

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS
COUNCIL HELD ON WEDNESDAY 11TH DECEMBER 2013 AT THE
MUNICIPAL OFFICES, 85 MAIN STREET, KEMPTON COMMENCING AT
2:00 P.M.**

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ENCLOSED

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

Item 18.1.1 Review of the Southern Midlands Council Computer Use Policy -
Amended Policy

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS
COUNCIL HELD ON WEDNESDAY 11TH DECEMBER 2013 AT THE
MUNICIPAL OFFICES, 85 MAIN STREET, KEMPTON COMMENCING AT
2:00 P.M.**

OPEN COUNCIL MINUTES

1. PRAYERS

Mrs Christine Knight conducted Prayers.

2. ATTENDANCE

Mayor A E Bisdee OAM, Deputy Mayor M Jones OAM (attended the meeting at 3.45 p.m.), Clr A R Bantick, Clr B Campbell, Clr M Connors, Clr D F Fish, Clr A O Green (attended the meeting at 2.18 p.m.) and Clr J L Jones OAM.

In Attendance: Mr T Kirkwood (General Manager), Mr D Cundall (Acting - Manager Development & Environmental Services Planning Officer), Mr A Benson (Manager – Community and Corporate Development), and Mrs K Brazendale (Executive Assistant).

3. APOLOGIES

Clr C J Beven.

C/13/12/004/19544 DECISION

Moved by Clr J L Jones OAM, seconded by Clr D F Fish

THAT Clr C J Beven be granted leave of absence.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr J L Jones OAM	

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 27th November 2013, as circulated, are submitted for confirmation.

C/13/12/005/19545 DECISION

Moved by Clr J L Jones OAM, seconded by Clr M Connors

THAT the Minutes of the previous meeting of Council held on the 27th November 2013, as circulated, be confirmed.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr J L Jones OAM	

5.2 SPECIAL COUNCIL MINUTES

Nil.

5.3 SPECIAL COMMITTEES OF COUNCIL MINUTES

5.3.1 Special Committees of Council - Receipt of Minutes

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

- Arts Advisory Committee – Meeting held 24th September 2013
- Arts Advisory Committee – Meeting held 7th October 2013
- Audit and Risk Committee – Meeting held 3rd December 2013 (information only no quorum)

RECOMMENDATION

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

C/13/12/006/19546 DECISION

Moved by Clr D F Fish, seconded by Clr A R Bantick

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

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr J L Jones OAM	

5.3.2 Special Committees of Council - Endorsement of Recommendations

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

- Arts Advisory Committee – Meeting held 24th September 2013
- Arts Advisory Committee – Meeting held 7th October 2013

RECOMMENDATION

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

C/13/12/007/19547 DECISION

Moved by Clr D F Fish, seconded by Clr M Connors

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

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr J L Jones OAM	

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

5.4.1 Joint Authorities - Receipt of Minutes

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

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

DECISION NOT REQUIRED

5.4.2 Joint Authorities - Receipt of Reports (Annual and Quarterly)

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

36A. Annual reports of authorities

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

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

(a) a statement of its activities during the preceding financial year; and

(b) a statement of its performance in relation to the goals and objectives set for the preceding financial year; and

(c) the financial statements for the preceding financial year; and

(d) a copy of the audit opinion for the preceding financial year; and

(e) any other information it considers appropriate or necessary to inform the single authority council or participating councils of its performance and progress during the financial year.

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

36B. Quarterly reports of authorities

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

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

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

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

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

DECISION NOT REQUIRED

6. NOTIFICATION OF COUNCIL WORKSHOPS

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

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

RECOMMENDATION

THAT the information be received.

C/13/12/008/19548 DECISION

Moved by Clr A R Bantick, seconded by Clr J L Jones OAM

THAT the information be received.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr J L Jones OAM	

Clr A O Green attended the meeting at 2.18 p.m.

7. QUESTIONS WITHOUT NOTICE

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

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

1. Council Property - 5 Marlborough Street, Oatlands – report to be provided to the next meeting. To include consideration regarding the method of sale.
2. Bartonvale Road, Campania (Pooley Wines) – Stormwater issue – no formal response received in relation to the correspondence sent by Dobson, Mitchell & Allport. Verbal advice that an on-site meeting would be requested by the complainant. No contact to date.
- 3.
- 4.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

Nil.

9. DECLARATIONS OF PECUNIARY INTEREST

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

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

Nil.

10. PUBLIC QUESTION TIME (SCHEDULED FOR 3.00 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 advised the meeting that no formal questions on notice had been received for the meeting.

No questions were raised by members of the public.

10.1 PERMISSION TO ADDRESS COUNCIL

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

➤ Nil

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

Nil.

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

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

12.1 DEVELOPMENT APPLICATIONS

12.1.1 Development Application DA 2013/111) for a Change of Use and Works – 'Heritage Tourism Facility and Distillery' – Defined as Tourism Facility & Winery (Tourist) in Buildings of Historic Significance, at *Shene* 76 Shene Rd, Pontville

File Ref: T2140269 SHENE

AUTHOR PLANNING OFFICER (D CUNDALL)
DATE 4TH DECEMBER 2013

ATTACHMENTS Development Application
Representation

PROPOSAL

David and Anne Kernke have submitted a Development Application to the Southern Midlands Council seeking a Planning Permit to Change the Use of their land and buildings at their property *Shene* at 76 Shene Rd, Pontville. The proposal is to operate a distillery and heritage tourism facility from the land and conduct some works to the existing buildings to allow for the venture. The works include the installation of distillery equipment in the 1846 barn and the conversion of a late 1800s hay shed into a bond store with some amenities. The barn conversion requires some significant repairs and securing of the building and will require alteration to the roof structure and internal fit-out.

The works required for the tourism facility/experience are minimal, as the premises of the experience are to show-case a restored historic property with minimal alteration to the heritage fabric.

