than anyone else. Local people and businesses are the key to economic growth and development and councils are perfectly positioned to work with local stakeholders to drive a bottom-up, place-based approach to achieve prosperity. Every council's economic development activity will be different according to the unique structures and needs of their local economies, as well as the capacity of the council and community.

Questions

Given the importance of local and regional infrastructure are there any national initiatives that could further assist local government to support local and regional productivity?

Are there areas of reform that local government can explore to enhance economic development and productivity?

Partnering

The term *partner* as a noun is defined as '... a person who takes part in an undertaking with another or others, especially in a business or firm with shared risks and profits.' In the context of the 2016 NGA, it can be interpreted as '... how councils can take part in an undertaking with others, including sharing the risk, for the benefit of the community'.

Local government provides a vast array of services and local infrastructure, often in partnership with others including other governments, the private sector, the community and not-for-profit sector.

Example of partnerships include:

- the provision of a local swimming pool in partnership with the private sector, or a not-for-profit organisation, that provides the management service of that facility
- the provision of Meals on Wheels in partnership with the community not-for-profit sector delivering meals to residents at their homes, and
- the provision of Home and Community Care (HACC) to targeted groups of clients in the municipality, in partnership with the federal and state governments which provide funding.

Other examples include:

- councils partnering with a university to provide locally-relevant research to inform decisions on issues such as development applications in areas that could be effected by sea level change
- partnering with other councils to share resources and skills, and
- partnering with the private sector to develop new and innovative ways of delivering services, such as electronic planning or apps to report pot holes.

A key feature of each of these examples is that each party brings different expertise, skills, resources and experiences to the specific undertaking. The combination of these skills, expertise and resources frequently results in innovation and the provision of a service in a way that would not be possible by either party separately.

An alliance between local government and other partners creates new opportunities for business as well as innovative services, increased efficiency, cost savings and more accessible service to the benefit of the community.

Questions

Please note, where local government is mentioned in the following questions it refers to local government as a whole, not specific proposals for partnerships at a single council level. Questions are designed to draw out new ideas that could transform the delivery of services and infrastructure at a systemic level.

Are there new opportunities for the Australian Government to partner with local government to deliver Commonwealth services at the local level? What would be the role of the Commonwealth in such a partnership? How would this benefit the community?

Are there partnerships that could be developed to maximise the opportunities to innovate and provide simpler, smarter and more reliable services and infrastructure at the local level? If so, what are these opportunities and what would be the role of the Commonwealth in supporting these partnerships?

Are there opportunities for the private sector to partner with local government to speed up and improve a local government service or function? What role could the Commonwealth play in facilitating these opportunities?

Innovation

The Australian Government has declared its strong support for innovation. The Government's National Innovation and Science Agenda says innovation is:

'... at the heart of a strong economy—from IT to healthcare, defence and transport—it keeps us competitive, at the cutting edge, creates jobs and maintains our high standard of living. It's not just about new ideas, products and business models; innovation is also about creating a culture where we embrace risk, move quickly to back good ideas and learn from mistakes.'

The statement has a focus on a range of objectives including:

- entrepreneurship and leveraging our public research
- increasing collaboration between industry and researchers to find solutions to real world problems and to create jobs and growth
- developing and attracting world-class talent for the jobs of the future, and
- government leading by example by embracing innovation and agility in the way we do business.

Questions

What is the role of local government in this innovation agenda?

Are these objectives relevant to local government itself? For example, is its role in increasing collaboration between industry and researchers to find solutions to real-world problems and to create jobs and growth? If so, how can these solutions be shared to the benefit of all councils and their communities. How could the Australian Government help this to occur?

What can local government bring to the table as a partner? For example, does local government hold data that, having regard to privacy issues, could be shared with the private sector which could put it to innovative uses? How could the Australian Government support this?

Are there digital innovations that could be introduced to local government that would increase the efficiency of businesses working with local government and vice-versa. How could the Australian Government support this?

Is there a role for local government to help innovative start-ups to rapidly transform their ideas into globally competitive businesses by giving them mentorship, funding, resources, knowledge and access to business networks? If so, how could the Australian Government support this?

Resourcing

In the 2014-15 Federal Budget, the Government committed to provide \$2.2867 billion in Local Government Financial Assistance Grants (FAGs). However, the Government also announced it would pause the indexation of FAGs for the three years following that budget.

FAGs are a Commonwealth Specific Purpose Payment to local government paid through the State and Territory Governments. Payments are made to councils by jurisdictional Treasurers on the advice of state and territory Local Government Grants Commissions under the provisions of *the Local Government (Financial Assistance) Act 1995*.

The objects of the *Local Government (Financial Assistance) Act 1995* enable the Commonwealth Parliament to provide assistance to the states for the purposes of improving:

- (a) the financial capacity of local governing bodies
- (b) the capacity of local governing bodies to provide their residents with an equitable level of services
- (c) the certainty of funding for local governing bodies
- (d) the efficiency and effectiveness of local governing bodies, and
- (e) the provision by local governing bodies of services to Aboriginal and Torres Strait Islander communities.

Freezing the indexation of FAG's will reduce Commonwealth expenditures (and grants to councils) by more than \$925 million over the forward estimates. The freeze also means that the aggregate level of FAGs will be permanently reduced by almost 13 per cent, unless there is a future government decision to restore this base with a catch-up payment.

Councils are invited to submit motions to address this issue.

18.2.2 LOCAL GOVERNMENT ASSOCIATION TASMANIA – ANNUAL GENERAL MEETING & GENERAL MEETING

Author: EXECUTIVE ASSISTANT (ELISA LANG)

Date: 1ST MARCH 2016

Attachment:

- Call for Submission of Motions form

ISSUE

1. Notification of the Annual General Meeting and General Meeting of Local Government Association of Tasmania (LGAT).
2. To identify any issues which can form a 'Notice of Motion' for inclusion on the General Meeting agenda.

DETAIL

The LGAT Annual General Meeting and General Meeting is being held on Wednesday, 20th July 2016 at the C3 Convention Centre in South Hobart.

Council is invited to submit motions on matters connected with the objectives of the Association or of common concern to members for inclusion on the agenda of the General Meeting.

Motions are required to be received at LGAT by no later than close of business on the 29th April 2016.

RECOMMENDATION

THAT Council consider and identify any Motions for submission to the LGAT General Meeting by the 29th April 2016.

DECISION

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

Attachment



Call for Submission of Motions
*To be Included in the
General Meeting Agenda papers
Wednesday 20 July, 2016*

Councils are invited to submit motions for debate.

Motions can:

- address the objectives of the Association
- relate to matters of common concern to Councils
- recommend priorities to be followed by LGAT in pursuit of the State Agenda
- direct LGAT to undertake certain priorities
- refer to public policy generally.

*LGAT staff are happy to assist you in developing your motion.
Please phone 03 6233 5964 in the first instance.*

Name of Council :

Contact person (name, title)

Phone: Fax: Email:

Motion: (should clearly articulate the action required of LGAT or the policy position for the sector)

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.....

Background Comments:

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For Information Only:

Has a similar motion been considered by the General Meeting in the last 12 months?

Yes/No

Does the motion align with LGAT's strategic plan? Yes/No

If Yes – which Strategic Priority Area?.....

A copy of the LGAT Strategic Plan is available at - <http://www.lgat.tas.gov.au/page.aspx?u=751>

Post or Email by no later than close of business, Friday 29 April, 2016

18.2.3 CONSIDERATION OF VIEWS – THE IMPACTS OF GAMBLING IN THE COMMUNITY

Author: DEPUTY GENERAL MANAGER (ANDREW BENSON)

Date: 16 MARCH 2016

Attachments:

- Letter from Mayor Foster, Brighton Council
- Alliance for Gambling Reform Article
- Copy of a Report to Brighton Council
- Speech Notes – Margie Law from Anglicare – LGAT Feb meeting
- Commonly Asked Questions about Poker Machines

ISSUE

Consideration of Mayor Foster's correspondence in relation to the proliferation of gambling in the community.

BACKGROUND

Mayor Foster's letter was tabled at the January 2016 meeting and was deferred to take into account the broader Local Government views via the LGAT Meeting held in February 2016.

[EXTRACT January 2016 SM Council Meeting]

21.4 BRIGHTON COUNCIL (MAYOR FOSTER) RE: GAMBLING LEGISLATION

RESOLVED that Council note and acknowledge Mayor Foster's correspondence and request that the topic be included as a formal Agenda Item next meeting.

[END OF EXTRACT January 2016 SM Council Meeting]

[EXTRACT LGAT General Meeting February 2016]

POKER MACHINES AND THE GAMING ACT

Council - Brighton

Presentation on concerns about Poker Machines and the Gaming Act in the community by Mayor Tony Foster and Margie Law from Anglicare.

Background

Mayor Tony Foster will provide an outline of Brighton Council's concern regarding poker machines, the Gambling Act, and his thoughts on Council involvement in the issue. He will then introduce Margie Law of Anglicare to speak. She is a local expert on the poker machine industry and the issues associated with it. She is also a key driver of the local coalition of

organisations concerned about poker machines, which Brighton Council has become a member of.

In 1997, Brighton Council refused a planning application for poker machines on the basis of negative impacts to the local community and economy. The Tribunal ruled that this was reasonable under the Land Use and Planning Approvals Act, but that Section 9 of the Gaming Act means that the right to operate poker machines under that Act overrides all other Acts.

Since that time, there is now a much better understanding of the impacts (positive and negative) of poker machines. Some data is publically available; other data for smaller municipalities is with-held unacceptably.

A November EMRS poll of 1000 adults found that 84 per cent of respondents disagree that the Tasmanian community benefits from having poker machines in hotels and clubs, 66 per cent of whom strongly disagreed. Further, 82 per cent of respondents want fewer poker machines in their communities: 32 per cent of respondents want a reduction in numbers while a further 50 per cent said that poker machines should be removed completely.

[END OF EXTRACT LGAT General Meeting February 2016]

RECOMMENDATION

For discussion

DECISION

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



SCANNED

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

SOUTHERN MIDLANDS COUNCIL

Rec'd 11 JAN 2015

File no 108 064

From: [redacted]

Dear Mayor Bisdee OAM,

As you may be aware, Brighton Council has long been opposed to the proliferation of poker machines in our community and particularly their concentration in lower socio-economic areas. Indeed, in 1997, Brighton Council initially rejected the planning application for the installation of poker machines in the municipality, but this was overturned by the State Planning Tribunal as the Government's gambling legislation overrides local government planning powers.

With the issue of the extension of the poker machine monopoly now very much under consideration, I believe it is important that local government again consider the impact of this form of gambling on our communities.

It is worth noting that Tasmanians lost almost \$200 million on poker machines last financial year, much of it taken from people who can least afford it. This is an unacceptable statistic and one that must be addressed by all levels of government.

Independent research released at the end of last year by respected social welfare agency Anglicare, shows 84 per cent of Tasmanians believe that the community receives no benefit from poker machines and 50 per cent of the population wants them removed from hotels and clubs.

Undoubtedly, gambling on poker machines is having significant adverse consequences for Tasmanian families, small business and general economic activity, and the community is unhappy. The information released by Anglicare clearly demonstrates that the Tasmanian community does not believe the State gets any positive return from poker machines in hotels and clubs, and the majority of people want them removed.

Brighton's concerns are not just centred on problem gambling. The reality is that the adverse impacts of poker machines go considerably beyond problem gambling. Our concerns are also about money being bled from local communities and this impacts on families, small businesses and the community in general.

Where incomes are low, money spent gambling on poker machines can mean that families go without food, medical treatment, heating and other basic, even vital, necessities, as well as subjecting many to domestic violence.

As councils we cannot stand idly by while this occurs.



. 2 .

Consequently, Brighton Council recently joined the Tasmanian Community Coalition campaigning for a curb on poker machines in hotels and clubs, as well as the National Alliance for Gambling Reform. The local Coalition comprises welfare organisations, community groups and people concerned at the adverse impacts of this form of gambling and interested in alleviating the consequential suffering in our community.

The Coalition has called for poker machines to be phased out in hotels and clubs, for a reduction in the maximum bet to \$1 and for pokies to be restricted to the two casinos in Hobart and Launceston. This is very much in line with the feeling of the Tasmanian community as confirmed by the independent research conducted for Anglicare.

Brighton Council intends placing this crucial community issue on the agenda for the forthcoming LGAT meeting and I look forward to discussing this further with you and our Mayoral colleagues. Our strong position is that we have a responsibility to achieve reforms in the gambling industry to minimise harm and particularly reduce the impacts on our more vulnerable communities.

In the meantime, I invite your Council to consider joining the Tasmanian Community Coalition, to represent our local communities and strengthen local government input on this key public issue. I have enclosed details of the Coalition, its membership and aims. Brighton's Manager Development Services, James Dryburgh (phone 6268 7038) would be happy to provide further advice to your Council if required.

I look forward to your consideration of membership and to discussing this further with you.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Tony Foster".

Tony Foster AM OAM JP
MAYOR

8th January 2016

Terms of Reference for coalition of community organisations concerned about gambling

1. The coalition

The coalition was formed on 2 November 2015 by non-government organisations who were concerned about gambling and in particular the effects of poker machines in Tasmania. The coalition's Statement on Public Policy Principles and Recommendations released on 2 November forms the basis for the coalition's work together and for its public statements.

The coalition exists to ensure the Tasmanian Government consults with the community on the future of gambling in Tasmania, including the number and location of poker machines, the number of casinos and the level of consumer protection required by the State.

The coalition has no legal status. The responsibility for content in public statements will be borne by the members listed as a supporter at that time.

2. Coordination and decision making of the coalition

Anglicare will facilitate coordination of the coalition. Most communications will be via email, which will provide proposals with a minimum of 1 week permitted for comments. Members are required to clearly articulate agreement, approval or objections as relevant. After the time for comments has passed, Anglicare will assume any organisation that has not commented has agreed to the proposal.

3. Membership of the coalition

The coalition consists of fixed membership with a defined list of organisations. New members will be considered where they can demonstrate:

- Support and commitment for the coalition's objectives as outlined in the 2 November 2015 Statement and any subsequent statements authorised by the coalition; and
- An intention to actively participate in the coalition including the ability to contribute to meetings and discussions and consult their organisation's management where necessary and in a timely manner.

Political parties, politicians, individuals and lobby groups that do not provide services to the Tasmanian community or to Tasmanian community groups will not be accepted as members.

A minimum of 1 week will be given for existing members to share their approval or objections of any proposal for membership. All members of the coalition, current at the time of the application, must be in favour of new member applications for the application to be successful. If approved, the new member will be added to the contact list and any public statement issued thereafter.

4. Media, campaigns and activities

Media, campaign and activities that are conducted independently by member groups themselves must be under that member group's name only. Media, campaign and activities that bear the name of the coalition must be approved by the coalition. The coalition may appoint spokespersons who can speak on pre-agreed positions without further consultation.



Coalition of community organisations concerned about gambling

Statement on Public Policy Principles and Recommendations

2 November 2015

A coalition of community sector organisations has formed today to express its concerns about gambling and to call on the Tasmanian Government to consult with the community on the future of gambling in Tasmania, including the number and location of poker machines, the number of casinos and the level of consumer protection required by the State.

The current Deed that sets out the conditions of the monopoly license for the casinos and poker machines in Tasmania is due to expire on 18 March 2018. It has the option of a further rolling term of five years. During recent discussions about a possible third casino, the Treasurer promised public consultation before any proposal is presented to Parliament.

The community sector coalition has a number of public policy principles it proposes should form the basis of negotiations about gambling:

1. Gambling problems are a public health issue that should be treated in the same way as other public health issues. This would see a public policy framework that prioritises prevention of harm across the whole population through effective consumer protection measures.
2. Parliament should use the data from Tasmania's three Social and Economic Impacts Studies (SEIS) to guide its public policy approach on gambling.
3. Public policy on gambling should recognise that higher gambling frequency is an indicator for developing gambling problems and should therefore address both the risk factors that lead people to gamble more frequently and the gambling features that are attractive to people who subsequently develop a gambling problem.
4. Public policy on poker machines should recognise that 98 per cent of the adult population either never touch a poker machine or spend less than 12 hours per year at a machine. Public policy should therefore focus on the people who face harm because of their intensified daily or weekly visits to the machines.



Friday 11 December 2015

RE: The negative impacts of poker machines in Tasmania

Dear The Hon Peter Gutwein MP,

A coalition of sixteen community organisations formed in November this year to urge the Tasmanian Government to consult with the community on the future of gambling in Tasmania, including the number and location of poker machines, the number of casinos and the level of consumer protection required by the State.

The current Deed that sets out the conditions of the monopoly license for the casinos and poker machines in Tasmania is due to expire on 30 June 2018. It then moves into the rolling term of five-year periods. During recent discussions about a possible third casino, the Treasurer promised public consultation before any proposal on renewing the license on poker machines is presented to Parliament.

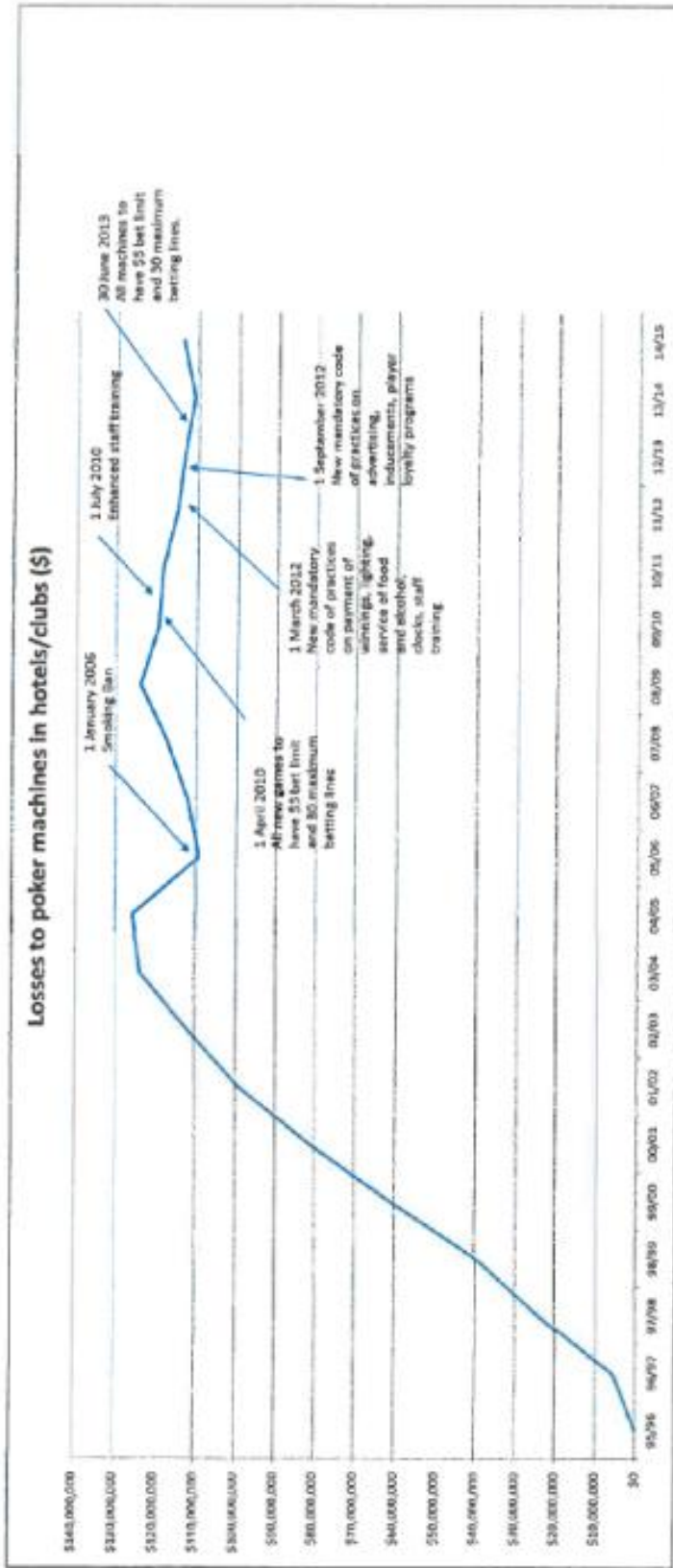
The Tasmanian community is concerned that poker machines cause significant harm. Polling of 1000 adults conducted by EMRS in November this year found that 84 per cent of respondents disagree that the Tasmanian community benefits from having poker machines in hotels and clubs, 66 per cent of whom strongly disagreed. Further, 82 per cent of respondents want fewer poker machines in their communities: 32 per cent of respondents want a reduction in numbers while a further 50 per cent said that poker machines should be removed completely.