The works to the buildings are subject to approval under the *Historic Cultural Heritage Act 1995* as the property is listed on the Tasmanian Heritage Register. These works have required the submission of a 'Works Application' as part of the Development Application to Heritage Tasmania seeking approval for the building works.

THE APPLICATION

The Applicant has submitted a completed Development Application Form, Plans and Drawings, a Heritage Impact Assessment and a comprehensive Planning Report, Works Application and details on the proposed Development.

There is certainly sufficient information for the Council, Government Agencies and members of the Public to form a view on the Development Application.

USE/DEVELOPMENT DEFINITION

Under Schedule 3 Use or Development Category Definitions of the Planning Scheme, the proposed use/development is defined as both a ‘Tourism Facility’ and ‘Winery (Tourist)’. Defined as:

- *Tourism Facility - means the use or development of any land specifically for use by or to attract tourists, other than for the provision of overnight accommodation.*
- *Winery (Tourist) - means the use or development of land, which is primarily used for the production of wine, for associated facilities for tourists and visitors such as a visitors centre, function room or restaurant.*

The term includes the retail sale of wine produced on the land.

The term does not include Agriculture.

Use Development/Status under the Planning Scheme

Under the Scheme, the proposed use/development is at Council’s discretion in the Rural Activity Zone and invokes Clause 11.5. The development also invokes this Clause for works to Buildings of Historic Significance. Subsequently the use/development:

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

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

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 15th November 2013 for 14 days and received one (1) representation.

The Representor was not opposed to the change of use but wanted their views heard by the Council and did not want any restrictions to be placed on their use of the land as a result of the proposal (if approved).

The representation is tabled below with a comment from the Planning Officer (in *Italics*).

Representation	Planning Officer
<p>The Club has noted that the above Development Application has been advertised, relating to the operation of a distillery as a tourist attraction at the Shene property, Shene Rd, Pontville.</p> <p>We have no objections to the proposed development at the above site provided that not restrictions are imposed on our club as a result of its approval.</p> <p>The committee of management would like to again point out to Council that we are a long established club in the municipality and are committed to pursuing our sport in a safe, conscientious and professional manner. The club is available for use by its members and the community on a 7 days a week basis and we wish to enjoy the current level of access and operations into the future.</p> <p>If you require any additional information, please feel free to contact me.</p>	<p><i>The representation is from a nearby gunclub.</i></p> <p><i>The club is around 800m from the proposed Distillery and Tourism Facility.</i></p> <p><i>There is also another gun club at 570m from the proposal; and also the Bagdad Field and Game Club in the ‘Shene Forest’ at around 3.5km; and also the Army Rifle Range at 1300m.</i></p> <p><i>The proposal is surrounded by fire-arm operators in a working rural environment susceptible to all types of noise, dust, odours, traffic, and road hazards such as moving cattle etc .</i></p> <p><i>It is also clear to anybody visiting Shene (or the area for that matter) that there are two gun clubs clearly sign posted on the Shene Rd; and it is arguably well known that the Historic Brighton Small Arms Range is also in the vicinity.</i></p> <p><i>It would therefore be expected that visitors to Shene, such as wedding parties meeting groups etc, would acknowledge the existing land uses before making decisions to hold a more sensitive event at Shene. Baring in mind also that a wedding party for instance would also have to accept that Shene is in the middle of a large working farm that could also generate noise, dust, odours etc.</i></p> <p><i>In discussion with the Applicant, they accept and appreciate this fact. The</i></p>

	<p><i>surrounding land uses are long established and firmly a part of the Bagdad/Mangalore Valley and a part of the rural experience for visitors and tourists alike. The rural surroundings are an important part of the tourist experience.</i></p> <p><i>The surrounding existing land uses have been noted in the Applicants Planning Report.</i></p>
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ASSESSMENT - THE SOUTHERN MIDLANDS PLANNING SCHEME 1998

The land is situated in the *Rural Agriculture Zone*.

Zone: Rural Agriculture Zone

6.2.2 The intent of the Rural Agriculture Zone is to:

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

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

(c) encourage expansion and diversification of agricultural activities;

(d) protect rural land from development that may:

(i) jeopardise its long term capability for agricultural use;

(ii) cause unplanned and premature demands on the Council for the provision of infrastructure services, or

(iii) cause adverse impacts on the environment, catchment or productivity of the land and its general ability to sustain agricultural use;

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

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

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

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

Officer Comment

The proposal is largely compatible and complimentary to the Rural Zone. It is a development that would rely on local or regional produce to create spirits and would most likely facilitate further growth of industry in the area.

The Heritage Tourism Facility is also a promotion of the local area's farming history and is also a compatible land use. The rural surroundings are a prime attraction to the property and to the area.

The Planning Officer largely agrees with the assessment provided by the Applicant in the attached report against each of the specified intentions of the Rural Agriculture Zone.

Rural Activity Zone Development Standards

The development standards of the Rural Activity Zone are primarily related to new buildings. The change of use and re-use of existing buildings would not compromise adjoining land use/development. The existing buildings meet the required setback standards of the Rural Zone.

The change of use of existing buildings will not have any negative impact on the 'Rural Character' standards.

Schedule 6 – Signage

The Applicant has not submitted any signage details.

The Applicant's accompanying planning report has stated that all signage will accord with the Planning Schemes development standards for signs on heritage buildings and places and should also comply with the *Tasmanian Heritage Council's* 'Practice Note 6 – Signs and Hoardings on sites listed on the Tasmanian Heritage Register'.

Accordingly it would be still necessary for the Applicant to supply signage details to Council prior to their installation.

The Applicant's Planning Report suggests a condition of Approval would be to allow for this signs if in accordance with the *Scheme* standards and the Heritage Council's Practice Notes. This would be an acceptable solution in this instance. A condition of Approval should ensure that all signage is to the satisfaction of the Planning Department. If the proposed signs are not compliant with the Standards or Practice Notes then separate Development Approval would be warranted.