Given the strong community concern about the harm caused by poker machines, we call on you to publicly state your support for extensive community consultation before any agreement to extend or renew the poker machine license.

Our coalition has a number of public policy principles it proposes should form the basis of negotiations about the future of poker machines in Tasmania:

1. Gambling problems are a public health issue that should be treated in the same way as other public health issues. This would see a public policy framework that prioritises prevention of harm across the whole population through effective consumer protection measures.
2. Parliament should use the data from Tasmania's three Social and Economic Impacts Studies (SEIS) to guide its public policy approach on gambling.

Figure 1: Introduction of harm minimisation measures and losses to poker machines in hotels and clubs 1995/96 to 2014/15





**THE POKIES
 PLAY YOU**

Australians spend more per person on gambling than any other country in the world - almost double that of New Zealand. Poker machines are the crystal meth of gambling, taking more than \$11 billion from Australians every year.

Australians lose more money gambling than we spend on other activities that can be addictive and dangerous including alcohol, tobacco and all illegal drugs. It is a major driver of household debt, and family and personal dysfunction.

The Australian gambling industry pocketed \$21 billion dollars in the last year, largely from low-income and vulnerable citizens. A complacent attitude to the gambling industry has resulted in few marketing, planning or technology constraints.



It's time to tackle one of Australia's biggest causes of inequality and hardship.

Over the past twenty years this is an industry that has been unleashed on Australia, without reasonable regulatory controls or even a genuine community conversation.



JOIN A NEW, POWERFUL ALLIANCE

Leaders including Tim Costello and academic Dr Charles Livingstone are collaborating with local government partners the VLGA and MAV, the Australian and Victorian Inter-church Taskforces on Gambling, the Uniting Church, the Salvation Army and grassroots groups such as PokiesHarmWhittlesea.org and the Gambling Impact Society.

Our alliance members represent over 50 organisations and hundreds of thousands of Australians. We have a massive opportunity to make a difference, but we need a deep alliance to do it.

WE HAVE THE SOLUTIONS FOR CHANGE

We have the solutions to harm caused by poker machines. Our goal is to minimise the harm caused by poker machines through legislation to limit maximum bets to \$1, supported by a suite of complimentary policies including maximum loses of \$120 per hour, no cash out in venues, reducing operating hours and changes to machine licensing legislation.

Our campaign will win because we have a strong strategy:

1. **Build a national supporter base** for poker machine reform, with alliance members
2. **Re-frame the debate** back to the root cause of the problem – machines designed for addiction.
3. **Commission research** to provide a real evidence base for meaningful reform
4. **Engage community clubs** by demonstrating that their members want to see their club lead.
5. **Use our community power to move politicians** to support the reforms that ensure all clubs and pubs are made safe from machines that were designed to be dangerous.

We have the ability to reach out to even more citizens and empower them to be a part of a campaign for systemic change. Together we can reign in a powerful source of harm and inequality in Australia.

JOIN THE ALLIANCE – MAKE A DIFFERENCE

To turn around Australia's gambling crisis, we are planning a campaign costing \$2m over four years. Your contribution will make it possible for effective campaign elements to be delivered, including:

Building a broad alliance for change. The foundations are an Alliance builder (Tony Mohr), supported by expert communications development, brand, website and supporter database. \$104,000

Creating club leadership. We'll use community organising to develop supporters who are club members into effective volunteers who can apply targeted pressure on their clubs. \$ 52,000

Engaging cross-platform content. We'll commission journalists to create a steady stream of engaging news stories, interviews and op-eds for distribution across traditional and new media \$ 25,000

Engaging research. Working closely with policy and economic experts, we'll produce research that drills down into the local losses from poker machines, alternative revenue options for government, and an engaging guide to safe clubs and pubs. (cost per report) \$ 12,000

Kac-Ching! community screening event series. We'll rollout a series of national screening events that include powerful stories from former gamblers. (15 screenings) \$ 15,000

Already collaboration partners have committed resources totalling \$1 million, leaving a gap of \$1 million over four years. To get the campaign in place, \$200,000 is needed in the first year. Contributions to the project are fully tax deductible. Your participation will make a profound difference to the lives of so many Australians impacted by an industry that urgently needs reform.

WWW.POKIESPLAYYOU.ORG.AU – INFO@AGR.ORG.AU – TONY MOHR – (03) 9999 7372

Attachment 3 - Brighton Council Report

FILE REFERENCE:

AUTHOR: James Dryburgh (Manager Development Services)

Becoming an 'Alliance for Gambling Reform Supporter'

Background:

Council attempted to stop the introduction of pokies to the municipality, but was ultimately unsuccessful. Brighton has two venues with pokies. Due to legislated secrecy it is difficult for council to obtain detailed data about the effect of pokies on the local economy and on our residents. This restriction on information is not the case in Victoria.

Council issued a media release on 4th November 2015 calling for a major independent study into the impacts of pokies.

Momentum is gathering in Tasmania and across the nation to better protect people and communities from the harmful impacts of poker machines. A recent ABC documentary *Ka-Ching! Pokie Nation* highlighted the deceptive design of the machine and a legal action has now been brought. Maurice Blackburn lawyers will argue in a state or federal court that poker machines are in breach of consumer law for misleading and deceptive conduct.

In Tasmania, discussions have opened up again due to David Walsh expressing concerns over his gambling licence request being used to extend the Federal Group monopoly.

This report is for the purposes of recommending that Council become an 'Alliance Supporter' of the Alliance for Gambling Reform. A useful summary flyer of the problem is attached.

The **Alliance for Gambling Reform (Alliance)** is a newly-formed national collaboration of organisations with a shared concern about the harmful impacts of gambling in Australia. The Alliance seeks to campaign for reforms to the gambling industry to reduce harm from gambling, including better information, machine regulation and seeking licensing changes to address the increasing practice of gaming operators shifting existing machines into more vulnerable communities.

Brighton Council Report

The Alliance is 100% funded by donations from individuals and foundations that do not have any ties with the gambling industry. They are not affiliated with any political party.

The mission of the Alliance aligns closely with, and builds upon, the Victorian local government-led *Enough Pokies* campaign.

Victorian Example

In 2014 there was a statewide local government campaign, *Enough Pokies*, which successfully mobilised over 70 councils, the Municipal Association of Victoria (MAV), The Victorian Local Governance Association (VLGA), The Salvation Army and secured financial contributions from 13 foundation councils.

The campaign was timed to coincide with the November 2014 state election and its aim was to raise awareness of the predatory conduct of the major gaming operators which are increasingly targeting and exploiting some of Victoria's most disadvantaged communities with the placement of their poker machines. The campaign sought to highlight the frustrations of councils and communities across the state with the current inadequate regulatory framework for poker machine licensing in Victoria and the uneven playing field which exists at the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and the Victorian Civil and Administrative Tribunal (VCAT).

Enough Pokies was successful in bringing together an unprecedented coalition of councils advocating for pokies licensing system reform. The campaign was assisted by a specialist communications firm and achieved significant media coverage including in *The Age*, *The Herald Sun*, *The Guardian* and the ABC. The campaign also commissioned an experienced barrister to draft legislative amendments proposing improvements to the *Gambling Regulation Act* to better protect vulnerable communities from the targeted exploitation of the big gaming operators. The new state government has agreed to meet to consider these amendments further in July 2015.

Off the back of the public exposure of the manipulative machine settings, the Alliance are targeting a number of Victorian clubs to commit to going "con free". A clever ask in that they don't need to get rid of their pokies.