Part 8 – Road Activity Zone

Access and road usage is captured primarily in Part 8 of the Scheme.

The Applicant has provided assessment against the relevant sections of Part 8. The development is a Low Traffic Generator with a low impact on the road network. The development would not require further upgrading to Shene Road or immediate alterations to the existing access. There is also a secondary access that could be used for commercial/heavy vehicles to avoid the main tourist/visitor entrance.

Part 10.1 – Historic Buildings and Works

Shene is listed in Schedule 4 of the *Planning Scheme* as ‘Buildings or Works of Historic Significance’. Accordingly Council shall have regard to the provisions Part 10.1 of the *Scheme*. The Applicant has provided both assessment against Part 10.1 and also provided a full Heritage Impact Assessment by an accredited person. The assessment demonstrates that although works are necessary to facilitate the new use(s) they will also ensure sustainable and long term use of heritage buildings and provide some assurances that these buildings are used to their full potential and maintained into the future.

The works are also subject to Approval by the Tasmanian Heritage Council under the *Historic Cultural Heritage Act 1995*.

The proposed works would not destroy or cause irreversible damage to buildings of historic significance. The proposal is essentially a celebration of restoration works and modern use of heritage buildings.

CONCLUSION

This report has assessed a proposal for a Distillery and Heritage Tourism Facility at *Shene*. Both of these use/developments are compliant with the Intentions and Standards of Rural Agriculture Zone and should not interfere in the use/development of adjoining properties or impact on the long term sustainable use of agricultural land.

The submitted Application is a detailed account of the proposal and has adequately addressed the appropriate provisions of the *Southern Midlands Planning Scheme 1998*.

Though one (1) representation was received raising some concern for potential land use conflict it would seem, through assessment, that land use conflict would be unlikely and ultimately unjust, given the somewhat existing intensity of fire-arm use in the area. Any visitors to *Shene*, that may be sensitive to either noise associated with the gun clubs or the ordinary rural and agricultural practices that surround *Shene* should be made of aware this prior to holding more sensitive events such as weddings, meetings or functions. The property has already held some special events and open days to the public. It is therefore likely that the owners are not sensitive to these surrounding land uses and have made a business decision to change the use of their property with consideration to others in the area.

The surrounding land use is ultimately a major component and unique attraction to the property and the reason for the change of use.

RECOMMENDATION

THAT, in accordance with the provisions of the Southern Midlands Planning Scheme 1998 and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for a Change of Use and Works – ‘Heritage Tourism Facility and Distillery’ – Defined as Tourism Facility & Winery (Tourist) in Buildings of Historic Significance, at *Shene 76 Shene Rd, Pontville* and that a permit be issued with the following conditions:

CONDITIONS

General

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

Heritage Tasmania

3. Compliance with all conditions required by the Tasmanian Heritage Council (see attached conditions ‘Notice of Heritage Decision’ No. xxxx)

TasWater

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

Signage

5. The developer shall submit a proposed plan of signage prior to their installation. Signage shall comply with Schedule 6 Signs of the *Southern Midlands Planning Scheme 1998* and in accordance with the Tasmanian Heritage Council ‘Practice Note 6 – Signs and Hoardings on Sites Listed in the Tasmanian Heritage Register’. The submitted plan shall be to the satisfaction of Council’s Planning Officer.

Parking & Access

6. The areas set-aside for parking and associated access and turning must have: -
 - a. Driveway access with room or passing bays for emergency vehicles. The parking lot layout shall also be designed accordingly.
 - b. At least one (1) parking space shall be provided for the use of people with disabilities as close as practicable to a suitable entrance(s) to the building.

- c. Space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.
- d. Constructed of an all-weather pavement.
- e. Line-marking or some other means to show the parking spaces.
- f. Signs not exceeding 0.3 square metres to direct drivers to the area set aside for visitor parking (if in addition to other signage associated with the development).

Services

7. 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.

Wastewater

8. Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Plumbing and Special Connection Permit issued by the Permit Authority in accordance with the *Building Act 2000* prior to the commencement of any works.

Construction Amenity

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

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.

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

- g. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
- h. The transportation of materials, goods and commodities to and from the land.
- i. Obstruction of any public footway or highway.
- j. Appearance of any building, works or materials.
- k. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.

11. Public roadways must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
12. 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.

C/13/12/023/19549 DECISION

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

THAT, in accordance with the provisions of the Southern Midlands Planning Scheme 1998 and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for a Change of Use and Works – 'Heritage Tourism Facility and Distillery' – Defined as Tourism Facility & Winery (Tourist) in Buildings of Historic Significance, at *Shene* 76 Shene Rd, Pontville and that a permit be issued with the following conditions:

CONDITIONS

General

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

Heritage Tasmania

3. Compliance with all conditions required by the Tasmanian Heritage Council (see attached conditions 'Notice of Heritage Decision' No. xxxx)

TasWater

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

Signage

5. The developer shall submit a proposed plan of signage prior to their installation. Signage shall comply with Schedule 6 Signs of the *Southern Midlands Planning Scheme 1998* and in accordance with the Tasmanian Heritage Council 'Practice Note 6 – Signs and Hoardings on Sites Listed in the Tasmanian Heritage Register'. The submitted plan shall be to the satisfaction of Council's Planning Officer.

Parking & Access

6. The areas set-aside for parking and associated access and turning must have: -
 - a. Driveway access with room or passing bays for emergency vehicles. The parking lot layout shall also be designed accordingly.
 - b. At least one (1) parking space shall be provided for the use of people with disabilities as close as practicable to a suitable entrance(s) to the building.
 - c. Space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.
 - d. Constructed of an all-weather pavement.
 - e. Line-marking or some other means to show the parking spaces.
 - f. Signs not exceeding 0.3 square metres to direct drivers to the area set aside for visitor parking (if in addition to other signage associated with the development).