Brighton Council Report

DISCUSSION

Building on the work of *Enough Pokies* is a key part of the mission of the Alliance. Indeed, Victorian local government has been a key driving force behind the Alliance with the MAV and VLGA involved in supporting and assisting it. Other organisations also supporting the Alliance are:

- The VLGA;
- Approx. 40 Victorian Councils;
- The MAV;
- The Salvation Army;
- The Uniting Church in Australia;
- The Reichstein Foundation;
- Victorian Inter-Church Gambling Taskforce;
- Australian Churches Gambling Taskforce;
- Whittlesea Inter-agency Taskforce on Gambling (WITOG); and
- Gambling Impact Society (NSW).

Councils signed up as Alliance supporters include:

Bass Coast Shire Council
Brimbank City Council
Cardinia Shire Council
City of Greater Dandenong
City of Monash
City of Whittlesea Council
Darebin Council
Geelong City Council
Hobsons Bay City Council
Hume City Council
Indigo Shire Council
Knox City Council
Leichhardt Municipal Council
Macedon Ranges Shire Council
Maribyrnong City Council
Mitchell Shire Council
Moonee Valley City Council
Moreland City Council
Monash city Council

Brighton Council Report

Municipal Association of Victoria (MAV)
The Victoria Local Governance Association (VLGA)
Whitehorse City Council

The Alliance is a national collaboration of organisations with a shared concern about the harmful and unjust impacts of gambling in Australia. It represents the first time that key organisations have attempted to collaborate and pool their respective efforts, resources and talents to seek important reform in this area. Alliance board membership is comprised of leading experts and public spokespeople in gambling prevention, representing agencies across Australia. Among others, it includes Tim Costello who has been the most publicly prominent advocate for gambling reform over the past two decades.

The Alliance also seeks to partner with councils to press for regulatory changes to the licensing system for the location and placement of poker machines, as sought through the *Enough Pokies* campaign.

Alliance campaign activity is due to launch later in 2015 and will be seeking support from councils through assisting with coordinating localised community campaigns and events aligning with the national campaign.

The Alliance board will oversee the implementation of the Alliance campaign plan and a National Campaign Manager has been engaged to implement and execute the campaign.

As an 'Alliance Supporter' it is envisaged that Council's logo may be displayed along with the logos of other Alliance Supporters on the Alliance website when it is established. Council will also be able to use the Alliance's logo to promote the Alliance in appropriate ways and may consider coordinating some local events to coincide with the launch of the Alliance's campaign later in the year. As an 'Alliance Supporter' Council is not responsible for the activities of the Alliance and, although it is not likely, if there were any concern about any action or position taken by the Alliance in the future, it would be entirely open to Council to resolve to cease to be an Alliance Supporter at any time.

Consultation:

Consultation has occurred between Council's GM, MDS, Mayor and Media Advisor. Consultation has also occurred between Council's MDS and the Alliance for Gambling Reform.

Brighton Council Report

Risk Implications:

There are no risk implications.

Financial Implications:

There are no direct financial implications associated with Council becoming an Alliance Supporter. It is envisaged that there will be some staff in-kind support from time to time. However, this support is not mandatory and any requests for assistance will be determined on a case by case at the time by appropriate staff.

Conclusion:

The Alliance seeks to campaign for reforms to the gambling industry to reduce harm from poker machines and to protect disadvantaged communities from the infiltration of increasing numbers of poker machines.

Options:

1. As per the recommendation.
2. Council does not adopt the recommendation.

RECOMMENDATION:

That Council resolve to:

Become an 'Alliance Supporter' of the Alliance for Gambling Reform

DECISION:

Margie Law's speech notes for LGAT, 12 February 2016

Thank you Tony and thank you to LGAT for inviting me here today.

Anglicare is the largest community service organisation in Tasmania. We have a range of services across much of the state – services such as financial counselling, accommodation support, mental health, disability and aged care.

We coordinate the counselling services for people who have gambling problems and our Social Action and Research Centre (SARC), where I work, does research, policy and advocacy on this issue. My background on this doesn't go back as far as Tony's but I have been working consistently on the effects of gambling since March 2003, just after the state government signed the current Deed with Federal Hotels with no community consultation.

Each of us here have our own moral or ethical views on gambling as we do on smoking, alcohol, other drugs, speeding, texting while driving, etcetera. These are all activities that an individual could say they do at their own risk but that we also know from a public health perspective affect other people.

The public health issues for gambling on poker machines in our local communities are clear. Poker machines are concentrated in lower socio-economic areas. About one in five people who regularly put money into a poker machine will develop a gambling problem.

As far as public policy goes, there is a clear path that we can choose to take. The majority of Tasmanians never touch a poker machine and of those who do the average use of a poker machine is twice a year – that is not very often. Strong public policy on this issue that limits access to poker machines will not have a negative impact on the vast majority of the population because they never or rarely use them.

However, there are about 2,500 to 3,000 people in Tasmania who have a gambling problem and most of these have difficulties controlling their spending on poker machines.

Anglicare and many other agencies see the damage done to individuals, families and their communities when someone begins spending a large proportion of their income on these machines. People lose their jobs, their houses, their families, their future.

For every one person with a gambling problem there are between 5 and 10 other people affected – these may be parents, children, siblings, work mates. This means that about 17,500 people are affected by someone with a gambling problem in Tasmania. I would be very surprised if there was no one in this room who didn't know someone who has been harmed by gambling.

Although we don't have figures for the number of people in each local government area who has a gambling problem – but I estimate that for example, there are about 440 people

in Glenorchy, 380 people in Launceston, 260 people in Devonport and 200 people living in Clarence and so on, who are being directly harmed by their use of poker machines.

Politicians often ask me why can't these people just get help and stop? Like addictions such as alcohol, cigarettes and other drugs, there are often complex issues in a person's life that are further compounded by the problems that develop from gambling. As well as this, the machines are designed to be addictive.

Poker machines are in fact a dangerous product. They are designed by experts to trick people. They have specialists working on the music and the visuals and on the pay reels so that people think they are winning when they are really losing. Lots of small payouts that are less than what the person actually put in but are accompanied with winning sounds and pictures trick people into thinking they are winning.

This results in a lot of money leaving local government areas across Tasmania. In the last financial year, Tasmanians lost 114 million dollars to poker machines in hotels and clubs. Most of this money went to the one company that owns all the machines, with some going to the local venue and to the state government. This is money that could otherwise been spent on other things in the local community like rent, food, entertainment.

Back in 1997, we were told that poker machines would contribute to our local areas – that they would provide entertainment and money for our local communities for sports teams and the like.

You know your local areas best. Have our local economies benefited from having poker machines in them?

If you are on the Glenorchy Council for example, can people in your local government area afford to lose almost 2 million dollars every month year in year out? How does this affect spending at non-poker machine businesses?

The state government promotes "responsible gambling". But how can people gamble responsibly on a poker machine when they don't understand how the machine works? How do you spend money responsibly on a poker machine when you don't know how much it costs each time you press the button?

Would you buy a soft drink if you didn't know how much drink there was in the can? Would you agree to go to a footie game if you didn't know how much you had to pay until after you went in the gates? This is a simple consumer protection issue.

Responsible gambling is a myth when it comes to poker machines.

The longer someone uses a poker machine the more they will lose. It is a simple fact. Poker machines are unfair and they should be removed from our communities. We then need much better consumer protection for the machines that would be left in the casinos.

Will you join us to make our communities safer? Brighton Council decided to join our coalition, which consists of 17 organisations, large and small, that care about the wellbeing of people and our local communities – including the Salvation Army, Relationships Australia, Tasmanian Association of Community Houses and of course Anglicare. Being part of the coalition is not onerous. Anglicare will continue to take the lead on this work and provide information and opportunities for the coalition to actively engage with community, other organisations and politicians.

We invite each council and LGAT to join us. In doing so you would be supporting the views of the majority of the community. As Tony said, in a recent poll 32 per cent of respondents want a reduction in the number of poker machines and a further 50 per cent want poker machines removed completely. This is a strong message. In all, more than 80 per cent of our population want fewer poker machines in their communities.

We are at a critical point in time with important decisions still to be made about poker machine gambling in our state beyond 2018. Our coalition is calling on the state government to make changes that are in the best interests of Tasmanian communities. I encourage you to join us in promoting the wellbeing of all who live in your municipality.

Commonly asked questions about poker machines

Prepared by the coalition of community organisations concerned about gambling, March 2016

How long has Tasmania had poker machines?

Poker machines, also known as pokies, electronic gaming machines (EGMs), and one-armed bandits, were introduced into Tasmania's casinos in 1986. They were extended into hotels and clubs in 1997 in order to raise tax revenue. The community was not asked if they wanted poker machines in Tasmania.

Where does the money that is put into poker machines go?

About 20 per cent goes to the Tasmanian Government, about 70 per cent goes to Federal Hotels and about six per cent goes to the hotel or club.

How does a poker machine work?

Poker machines are computers that are programmed to pay out prizes at random intervals while keeping a percentage of the money put into them. In Tasmania, about 85 per cent of the money put in is returned to the player. The machines are programmed to ensure the owner of the machines makes a profit.

If 85 per cent of the money is returned to the player, what is the problem?

The machine is programmed to provide "wins" of about 85 per cent. This means that for every dollar put into the machine, the machine keeps, on average, 15 cents and the person gets 85 cents back. This seems like a "win" as you get some money back, but you have actually lost 15 cents from your original dollar.

What do you mean poker machines are rigged?

Poker machines are computers that are programmed to make money for their owners. However, they are designed to excite and entice using flashing light and sound effects. Returns of small amounts of money trick people into thinking that they are winning.

How many people have a gambling problem in Tasmania?

Government surveys estimate approximately 3,000 adult Tasmanians have a gambling problem.

How many people have a gambling problem with poker machines in hotels and clubs?

Government surveys show that a person with a gambling problem in Tasmania is most likely to gamble on poker machines in hotels and clubs.

Why don't people just take personal responsibility and stop?

Poker machines are designed to be addictive. Harm minimisation hasn't worked.

Why don't people get help?

Many people feel ashamed if they have problems with gambling. Only about 10 per cent of people with a gambling problem ever seek professional help. With poker machines located in hotels and clubs in our neighbourhoods, it is more difficult for people to avoid them.

If we remove poker machines from hotels and clubs, wouldn't people just gamble online on their phones and isn't this more dangerous?

Tasmanian Government surveys show that 22 per cent of people who use a poker machine would reallocate their money to other forms of gambling if they were not able to access poker machines. This means that 78 per cent of people would reallocate their money to other purposes, which could include food, entertainment, family expenses etc. Online gambling is currently a minor form of

gambling with just 7 per cent of Tasmanian adults gambling online. Less than half of these used their mobile to gamble. Online gambling does, however, present significant risks to individuals as it is largely unregulated and as access to online technology becomes easier.

What about sports betting? Isn't that a bigger problem than poker machines?

Sports betting includes gambling on the outcome of games like football or cricket or the results of an election or reality TV show. Sports betting can be done in person at a TAB, over the phone or online. While it is an area of gambling that is growing quickly, it still forms a tiny percentage of overall gambling losses. However, it is an area of gambling that will need closer monitoring.

Won't poker machines in the casinos still cause harm?

The coalition recommends stronger consumer protection for the poker machines that would remain in the casinos. This protection would include a maximum \$1 bet limit, a system that enforces a spending limit and mandatory intervention by staff where customers are experiencing harm.

People don't have to gamble on poker machines, it's their choice. Doesn't removing them make us a nanny state?

A key role of the government is to ensure that our communities are safe. Through various laws, funds and services, governments have influence over our activities ranging from catching the bus, to going to school, to watching TV. The Tasmanian Government legislated for poker machines to be introduced into our communities without seeking our opinion. The license for poker machines and the casinos expires in June 2018, with an optional 5-year rolling renewal. The Tasmanian Government has the right to require poker machines to be withdrawn.

If we remove poker machines from hotels and clubs, wouldn't there be a big loss of jobs?

The Productivity Commission found that the impact of the gambling industry on employment is neutral because if gambling industry did not exist or was smaller, money would be spent in other industries and employment would be created. Victorian research found that for every million dollars spent on gambling, just over three jobs are created, compared to eight jobs per million spent on beverage sales and 20 jobs per million spent on restaurant and take-away meals.

Won't the hotels and clubs that had poker machines suffer if they are suddenly removed?

The Tasmanian Government could consider a number of ways to assist in the transition, including a short-term fund for businesses that are affected.

What about the money that goes into the community support levy that supports community activities such as sport?

About 30 per cent of the community support levy comes from people with a gambling problem. Sports clubs and other groups that receive funding through the community support levy therefore rely on individuals in their community losing significant amounts of money to poker machines.

Poker machines in Tasmania's casinos do not currently contribute to the community support levy. The coalition recommends that when poker machines are removed from hotels and clubs the community support levy is charged to those in casinos.

How do you know whether it is local people or tourists losing money on the poker machines?

Whether it is tourists or locals who lose most of the money to poker machines in any particular area, the effect on other businesses is the same: money is going into poker machines that could be going elsewhere. The Tasmanian Government has provided poker machine businesses with a subsidy by allowing Federal Hotels the monopoly license for free. The special treatment received by the gambling industry is not shared by other small businesses in local communities.

18.2.4 SUB REGION (BRIGHTON, CENTRAL HIGHLANDS, DERWENT VALLEY & SOUTHERN MIDLANDS COUNCIL) COLLABORATION STRATEGY

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 16 MARCH 2016

Attachment:

- Sub Region Collaboration Strategy March 2016

ISSUE

Council to consider and endorse the sub region collaborative strategy.

BACKGROUND

Councillors may recall the November 2015 Council Meeting at which Council considered the outcomes of the Sub-region workshop held on 9th November 2015. The sub-region consisting of the Brighton, Central Highlands, Derwent Valley and Southern Midlands Councils.

The initial purpose of the workshop was to:

- a) identify (or confirm) the willingness of the individual councils to work together; and
- b) identify the type of initiatives that could be progressed through the development of a joint strategy.

It was based on the recognition that the sub-region has much to offer, not only in the areas of tourism, agriculture, recreation and industry development, but areas such as transport and roads, education, energy and health services. It was envisaged that we can achieve significantly more through working collectively, rather than as individual Councils.

A preliminary Action Plan was developed to ensure that the outcomes were progressed beyond staging the initial workshop.

Council resolved at that meeting to commit to working with the Brighton, Central Highlands and Derwent Valley Councils to develop and implement a strategy to promote and market economic and community development.

DETAIL

Following the November 2015 workshop, the Brighton and Central Highlands Councils did endorse the sub-region, however the Derwent Valley deferred a decision pending consideration of a strategy to frame the proposed collaboration, including additional details of specific activities.

Relevant staff from each of the four Councils has since met to further develop the strategy, including a set of initial priorities for action – *refer Attachment*.

The purpose of this report is three-fold:

1. Council to endorse the Strategy and Initial Action Plan within it.

The Strategy and Action Plan will evolve over time as the sub-region progresses, but the attached document is considered to capture the main opportunities for collaboration at present. Alteration of the Strategy can be put back before Councils for endorsement if significant changes are deemed necessary in future.

2. That Council elect a Councillor to act as the Council's representative on a Steering Committee that would be responsible for:

- monitoring progress in respect to each of the action plans;
- providing regular updates to Council;
- seeking input and feedback from Council in regard to ongoing issues and opportunities that could be addressed on a sub-regional basis; and
- referring any proposed activities to Council which may require an allocation of funds or budget consideration.

3. It is also recommended that Council be willing to further the Sub-region with Brighton and Central Highlands only if Derwent Valley choose to defer or reject pursuing collaborative projects as a sub-region. It is not necessary for the idea of the Sub-region to stall on behalf of one of the four councils and there is no reason why Derwent Valley could not join the group at a later date if this suits them better.

It is expected that a report similar to this one will be put to each of the four councils in March.

It is also expected that the first meeting of the Steering Committee will be held as soon as possible after its formation and that one of the first items for consideration will be a presentation from local consultants about a history story-telling project to attract visitation across the Sub-region.

Human Resources & Financial Implications – Any significant expenditures will be referred to Council for approval in advance of initiating any activity.

Community Consultation & Public Relations Implications – dependent on the nature of each individual activity.

Council Web Site Implications: N/A

Policy Implications – N/A

Priority - Implementation Time Frame – It is expected that the Steering Committee will immediately request relevant council staff begin work on the items listed within the Action Plan.

RECOMMENDATION

THAT Council:

- a) Council endorse the Strategy and Initial Action Plan within it;
- b) Appoint its representative to the Steering Committee (noting its' responsibilities detailed above); and
- c) be willing to further the Sub-region with Brighton and Central Highlands only if Derwent Valley choose to defer or reject pursuing collaborative projects as a sub-region.

DECISION

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

Attachment

SUB-REGION COLLABORATION STRATEGY

March 2016

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

Background

The four councils have successfully shared resources for several years across a wide range of services which has largely been at a staff or operational level. This strategy elevates working together to a policy or corporate level.

While the 2014-15 Auditor General's report indicates that all four councils are sustainable, it is acknowledged that there is always room for improvement.

Expectations of local government are always increasing and there is intensive scrutiny of council operations, particularly from the media and lobby groups.

Through member organisations such as the LGAT and STCA the councils are included in funding submissions as individual councils or as part of a regional or state-wide lobby group. However, some issues and opportunities relate more to the Sub-region than to these larger bodies, making it important to lobby for focussed funding for specific projects within the Sub-Region and leverage off the individual strengths of each of the four council areas in a collaborative effort.

Guiding Polices

The Sub-Region will be stronger by working together. It should:

1. Build on strengths by working together and reducing duplication.
2. Share resources and expertise.
3. Represent and build on the collective strengths of the Sub-Region.
4. Recognise the common interests of the communities in the four municipal areas.
5. Provide a strategic basis for decision-making
6. Enhance and promote the sustainability of each of the four Municipal Areas
7. Provide a platform for the development of supporting strategies covering a range of areas of mutual interest; in some cases it may be a consolidation of existing strategies

Action Plan

The councils will work together to achieve beneficial outcomes in the following key focus areas:

- economic development and employment
- education and skills training
- health, well-being and environment
- tourism development and promotion
- infrastructure

As an initial Action Plan (which will expand over time), the following projects have been proposed under each of the key focus areas to achieve the goals established in the guiding policies:-

Economic development and employment:

- a) Prepare a high-level investment prospectus for the region reflecting the competitive strengths and advantages of each of the municipal areas;
- b) Consider options to address 'short-term' accommodation requirements for seasonal workers within the four municipal areas;

Education and Skills Training:

- a) The four Councils commit to supporting the Bridgewater Trade Training Centre, (Note: the BTTC has a defined catchment area covering the entire sub region and therefore it is appropriate that it receives the support of the four Councils as a focal point of Vocational Education and Training):
 - (i) by being active Members of the Centre's Advisory Board;
 - (ii) assisting to facilitate engagement strategies with Community & Employers across the sub region;
 - (iii) promoting the Centre for skill acquisition for Apprenticeships/Traineeships as well as across all ages; and
 - (iv) facilitating collaborations with the BTTC with other organisations, such as universities and councils.
- b) The Centre for Heritage at Oatlands/Southern Midlands Council will soon establish the *Integrated Heritage Skills Hub* – a community cooperative aimed at economic development through promotion of heritage trade skills. This will collaborate and expand existing initiatives relating to heritage trade and craft skills, archaeological investigations, conservation management planning and research. The Council's in Sub-region;

- (i) commit to working in partnership in accessing grants and funded programs to further the heritage restoration and skill enhancement programs provided by the centre;
- (ii) identify appropriate sites and initiatives across the sub region for skills training programs which may include; restoration, research, enhanced use/accessibility and interpretation; and
- (iii) work with industry partners and training organisations to build heritage trades skill-sets within the communities (including youth programs).