Services

7. 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.

Wastewater

8. Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Plumbing and Special Connection Permit issued by the Permit Authority in accordance with the *Building Act 2000* prior to the commencement of any works.

Construction Amenity

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

Monday to Friday	7:00 a.m. to 6:00 p.m.
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Saturday	8:00 a.m. to 6:00 p.m.
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Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.
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10. All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:

- a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
- b. The transportation of materials, goods and commodities to and from the land.
- c. Obstruction of any public footway or highway.
- d. Appearance of any building, works or materials.
- e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.

11. Public roadways must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

12. 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.

CARRIED.

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

EXCLUDED FROM THE MINUTES PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

Development Application under the Southern Midlands Planning Scheme 1998 For the development and use of the Shene Heritage Tourist Facility and Distillery	
 Planning Approval This plan should be read in conjunction with the conditions detailed in planning permit DA 2013/111 Signed Authorised Officer Dated	

Application under the Southern Midlands Planning Scheme 1998

for

the Development & Use of the

Shene Heritage Tourist Facility and Distillery

at

‘Shene’

76 Shene Road, Pontville

Southern Midlands Council Kempton 01 NOV 2013 Received: File No: _____ Doc Id: _____
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25 October 2013

Development Application under the Southern Midlands Planning Scheme 1998
For the development and use of the Shene Heritage Tourist Facility and Distillery

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Development Application under the Southern Midlands Planning Scheme 1998
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1. PROPOSED USE AND DEVELOPMENT

1.1 Overview

This is an application under the Southern Midlands Planning Scheme 1998 for the use of the historic property 'Shene' at 76 Shene Road for heritage tourism purposes and a distillery producing Tasmanian whisky and other spirits.

The application is essentially for change of use, as no new buildings are proposed.

The major Shene homestead buildings include the stables, barn, house and servants building. However a range of other lesser buildings make up this highly significant property.

Existing buildings will be re-used and fitted out for the proposed purposes. This will include:

- Using the various parts of the stables for:
 - Guided tours.
 - Heritage interpretation.
 - A gift shop.
 - A gallery.
 - A meeting facility.
 - An eating area.
- Using the barn for a distillery.
- Using an existing farm building for a spirits bond store.
- Use of a small kitchen within an existing out-building adjacent to the homestead as a commercial kitchen.
- Using the two front rooms in the house for occasional morning or afternoon teas (by special request).
- Guests on tour will walk through the homestead and servants building.

A minimal fit-out is proposed for the historic sandstone stables, where the existing spaces and rooms will be utilised for the abovementioned heritage tourism purposes. The use of this building will be a very 'light' imposition on heritage values, with no existing heritage fabric to be removed and all changes readily reversible.

A comparatively more extensive fit-out is proposed for the sandstone barn, with the installation of copper pot stills, a mash-tun, fermentors, a grist mill and various lesser pieces of equipment. However, no existing heritage fabric is proposed to be removed, and all fit-out would be ultimately reversible.

A significant redevelopment of the farm building is proposed to create a secure, stable-temperature bond store. This split timber clad building is currently in a poor state of repair, with much of the external wall cladding missing. It is proposed to reinstate the external split timber cladding and then develop within this building a bond store of Hebel block construction. The current gravel floor is to become a concrete slab. The pitched roof will be retained, although the gable ends are proposed to be converted to hips in order to match with the other lesser outbuildings on the property. This shed is of a lower order heritage value than the historic Stables and Barn, and it is contended that a greater degree of alteration is acceptable.

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In fact, significant intervention is needed if this building is to be saved from collapse in the near future.

A kitchen located within part of a secondary weatherboard out-building has Southern Midlands Council approval as a registered food business 2013/2014 and provides food preparation facilities to service visitors to the property. Food is served predominantly in the Stable's eating area, although some morning or afternoon teas are served from time to time in the homestead. Use of the homestead's formal lounge/dining room will be by special arrangement only.

The use of the homestead's formal lounge/dining rooms - the two front rooms in the house - will not require any fit-out or other changes.

In general, the proposed heritage tourism use is an intensification of the current low-level tourism use of the property. This currently consists of pre-arranged site tours for organised groups 'by appointment'.

This application is for a two stage increase in use of the property. The Stage One will involve increased visitation by organised groups and the fit-out and initial operation of the distillery. However, the property will not be open to the general public during Stage One, with all visitations strictly 'by appointment'. The property will be open the general public in Stage Two, which will coincide with the maturation of the first barrels of whisky for bottling and sale.

The subject land is 12.58 ha in size and is zoned *Rural Agriculture* under the Southern Midlands Planning Scheme 1998. It is surrounded by larger rural titles used for agricultural purposes. Nearby non-agricultural uses include the two gun clubs on Shene Road at least 570 metres to the west and the Pontville Detention Centre & Army Rifle Range some 1,300 metres to the south. The nearest occupied dwellings, aside from Shene house, are two workers cottages located on the Shene balance land (the agricultural/grazing component of Shene). One cottage is located approximately 300 metres east and the second cottage about 900 metres north-easterly.

1.2 The Proposed Shene Heritage Tourism Experience

The Shene heritage tourism experience showcases the conservation works underway and provides visitors with detailed knowledge about the history of the place, early inhabitants including aboriginal people, the convicts who forged the estate, the first land grant issued by Governor Lachlan Macquarie in 1819 to a Grandson of King George 111, the importance of Shene as an agricultural estate in the early stages of the fledging colonies of Van Diemen's Land and New South Wales, the connection with a former London Lawyer and early colonist Gamaliel Butler, the architecture of the buildings and significant discoveries made during the conservation process. Guests are made aware of the importance of preserving such an important piece of Tasmania's colonial past and are invited to become friends of Shene and to follow the conservation process.