Health, Well-being and environment:

- a) Disaster and emergency management – convene a meeting of the respective Local Emergency Management Coordinators (and other interested persons) for the purpose of identifying opportunities to achieve improved coordination and efficiencies in emergency management.
- b) Aged Services – review existing aged care and related strategies (and policies) with the intent of identifying specific actions that can be taken to advance the aim of being aged-friendly communities (this includes monitoring the activities of Primary Health Tasmania which is a non-government organisation responsible for engaging with local communities to seek out the health needs of Tasmanian and identify solutions).
- c) Disability Access Strategy – participate in the project being undertaken by the Local Government Division which is working with local government representatives on a disability access strategy. The strategy aims to identify and provide resources which will assist Councils to improve disability access in their local area. The intent of this action is to achieve efficiencies by streamlining participation yet maximising the outcomes from the project.

Tourism development and promotion:

- a) Assess and report on the suitability / viability of a proposal entitled ‘The Time Travellers Guide to Tasmania – A history based multimedia tourism project’ - refer detailed proposal attached.
- b) Seek to work collaboratively in cross-regional tourism initiatives capitalising on the region’s core attractors (e.g. food, beverage, natural and cultural environments).

Infrastructure:

- a) Four Councils to identify infrastructure project priorities for lobbying purposes (suggest maximum of five projects per Council for inclusion in a sub-regional election submission) – aim to complete by end of March 2016
- b) Waste Management –

Short-term – identify opportunities for efficiencies and/or cost savings for collection and disposal

Medium to Long Term – consider landfill disposal options (and other strategic infrastructure requirements) that can cater for the sub-region

18.3 Finances

Strategic Plan Reference – Page 34 & 35

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

18.3.1 MONTHLY FINANCIAL STATEMENT (FEBRUARY 2016)

Author: FINANCE OFFICER (COURTNEY PENNICOTT)

Date: 17 MARCH 2016

ISSUE

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1st July 2015 to 29th February 2016 (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 10th March 2016
- e) Cash Flow Statement - February 2016

Note: Expenditure figures provided are for the period 1st July to 31st January 2016 – approximately 67% of the period.

CURRENT EXPENDITURE ESTIMATES (OPERATING BUDGET)

Strategic Theme – Infrastructure

Sub-Program – Lighting - expenditure to date (\$69,160– 79.25%). Street lighting is now paid on a monthly basis. Prior to the commencement of monthly payments, in August 2015, a quarterly payment was made in July 2015 which related to part of the previous financial year. Recognising that this was not an accrued expense as at June 2015, it is expected that this budget will be exceeded by approximately \$14,700 at the end of the reporting period.

Sub-Program – Signage – expenditure to date (\$9,639– 102.54%). Expenditure relates to the replacement of damaged and missing signs, including the large Çolebrook township sign.

Strategic Theme – Growth

Sub-Program – Business - expenditure to date (\$166,450– 131.92%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

Strategic Theme – Lifestyle

Sub-Program – Aged – expenditure to date (\$2,700 – 180.01%). Expenditure of \$1256 relates to seniors week activities.

Strategic Theme –Community

Sub-Program – Consultation – expenditure to date (\$4,019 – 79.28%). Expenditure relates to electricity payments for the Weeding’s Hill tower, only one quarterly payment outstanding.

Strategic Theme – Organisation

Strategic Theme – Improvement – expenditure to date (\$51,916– 593.33%). 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 (\$1,486,707 – 72.60%). Expenditure to date includes approximately \$149,500 of annual expenses (e.g. insurances, subscriptions and licence payments). If this amount is apportioned over the financial year, expenditure to date is within the approved budget.

CAPITAL EXPENDITURE ESTIMATES (CAPITAL BUDGET)

Nil.

RECOMMENDATION

THAT the Financial 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 R Campbell	
	Clr D F Fish	
	Clr D Marshall	

STATEMENT OF COMPREHENSIVE INCOME				
FOR THE PERIOD				
1st JULY 2015 to 29th FEBRUARY 2016				
	Annual Budget	Year to Date as at 29TH FEBRUARY	%	Comments
Income				
General rates	\$ 4,666,548	\$ 4,648,147	99.6%	Budget includes Interest & Penalties to be imposed to end of June 2016
User Fees (refer Note 1)	\$ 658,662	\$ 515,033	78.2%	
Interest	\$ 200,000	\$ 124,579	62.3%	
Government Subsidies	\$ 15,570	\$ 7,570	48.6%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ -	\$ -	0.0%	
Other (refer Note 2)	\$ 355,854	\$ 289,626	81.4%	
Sub-Total	\$ 5,896,634	\$ 5,584,955	94.7%	
Grants - Operating	\$ 3,201,435	\$ 1,272,009	39.7%	Mens Shed \$3202 FAGS \$1,271,474 NRM \$332.73
Total Income	\$ 9,098,069	\$ 6,856,964	75.4%	
Expenses				
Employee benefits	\$ (3,766,728)	\$ (2,026,850)	53.8%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (2,738,461)	\$ (2,135,196)	78.0%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,668,500)	\$ (1,787,895)	67.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (50,583)	\$ (26,181)	51.8%	
Contributions	\$ (188,399)	\$ (94,200)	50.0%	Fire Service Levies
Other	\$ (264,784)	\$ (169,364)	64.0%	
Total expenses	\$ (9,677,455)	\$ (6,239,685)	64.5%	
Surplus (deficit) from operations	\$ (579,386)	\$ 617,279	-106.5%	
Grants - Capital (refer Note 3)	\$ 877,860	\$ 216,934	24.7%	
Sale Proceeds (Plant & Machinery)	\$ 210,000	\$ 217,562	103.6%	
Net gain / (loss on disposal of non-current assets)	\$ -	\$ -	0.0%	
Surplus / (Deficit)	\$508,474	\$1,051,775	206.8%	

NOTES						
1. Income - User Fees (Budget \$658,662) includes:						
- All other Programs	\$	330,162	\$	304,369	92.2%	
- Callington Mill	\$	328,500	\$	210,664	64.1%	Actual Income Received (i.e. excluding Debtors)
	\$	658,662	\$	515,033		
2. Income - Other (Budget \$355,854) includes:						
- Income (Private Works)	\$	127,854	\$	172,477	134.9%	
- Tas Water Distributions	\$	228,000	\$	115,837	0.6%	
- Public Open Space Contributions	\$	-	\$	-	0.0%	
- Other	\$	-	\$	1,311	0.0%	
	\$	355,854	\$	289,626	81.4%	
3. Grant - Capital (Budget \$877,860) includes:						
- Black Spot Funding	\$	-	\$	-	0.0%	
- Tourism Funding	\$	-	\$	4,000	0.0%	
- Roads To Recovery Grant	\$	877,860	\$	212,934	24.3%	To be claimed in March 2016
	\$	877,860	\$	216,934	24.7%	
Note:						
Operating Grants						
- School Holiday Program	\$	-	\$	-		
- Mens Shed	\$	-	\$	3,202		
- NRM South	\$	-	\$	333		
- Australia Day Awards	\$	-	\$	-		
- Healthy Communities Initiative	\$	-	\$	-		
			\$	3,535		

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2015/16					
SUMMARY SHEET					
PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 29th FEBRUARY 2016 67%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3004318	3004318	1949586	1054732	64.89%
Bridges	361179	361179	226834	134345	62.80%
Walkways	179906	179906	113659	66247	63.18%
Lighting	87266	87266	69160	18106	79.25%
Irrigation	0	0	0	0	0.00%
Drainage	85107	85107	51448	33659	60.45%
Waste	579191	579191	337465	241726	58.26%
Public Toilets	56642	56642	32283	24359	57.00%
Communications	0	0	0	0	0.00%
Signage	9400	9400	9639	-239	102.54%
INFRASTRUCTURE TOTAL:	4363009	4363009	2790074	1572935	63.95%
GROWTH					
Residential	0	0	0	0	0.00%
Mill Operations	481205	481205	282100	481205	58.62%
Tourism	222479	222479	99349	222479	44.66%
Business	876177	126177	166450	-40273	131.92%
Agriculture	0	0	89	-89	0.00%
Integration	25615	25615	4528	21087	17.68%
GROWTH TOTAL:	1605476	855476	552515	684409	64.59%
LANDSCAPES					
Heritage	292412	292412	115220	177192	39.40%
Natural	138323	138323	93036	45287	67.26%
Cultural	0	0	0	0	0.00%
Regulatory	824289	824289	552732	271557	67.06%
Climate Change	28204	28204	5	28199	0.02%
LANDSCAPES TOTAL:	1283228	1283228	760992	522236	59.30%
LIFESTYLE					
Youth	222610	222610	18072	204538	8.12%
Aged	1500	1500	2700	-1200	180.01%
Childcare	7500	7500	5000	2500	66.67%
Volunteers	34500	34500	19995	14505	57.96%
Access	0	0	0	0	0.00%
Public Health	7881	7881	2481	5400	31.48%
Recreation	430731	430731	270660	160071	62.84%
Animals	72429	72429	43122	29307	59.54%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	777151	777151	362030	415121	46.58%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	31025	31025	21228	9797	68.42%
Safety	56650	56650	33813	22837	59.69%
Consultation	5070	5070	4019	1051	79.28%
Communication	12125	12125	1179	10946	9.72%
COMMUNITY TOTAL:	104870	104870	60240	44630	57.44%
ORGANISATION					
Improvement	8750	8750	51916	-43166	593.33%
Sustainability	2047836	2047836	1486707	561129	72.60%
Finances	252135	252135	144055	108080	57.13%
ORGANISATION TOTAL:	2308721	2308721	1682679	626042	72.88%
TOTALS	10442455	9692455	6208530	3865373	64.06%

CAPITAL EXPENDITURE PROGRAM 2015-16							
AS AT 29 FEBRUARY 2016							
				BUDGET	EXPENDITURE	VARIANCE	COMMENTS
INFRASTRUCTURE							
	ROAD ASSETS						
	Resheeting Program		Roads Resheeting (40.00 kms x 5.5 x 150mm x \$20 m3)	\$ 600,000	\$ 420,479	\$ 179,426	
		C1020041	Harbacks Road Resheeting		\$ 95		
	Reseal Program		Roads Resealing (as per agreed program)	\$ 500,000	\$ -	\$ (91,156)	
		C1010046	East Bagdad Road Reseal		\$ 21,521		
		C1010048	Oatlands and Kempton Road Reseal Project		\$ 451,267		
		C1010052	Eldon Road Reseal		\$ 56,305		
		C1010053	Rhyndaston Road		\$ 62,063		
	Reconstruct & Seal						
		C1010034	Clifton Vale Road	\$ 21,818	\$ 28,383	\$ (6,565)	
		C1010051	Brown Mountain Road (section up Hill - 200 metres)	\$ 30,000	\$ 36,173	\$ (6,173)	
		C1010049	Eldon Road (various sections - 500 metres)	\$ 75,000	\$ 68,326	\$ 6,674	
		C1010032	Green Valley Road (above Bridge - 150 metres)	\$ 22,500	\$ 21,136	\$ 1,364	
		C1010023	Inglewood Road (vicinity of Viaduct) - 585 mtrs from Rail Lights to Viaduct	\$ 87,750	\$ 70,966	\$ 16,784	
		C1010050	Rhyndaston Road (Vicinity of J Housego - 100 metres)	\$ 13,750	\$ 19,244	\$ (5,494)	
		C1010028	Woodsdale Road (Whiteford end - 2 sections - 200 metres)	\$ 30,000	\$ 16,941	\$ 13,059	
		C1010055	Woodsdale Road (near 'glue pot' - 2 sections - 240 metres)	\$ 36,000	\$ 17,459	\$ 18,541	
			Yarlington Road (Smarts Hill - 150 metres)	\$ 22,500	\$ -	\$ 22,500	
	Junction Road Realignment/ Other						
		C1010037	Campania - Reeve St / Clime Street	\$ 45,600	\$ 11,722	\$ 33,878	
			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	
	Carry Forwards:						
	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	\$ 12,909	\$ 399	
		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	\$ 204,127	\$ 6,873	WIP 30/6/15
			\$ 2,003,292	\$ 1,545,097	\$ 458,195	
BRIDGE ASSETS						
	C1030003	Brown Mountain Rd Bridge (B637)	\$ -	\$ 1,024	\$ (1,024)	
	C1030023	Swanston Road - Little Swanport Rv (B 1716)	\$ 355,000	\$ 127,343	\$ 227,657	
	C1030028	Rotherwood Road (B1137)	\$ -	\$ 515	\$ (515)	
	C1030040	Jones Rd (B5083)	\$ -	\$ 80,778	\$ (80,778)	WIP 30/6/15
	C1030046	Kheme Road (Birralee Creek T468.00570)	\$ 142,527	\$ 3,784	\$ 138,743	
	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
	C1030021	Wattle Hill Road (Coal River B1402)	\$ 284,925	\$ 6,765	\$ 278,160	
		Hardings Road (White Kangaroo Rivulet B1096)	\$ 163,547	\$ -	\$ 163,547	
	C1030051	Old Tier Road (Blackman River B3207)	\$ 132,834	\$ 51,610	\$ 81,224	
	C1030052	Jordan River B5083	\$ -	\$ 7,877	\$ (7,877)	
	C1030049	Inglewood Road (Tin Dish Rivulet B4289)	\$ 212,650	\$ 522	\$ 212,128	WIP 30/6/15
	C1030048	Muddy Plains Road (Summerfield Creek B417)	\$ 107,289	\$ 71,930	\$ 35,359	WIP 30/6/15
	C1030050	Nala Road (Kittys Rivulet B4264)	\$ 107,289	\$ 58,817	\$ 48,472	WIP 30/6/15
	C1030012	Sandy Lane (Red Rocks Race B4198)	\$ 56,950	\$ 29,701	\$ 27,249	WIP 30/6/15
	C1030053	Stratford Road Bridge (B4823)	\$ -	\$ 22,128	\$ (22,128)	
			\$ 1,685,948	\$ 465,565	\$ 1,220,383	
WALKWAYS						
		Footpaths - General (Program to be confirmed)	\$ 30,000	\$ 238	\$ 29,762	
		Bagdad Township			\$ -	
	C1090013	- Swan Street - Kerb & Gutter (eastern & western side)	\$ 112,244	\$ 2,687	\$ 109,557	
		Campania Township				
	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 Township			\$	-	
		- Main Street (vicinity of Tavern) incl. renewal of K&G	\$	17,500	\$	14,302	\$ 3,198
		Oatlands Township			\$	-	
		- Church Street (K&G renewal)	\$	15,000	\$	-	\$ 15,000
		Tunbridge Township			\$	-	
		- Various (to be confirmed)	\$	7,800	\$	-	\$ 7,800
			\$	277,544	\$	30,669	\$ 246,875
DRAINAGE		Bagdad					
		- Midland Hwy/ Swan St Drainage (McShane Property)	\$	22,500	\$	-	\$ 22,500
	C1090015	- Swan Street - Kerb & Gutter (eastern & western side)	\$	-	\$	-	\$ - WIP 30/6/15
		- East Bagdad Road - Drainage Renewal	\$	50,000	\$	11,387	\$ 38,613
		Campania					
	C1090008	- Reeve Street Open Drain (North Of Telephone Box)	\$	35,000	\$	8,193	\$ 26,807 WIP 30/6/15
		Oatlands					
		- Barrack Street(towards Mason St)	\$	10,000	\$	-	\$ 10,000
		- High St/Wellington Street Junction	\$	5,000	\$	-	\$ 5,000
	C1090024	Stormwater Management Plan			\$	3,295	\$ (3,295)
			\$	122,500	\$	22,875	\$ 99,625
WASTE	C110002	Wheelie Bins & Crates	\$	7,500	\$	3,498	\$ 4,002
			\$	7,500	\$	3,498	\$ 4,002
PUBLIC TOILETS	C1110001	Colebrook - Power Connection & Lighting	\$	5,000	\$	3,935	\$ 1,066
		Campania - Urinal / Plumbing / External Shower Head	\$	4,000	\$	-	\$ 4,000
			\$	9,000	\$	3,935	\$ 5,066
SIGNAGE		Oatlands Signage (Info Bays) - Town Maps	\$	10,000	\$	660	\$ 9,340
	C113001	Highway Signage - Graphic Design	\$	2,000	\$	1,020	\$ 980
			\$	12,000	\$	1,680	\$ 10,320
RESIDENTIAL	C201001	Kandara Court Subdivision	\$	-	\$	2,606	\$ (2,606)
			\$	-	\$	2,606	\$ (2,606)
TOURISM	C1020003	Eldon Road Drainage Improvement	\$	-	\$	298	\$ (298)
	C2020003	Heritage Gardens	\$	-	\$	2,234	\$ (2,234)
			\$	-	\$	2,531	\$ (2,531)