Following the presentation and refreshments, a tour of the estate is provided. Total visitor duration is a minimum of 2 hours.

The experience will also include visitation to the Shene Distillery production facility in the sandstone barn. Visitors will be able to witness the process of making whisky including the grinding of the malted grain, mashing, wort extraction, fermenting, the various distillation runs, the laying down of barrels and, ultimately, the decanting of aged spirit, cutting-back and bottling.

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A number of other spirits, such as gin, will be produced which will provide for significant and interesting variations of the above.

1.3 The Proposed Shene Distillery

Shene Distillery will be a new business aimed at producing premium single malt Tasmanian Whisky and an iconic Tasmanian liqueur. Other spirits such as gin, vodka and brandy may also be produced as minor lines. The products will be high quality and branding & marketing will be closely aligned to the *Tasmanian Brand* core values of 'authenticity', 'warmth' and 'originality' as well as the 'clean/green' Tasmanian image.

These values are exemplified within the developing 'Shene brand' and the proposed distillery will seek to promote them in its appearance and general presentation to the public.

The contemporary single malt whisky distilling industry in Tasmania is young with the first distillery in the modern era, (Lark), just a few decades old. Approximately eight distilleries are now operation in the State with another five or six in the making.

The industry is focussing on serving the high end of the international single malt whisky market, taking advantage of the State's clean water, temperate climate and world class barley. By producing high quality / low volume products, the State's traditional structural draw back – distance to market – is overcome.

The gift shop, proposed within the stables, will include a retail outlet for the distillery open to visitors to the property.

The distillery within the barn will primarily be a production facility. However, it will include a public viewing area, and may include guided tours.

The operation will initially aim to produce 1 x 100 litre barrel of whisky per week. However this could be increased to 4 x 100 litre barrels per week in the future as the business grows. Whisky production will occur during autumn, winter and spring. During the summer months production will focus on liqueur production, utilising some of the Southern region's second's fruit which currently is a substantial wasted resource. The business may also branch out into other spirits, such as gin, where again the focus will be on high quality.

In summary, the proposed Shene Distillery will be a major asset to the Southern Midlands and will align well with the Heritage Highway Tourism Region's authentic heritage unique competitive advantage. Single malt whisky making is an activity that, like traditional bread making, naturally fits with the region's brand. It has essentially not changed for centuries. The traditional copper pot still remains an essential element of the process, along with aging in oak barrels. This is in contrast to modern mass production of other spirits, such as mass production vodka, which can be produced very quickly and in large quantities using continuous stainless steel stills. Good whisky making is, indeed, a traditional art.

Furthermore, whisky making at Shene will make use of one of the traditionally farmed crops of the Midlands; barley. The production of single malt whisky is undoubtedly the highest value-add to this crop. The 12.5 hectares of the Shene property include several good paddocks upon which it is proposed to grow barley.

As whisky must, by law, be aged for at least two years before sale, whisky sales direct to the public will not occur during Stage One.

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1.4 Stages One and Two

The Shene Heritage Tourist Experience and Distillery will be developed in two stages.

Stage One will involve the fit-out and initial operation of the distillery.

- Stage One will involve increased visitation by groups, as follows:
 - All visitations will be strictly 'by appointment', for tour groups only.
 - The property will not be open to the general public.
 - A maximum of 12 groups per week.
 - Majority of visitors arriving by coach or mini bus.
 - Pre-arranged tours of the stables, barn/distillery, house and gardens.
 - Refreshments – tea, coffee, morning or afternoon teas, light meals.
 - Access to the gift shop.
 - Meeting facilities will be available.
 - Promoting and use of the buildings for events of a cultural and artistic nature.
 - Wedding ceremonies and photographs by special arrangement.
 - Serving of alcohol.
- Stage Two will see the property open to the general public:
 - Opening hours 9:00 am, up to 8:00 pm, seven days/week, with opening hours up to midnight Friday and Saturday night for special events.
 - Tour groups 'by appointment', as in Stage One.
 - Scheduled tours of the stables, barn/distillery, house and gardens, for 'walk-ups'.
 - Refreshments – tea, coffee, morning or afternoon teas, light meals.
 - Gift shop – open to the general public.
 - Meeting facilities will be available, as in Stage One.
 - Promoting and use of the buildings for events of a cultural and artistic nature.
 - Wedding ceremonies and photographs by special arrangement
 - Serving of alcohol.
 - Meals, including catering for functions.

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1.5 Documentation Provided

This report is accompanied by the following information:

- Completed application form.
- Owner's consent.
- The property title.
- Site plan.
- Floor plans of the various buildings showing proposed uses.
- Proposed distillery fit-out plans.
- Plans showing the proposed restoration of the shed for the bond store.
- Works Application – for the Tasmanian Heritage Council
- Heritage Impact Report – from the Centre for Heritage at Oatlands
- Application for Change to Existing Water Connection – for Taswater.

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2. THE SITE

2.1 Existing Zoning

The subject land, Lot 1 on Sealed Plan 137490 (refer Attachment A) is 12.58 hectares in area. It is currently zoned *Rural Agriculture* under the Southern Midlands Planning Scheme 1998.

2.2 Heritage Listings

Shene is listed on the Tasmania Heritage Register, and within the Southern Midlands Planning Scheme 1998 – Schedule 4 Buildings and Works of Historic Significance.

Shene Stables:

Designed by Francis Butler and built in 1851 in the style of architecture found in the Cotswold region in England. Included within the Register of the National Estate.

Official statement of significance: *An outstanding and unique stone stables contrived by Francis Butler and his father Gamaliel Butler as a romantic, picturesque composition. It is a notable example of a Victorian Gothic building influenced by pattern books, which makes a memorable impact in the landscape.*

Included within the Tasmanian Heritage Register.