	BUSINESS	C2030001	Barrack Street Property Purchase	\$ -	\$ 172,320	\$ (172,320)	
				\$ -	\$ 172,320	\$ (172,320)	
	MILL OPERATIONS		Office Equipment & Furniture	\$ -	\$ 358	\$ (358)	
				\$ -	\$ 358	\$ (358)	
LANDSCAPES	HERITAGE	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	\$ 12,923	\$ 126,577	
			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	
				\$ 205,875	\$ 12,923	\$ 192,952	
	NATURAL	C3020002	Callington Park - Stone Wall	\$ 9,000	\$ 3,480	\$ 5,520	
			Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ -	\$ 5,000	
		C3020005	Chauncy Vale Track Construction	\$ -	\$ 10,000	\$ (10,000)	
			NRM South Weed Management	\$ -	\$ 620	\$ (620)	
				\$ 14,000	\$ 14,100	\$ (100)	
	REGULATORY	C3040001	Kempton Council Chambers - Building & Office Improvements	\$ 18,954	\$ -	\$ 18,954	
		C3040001	Kempton Council Chambers - Office Equipment	\$ 3,000	\$ 990	\$ 2,010	
		C3040001	Kempton Council Chambers - External Repainting	\$ 7,500	\$ -	\$ 7,500	
				\$ 29,454	\$ 990	\$ 28,464	
LIFESTYLE	RECREATION	C4070001	Parattah Recreation Ground - Building	\$ 10,000	\$ 7,685	\$ 2,315	
		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	\$ 101	\$ 4,899	
		C4070005	Recreation Committee	\$ 15,000	\$ 540	\$ 14,460	
		C4070007	Woodsdale Hall	\$ -	\$ 5,545	\$ (5,545)	
		C4070016	Colebrook Recreation Ground (Amenities)	\$ 35,000	\$ 19,786	\$ 15,214	Includes C4070030
		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	
		Oatlands Recreation Ground - Retaining Wall	\$ 12,000		\$ 12,000	
	C4070027	Oatlands Recreation Ground Flood Lights	\$ 385,000	\$ 375,973	\$ 9,027	Ground Lighting - Budget Amendment
	C4070028	Campania Recreation Ground Flood Lights	\$ -	\$ 279,668	\$ (279,668)	
	C4070031	Mt Pleasant - Watering System	\$ 20,554	\$ 16,626	\$ 3,928	
		Mt Pleasant - Upgrade Toilets	\$ 13,000	\$ -	\$ 13,000	
	C4070032	Mt Pleasant - Cricket Pitch	\$ -	\$ 12,650	\$ (12,650)	
			\$ 571,554	\$ 718,574	\$ (147,020)	
SAFETY		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
			\$ 3,000	\$ -	\$ 3,000	
CAPACITY		Community Blacksmith Program	\$ 6,200	\$ -	\$ 6,200	
		Community Garden- Mill Precinct	\$ 8,200	\$ -	\$ 8,200	
	C5020001	Levendale Community Centre	\$ 20,000	\$ 10,242	\$ 9,758	
			\$ 34,400	\$ 10,242	\$ 24,158	
ADMINISTRATION	C6020003	Computer System (Hardware / Software)	\$ 20,000	\$ 7,749	\$ 12,251	
	C6020007	Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	
	C6020007	Council Chambers - Building Improvements	\$ 7,500	\$ -	\$ 7,500	
	C6020004	Records Management		\$ 726	\$ (726)	
	C6020007	Town Hall (General) - incl. Office Equip/Furniture	\$ 8,000	\$ 4,674	\$ 3,326	
	C6020007	Photo Reframing	\$ 1,500	\$ -	\$ 1,500	
	C6020010	Municipal Revaluation		\$ 7,000	\$ (7,000)	
					\$ -	
WORKS		Kempton Depot - Painting	\$ 10,000	\$ -	\$ 10,000	
		Depot Relocation	\$ 5,000	\$ -	\$ 5,000	
					\$ -	
	C9990002	Minor Plant Purchases	\$ 9,500	\$ 8,815	\$ 685	
		Radio System	\$ 2,000	\$ -	\$ 2,000	
					\$ -	
		Plant Replacement Program				
		Refer separate Schedule (Net Changeover)	\$ 365,000	\$ 31,700	\$ 333,300	
		Light Vehicles	\$ 168,000	\$ 248,009	\$ (80,009)	
		(Trade Allowance - \$240K)	\$ -	\$ -	\$ -	
		Water Tanks Replacement (Truck)	\$ 50,000	\$ 49,440	\$ 560	
					\$ -	
			\$ 661,500	\$ 358,113	\$ 303,387	
		GRAND TOTALS	\$ 5,637,567	\$ 3,366,075	\$ 2,271,492	

	INFLOWS (OUTFLOWS) (July 2015)	INFLOWS (OUTFLOWS) (August 2015)	INFLOWS (OUTFLOWS) (September)	INFLOWS (OUTFLOWS) (October 2015)	INFLOWS (OUTFLOWS) (November)	INFLOWS (OUTFLOWS) (December 2015)	INFLOWS (OUTFLOWS) (January 2016)	INFLOWS (OUTFLOWS) (February 2016)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities									
Payments									
Employee costs	- 254,864.07	- 261,693.89	- 251,001.52	- 232,034.50	- 393,712.86	- 269,604.92	- 187,615.29	- 228,230.80	- 2,078,757.85
Materials and contracts	- 412,124.72	- 525,718.68	- 473,273.43	- 198,766.35	- 377,494.06	- 176,160.99	- 281,497.11	- 283,506.80	- 2,728,542.14
Interest	- 128.02	-	-	-	- 5,019.42	- 15,929.89	- 5,075.00	- 28.35	- 26,180.68
Other	- 14,368.84	- 28,264.62	- 34,991.30	- 82,725.46	- 24,794.03	- 18,381.21	- 70,745.43	- 12,312.14	- 286,583.03
	- 681,485.65	- 815,677.19	- 759,266.25	- 513,526.31	- 801,020.37	- 480,077.01	- 544,932.83	- 524,078.09	- 5,120,063.70
Receipts									
Rates	86,203.59	581,696.64	1,435,377.23	353,194.19	343,847.82	283,887.71	398,500.51	278,454.53	3,761,162.22
User charges	341,967.92	60,880.69	107,331.56	106,788.34	76,656.56	65,760.67	67,507.98	97,430.06	924,323.78
Interest received	14,286.13	15,869.47	15,542.66	15,996.65	16,712.92	15,647.60	14,995.76	15,527.82	124,579.01
Subsidies	-	-	-	-	7,570.00	-	-	-	7,570.00
Other revenue grants	3,166.00	422,824.75	-	36.36	512,260.75	-	-	423,157.48	1,361,445.34
GST Refunds from ATO	-	-	-	-	-	-	-	-	-
Other	49,007.95	28,624.98	89,118.60	- 34,879.60	- 17,328.99	- 19,151.19	- 40,706.55	93,473.86	148,159.06
	494,631.59	1,109,896.53	1,647,370.05	441,135.94	939,719.06	346,144.79	440,297.70	908,043.75	6,327,239.41
Net cash from operating activities	- 186,854.06	294,219.34	888,103.80	- 72,390.37	138,698.69	- 133,932.22	- 104,635.13	383,965.66	1,207,175.71
Cash flows from investing activities									
Payments for property, plant & equipment	- 108,069.43	- 563,212.67	- 61,851.29	- 133,488.49	- 566,039.49	- 222,041.48	- 422,906.09	- 477,231.68	- 2,554,840.62
Proceeds from sale of property, plant & equipment	12,357.27	15,330.01	-	7,944.55	25,599.09	24,235.45	58,000.63	74,094.82	217,561.82
Proceeds from Capital grants	-	-	-	-	-	-	-	127,498.00	127,498.00
Proceeds from Investments	-	-	-	-	-	-	-	-	-
Payment for Investments	-	-	-	-	-	-	-	-	-
Net cash used in investing activities	- 95,712.16	- 547,882.66	- 61,851.29	- 125,543.94	- 540,440.40	- 197,806.03	- 364,905.46	- 275,638.86	- 2,209,780.80
Cash flows from financing activities									
Repayment of borrowings	- 4,507.85	-	-	-	- 12,524.30	- 35,569.30	- 6,133.58	-	- 58,735.03
Proceeds from borrowings	250,000.00	-	-	-	-	-	-	-	250,000.00
Net cash from (used in) financing activities	245,492.15	-	-	-	- 12,524.30	- 35,569.30	- 6,133.58	-	191,264.97
Net increase/(decrease) in cash held	- 37,074.07	- 253,663.32	826,252.51	- 197,934.31	- 414,266.01	- 367,307.55	- 475,674.17	108,326.80	- 811,340.12
Cash at beginning of reporting year	10,002,747.20	9,965,673.13	9,712,009.81	10,538,262.32	10,340,328.01	9,926,062.00	9,558,754.45	9,083,080.28	10,002,747.20
Cash at end of reporting	9,965,673.13	9,712,009.81	10,538,262.32	10,340,328.01	9,926,062.00	9,558,754.45	9,083,080.28	9,191,407.08	9,191,407.08

SOUTHERN MIDLANDS COUNCIL				
SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED				
	This Financial Year 10th March 2016		Last Financial Year 11th March 2015	
Arrears brought forward as at July 1		\$ 369,292.54		\$ 431,103.63
ADD current rates and charges levied		\$ 4,597,622.95		\$ 4,326,873.65
ADD current interest and penalty		\$ 54,007.33		\$ 53,100.02
TOTAL rates and charges demanded	100.00%	\$ 5,020,922.82	100.00%	\$ 4,811,077.30
LESS rates and charges collected	71.45%	\$ 3,587,657.07	71.97%	\$ 3,462,382.76
LESS pensioner remissions	4.37%	\$ 219,295.51	4.52%	\$ 217,378.45
LESS other remissions and refunds	-0.08%	-\$ 3,924.48	-0.18%	-\$ 8,662.25
LESS discounts	0.47%	\$ 23,673.42	0.45%	\$ 21,628.61
TOTAL rates and charges collected and remitted	76.22%	\$ 3,826,701.52	76.75%	\$ 3,692,727.57
UNPAID RATES AND CHARGES	23.78%	\$ 1,194,221.30	23.25%	\$ 1,118,349.73

19. INFORMATION BULLETINS

Information Bulletins dated the 26th February, 4th, 11th & 18th March 2016 have been circulated since the previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 26th February, 4th, 11th & 18th March 2016 be received and the contents 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 R Campbell	
	Clr D F Fish	
	Clr D Marshall	

20. MUNICIPAL SEAL

Nil.

21. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

RECOMMENDATION

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

DECISION

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

22. BUSINESS IN “CLOSED SESSION”

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

T F KIRKWOOD
GENERAL MANAGER

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

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

RECOMMENDATION

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

DECISION

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

23. CLOSURE