Barn at Shene:

Key stone has the inscription GB 1846 (Gamaliel Butler 1846). Included within the Register of the National Estate. Included within the Tasmanian Heritage Register.

Shene homestead:

Single-story Georgian Regency style residence with sandstone walls and hipped corrugated-iron roofs (over shingles). The verandah roofs are concave. Included within the Register of the National Estate.

Official Statement of Significance: *Historically significant as part of the original 'Shene' holdings taken up by leading Tasmanian lawyer and landowner, Gamaliel Butler. The original stone residence, erected c1830, and the stables and barn said to be designed by Francis Butler, architect and son of Gamaliel Butler, and erected in 1847 are significant within the 'Shene' pastoral complex. A second storey addition planned for the homestead in 1847 was never built. The grandness of the scale and design of the buildings reflects the optimism of the period. However, the buildings were not completed to the original design, as many of the colony's labourers departed for the Victorian gold fields.*

Note: Subsequent research by the Kernke family has revealed that some of the information contained within the Official Statement of Significance is incorrect. The residence was completed in a number of stages with the first being in 1822. The Stables were constructed in 1851 and the second storey for the house was to have been added at that time. There are a number of factors why the buildings were never completed, and the principle one was that Gamaliel Butler died suddenly in February 1852 before the works were completed.

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2.3 Neighbouring and Nearby Uses:

The buildings subject to this application are not close to property boundaries (refer site plan). The bond store shed is the closest to a boundary, at 37 metres. The stables are a minimum 76 metres from a property boundary and the barn/distillery is a least 82 metres from a boundary. Shene house is no closer than 62 metres from a boundary.

Shene is surrounded on all sides by land used for agriculture comprising the Shene balance land. This is owned by the Fehlberg family and is referred to in this document as the 'Fehlberg property'. Most is cropping land, however to the east of the Shene homesteads block is a farm yard complex incorporating the original Shene shearing shed (circa 1822), silos, a silage storage area and sheep yards.

The nearest occupied dwellings are located at:

- A workers cottage on the neighbouring Fehlberg property (Shene balance land and forming part of the original homestead complex), approximately 300 metres east from the Shene homestead area.
- A workers cottage on the neighbouring Fehlberg property (Shene balance land and forming part of the original homestead complex), approximately 900 metres north-easterly from the Shene homestead area.
- 11 Shene Road, 1000 metres from the Shene homestead area.

The nearest non-agricultural and non-residential uses are:

- The Tas Pistol and Revolver Club at 30 Shene Road, 790 metres from the Shene homestead area.
- Hobart Gun Club, 48 Shene Road, 570 metres from the Shene homestead area.
- Pontville Detention Centre and Army Rifle Range, 1300 metres from the Shene homestead area.
- Bagdad Field and Game Club, 3.5 km east along Shene Road.

The new Midland Highway Brighton Bypass approaches to within 850 metres of the Shene homestead area.

2.4 Site Conditions

The property is generally level, with a gentle slope from the east towards the west and south west. It is located on the Bagdad valley floor within a landscape predominantly cleared of native vegetation, having been used for agriculture since the early years of white settlement.

Mature exotic trees are located around Shene homestead and along the driveway into the site, forming an extensive landscaped garden setting for the homestead. A large number of recently planted trees are now also in place. Outside the garden area the property title contains a number of paddocks that are continued to be used for agriculture. It is intended to grow barley on the property for use in the whisky distillery.

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As indicated on the site plan, a large hardstand area suitable for parking, deliveries and vehicle manoeuvring exists to the east of the stables. A second hardstand area is located in the rectangle formed by the stables and barn. This will be able to accommodate outdoor events.

2.5 Vehicular Access

Shene Road runs along the length of the southern boundary. The primary vehicular access is provided at the western tip of the property at the point where Shene Road first reaches the property. A secondary access is located at a point adjacent to the Stables and Barn. The distance to the first access point is approximately 680 metres down Shene Road from its junction with the Midland Highway. Distance to the second access point is approximately 1.2 km metres from the Midland Highway.

Shene Road to the primary access is sealed. Two bridges on Shene Road have recently been renewed with concrete deck bridges.

The Shene Road / Midlands Highway junction is a T-junction approximately 150 metres north of the entry into the Midland Highway roundabout that marks the northern end of the recent Brighton Bypass.

The speed limit along the highway at this point is 60 km/h.

2.6 Services

The site is serviced with reticulated water, with a 50mm diameter connection to the TasWater network. Rain water will also be collected in tanks for use in appropriate applications.

Three-phase power is provided to the property.

The property is not connected to a reticulated sewer system, and all wastewater is dealt with through onsite treatment systems.

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3. PLANNING SCHEME CONSIDERATIONS

3.1 The Rural Agriculture Zone

The subject land and all surrounding land is zoned Rural Agriculture under the Southern Midlands Planning Scheme 1998.

The intent statements the Rural Agriculture Zone are provided below, along with an explanation of the proposal's compliance:

The intent of the Rural Agriculture Zone is to:

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

The proposal will not convert agricultural land to non-agricultural use as it is located within existing buildings.

In using barley and fruit grown on site and/or in the region, the proposed distillery will bolster long term use of land in the region for agricultural purposes.

At present, large quantities of seconds fruit generated in the Southern region is an underutilised resource, and liqueur production at the distillery will provide a significant value-add.

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

The subject land is located in the Bagdad/Mangalore valley. Whilst in the short-to-medium term the expanded South East Irrigation Scheme appears unlikely to be extended to this locality, this cannot be ruled out in the long term.

The proposal will not lessen the potential for agricultural land in the Bagdad/Mangalore Valley to be used for future intensive agricultural uses as it is located within existing buildings. The intended growing of barley on the Shene paddocks will bolster the intensive agricultural use of the land.

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

The proposal will encourage expansion and diversification of agricultural activities in the region through its use of local agricultural products. This includes barley in whisky production, but also fruit and other 'botanicals' used in liqueur production. Whilst liqueur products have not yet been fully developed, the intention is to focus on locally grown fruit, herbs and spices.

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

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The proposal will not jeopardise use of agricultural land as it is located within existing buildings. The intended growing of barley on the Shene paddocks will bolster the intensive agricultural use of the land.

The proposal will not require additional services, or upgrading of existing services. The existing 50 mm water connection is adequate. Wastewater will be dealt with onsite. The property is already connected to three-phase power. Shene Road is now sealed and has new concrete deck bridges spanning the Bagdad Rivulet.

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

The proposal will have no impact on the existing rural character, being located within existing buildings. It represents an appropriate re-use of existing heritage buildings thereby providing long term surety that they will remain, ensuring a key element of the character of the area will be retained.

The proposal will not alter the landscape in any way. No new buildings are proposed, or any earthworks. No trees are proposed to be removed.

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

The proposed uses are considered to be highly compatible with the long term use of the rural land around Shene.

The distillery operation will use agricultural produce, thereby associating with the rural use of land in the area.

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

The proposal does not involve conversion or change of use of any land currently used for agriculture. All new uses will be accommodated within existing buildings.

The intended growing of barley on the Shene paddocks will bolster the intensive agricultural use of the land.

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

The on-farm heritage tourism use will not impose on, or fetter, agricultural use of neighbouring land. The relatively large boundary setback distances will ensure that any agricultural activities on neighbouring land do not impact on these uses. The distillery operation will have no adverse impact on neighbouring agricultural use.

The tourism experience and distillery use are compatible with neighbouring agricultural use.

3.2 Future Planning Scheme

The proposed future zoning for the land in the intended new planning scheme is the Significant Agricultural Zone. The new scheme is not yet declared and its final form is not certain. However, for the reasons outlined above, it is contended that the proposed uses will not be inconsistent with the future zone.

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3.3 Furthering the Scheme Objectives

The objectives most pertinent to the proposal are (iii), (iv), (v), (vi), (vii), (viii), (x) and (xi). These are listed below along with an explanation of how the proposal furthers the objectives.

- (iii) to support the development of a broader economic base within the municipality;

The use of an existing heritage property for tourism purposes and as a whisky distillery will broaden the economic base of the municipality.

- (iv) to encourage suitable long term use of appropriate areas for agricultural, pastoral and forestry activities;

The whisky distillery will encourage the long-term use of the municipality's agricultural areas by providing another market for the region's barley.

- (v) to prevent inappropriate subdivision and development of rural land;

No subdivision is proposed and there will be no 'development' of rural land, with all new uses being accommodated within existing buildings.

- (vi) to provide for the development of intensive agriculture and related activities and to maximise the potential economic benefits from the existing and future stages of the South East Irrigation Scheme;

The proposal will not lessen the potential for agricultural land in the Bagdad/Mangalore Valley to be used for future intensive agricultural uses as it is located within existing buildings. The intended growing of barley on the Shene paddocks will bolster the intensive agricultural use of the land.

- (vii) to make efficient and effective utilisation of infrastructure and services;

The proposal will not require additional services, or upgrading of existing services. The existing 50 mm water connection is adequate. Wastewater will be dealt with onsite. The property is already connected to three-phase power. Shene Road is now sealed with and has new concrete deck bridges spanning the Bagdad Rivulet.

- (viii) to maintain a safe and efficient road system;

The proposed new use will result in increased visitation to the site by members of the public. Shene Road is sealed to the primary access point, is straight and provides for a relatively low speed environment.

The Midland Highway / Shene Road junction is also in a relatively low speed environment, being 150 metres from the new highway roundabout at the northern end of the Brighton Bypass and still within the 60 km/h zone from that roundabout.

- (x) to conserve and enhance the scenic and heritage qualities, including streetscapes and landscapes, of the Southern Midlands;

The proposal will have no impact on the scenic and heritage qualities of the landscape, being located within existing buildings. It represents an appropriate re-use of existing heritage buildings thereby providing long term surety that they will remain, ensuring a key element of the character of the area will be retained.

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- (xi) to minimise the potential environmental and land use conflicts between different land use activities;

No environmental harm will arise from the proposal. All wastewater will be treated onsite to modern standards.

The tourism experience and distillery use are compatible with neighbouring agricultural use. The relatively large boundary setback distances will ensure that any agricultural activities on neighbouring land do not impact on these uses.

3.4 Objectives under the *Land Use Planning & Approvals Act 1993*

The objectives of the *Land Use Planning & Approvals Act 1993* call for the sustainable use and development of land and resources. The proposal, in providing a viable adaptive re-use of existing heritage fabric is considered entirely consistent with these objectives.

3.5 The State Policy on the Protection of Agricultural Land

Shene Distillery will not impinge the State Policy for the Protection of Agricultural Land as it will be located within existing buildings and will not consume agricultural land. The land is considered regionally significant agricultural land, although not 'Prime Agricultural Land'.

The Shene paddocks will be used to grow barley – the key input to whisky making.

The proposal will further the objectives of the Policy as it will provide another use for this mainstay of agricultural production in the Midlands region.

The proposed rezoning is consistent with the State Policy for the Protection of Agricultural Land.

3.6 The State Policy for Water Quality Management

This State Planning Policy is somewhat irrelevant due to the existence of the *Environmental Management and Pollution Control Act 1994* and other regulatory regimes aimed at maintaining water quality, such as the Plumbing Regulations.

The water quality of the surrounding environment will be protected through appropriate onsite wastewater management – refer section 3.8, below.

The proposal is considered consistent with the State Policy for Water Quality Management.

3.7 State Coastal Policy

This State Policy is irrelevant to the proposal which is inland.

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3.8 Assessment Against the Development / Use Standards

3.8.1 Setback and Building Height

The proposed new uses are accommodated within existing buildings that all have boundary setbacks well in excess of the minimums required under clause 6.3.1 of the planning scheme, (20 m to front boundary, 10 m to side and rear). As indicated on the site plan, the bond store shed is the closest to a boundary, the Shene Road frontage, at 37 metres. The stables are a minimum 76 metres from a property boundary and the barn/distillery is a least 82 metres from a boundary. Shene house is no closer than 62 metres from a boundary.

The maximum building height within the zone is 10 metres under clause 6.3.1. This is irrelevant for the stables and barn, which already exist. The bond store shed is proposed to be remodelled and will have a height of 5.74 metres.

3.8.2 Rural Character

Clause 6.3.3 of the scheme requires development to be consistent with existing rural character.

As the proposed use is within existing buildings, it is considered that there is no adverse impact on rural character. As an appropriate re-use of existing heritage buildings, the proposal will thereby provide long term surety that they will remain, ensuring a key element of the character of the area will be retained.

3.8.3 Protection of Agricultural Land

Clause 6.4 of the scheme states that

- (a) Use and development of Prime Agricultural Land and Significant Agricultural Land must accord with Clauses 10.6 and 10.7 respectively.

Clause 10.7 provides for the protection of significant agricultural land from conversion to non-agricultural uses. Whilst the Shene land falls outside the scheme's definitions of 'significant agricultural land' the proposal does not involve the conversion of any agricultural land to non-agricultural use in any case.

The proposal will not lessen the potential for agricultural land in the Bagdad/Mangalore Valley to be used for future intensive agricultural uses as it is located within existing buildings. The intended growing of barley on the Shene paddocks will bolster the intensive agricultural use of the land.

The tourism experience and distillery use are compatible with neighbouring agricultural use. The relatively large boundary setback distances will ensure that any agricultural activities on neighbouring land do not impact on these uses.

3.8.4 Use Status

The proposal is for the stables to be used predominantly for tourism purposes and for the barn to be used predominantly as a distillery. However each building will accommodate elements of the use of the other from time to time. Products from the distillery will be sold from the stables whilst the barn will accommodate guided tours and tourist displays.

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If the overall proposal were to be allocated to one use category under the Southern Midlands Planning Scheme 1998, then it is suggested the most appropriate would be 'Tourism Facility'.

'Tourism Facility' under the planning scheme means:

the use or development of any land specifically for use by or to attract tourists, other than for the provision of overnight accommodation.

A Tourism Facility is a discretionary use in the Rural Agriculture Zone.

However, Council could choose to categorise each use individually. Clause 11.7.2 of the scheme, 'multiple use or development', states that:

Where a use or development is not an integral and subservient part of an existing or proposed use or development, each use or development shall be categorised separately under Schedule 3.

A decision to separately categorise the individual parts of the use therefore first hinges on a judgment as to whether the overall use is not an integral whole, and that each of its parts are not integral and subservient to each other. It is contended that the proposed use is indeed an undividable whole. However, should Council deem to separate the uses in its consideration, the following comments are made:

The tourism use of the stables is clearly a 'Tourist Facility' under the scheme.

The categorisation of the proposed distillery in the barn is not clear as it does not conform precisely to a category under the particular use categories in the Southern Midlands Planning Scheme 1998. Clearly, at the time of the drafting of the planning scheme the rise of the Tasmanian whisky industry was not envisaged. Clause 11.2(b) of the scheme states that:

If a use or development does not conform precisely with a particular defined category but conforms in substance with that category, it shall be categorised accordingly

One option is the definition of 'Winery (Tourist)'. It is suggested that this may be a reasonable fit as it is intended to grow the barley on the Shene property and therefore the only real difference is that one produces and sells wine whilst the other produces and sells whisky. 'Winery (Tourist)' is defined in the planning scheme as follows:

means the use or development of land, which is primarily used for the production of wine, for associated facilities for tourists and visitors such as a visitors centre, function room or restaurant.

The term includes the retail sale of wine produced on the land.

A Winery (Tourist) is a discretionary use in the Rural Agriculture Zone.

A second option would be allocate the use to the 'Miscellaneous' category. This is defined as:

means the use or development of any land which conforms neither specifically nor in substance with a category listed elsewhere in this Schedule.

A Miscellaneous use is also a discretionary use in the Rural Agriculture Zone.

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Whichever of the above use categories are used, either as one use or as separate uses, the proposal is a discretionary one.

In considering applications for discretionary use, consideration needs to be given to the intent of the relevant zone and the objectives of the scheme. As indicated above in section 3.1 and 3.3, it is contended that the proposed uses accord with the objectives.

3.8.5 Traffic Movements

Shene Road is a Category V Road under clause 8.4.2 of the planning scheme.

The primary vehicular access to Shene is located at the western tip of the property at the point where Shene Road first reaches the property. This point is 680 metres down Shene Road from its junction with the Midland Highway. Shene Road is a sealed road from the Midland Highway to the primary Shene access. The two creek crossings have been upgraded from timber to concrete bridges in recent years. The road is relatively straight and is considered to be a reasonable standard road.

Traffic Movements - Stage One:

During Stage One the property will not be open to the general public and visitation will be by groups on a strictly 'by appointment' basis only. It is envisaged the no more than 12 groups will visit the site per week in Stage One.

The increase in traffic arising from deliveries, employees, etc. will result in no more than 4 additional vehicle movements per day in Stage One.

Traffic Movements - Stage Two:

In Stage Two, no more than two commercial vehicles will service the distillery daily when in full production.

The distillery and the heritage tourism centre will employ up to four full time staff, adding a maximum of 8 new vehicle movements per day.

In Stage Two the property will be opened up to general public access. Therefore, parking sufficient to accommodate staff and visitors will be required.

An existing on-site hardstand vehicle parking and manoeuvring area, to the east of the stables and the barn, is approximately 1000 m² (50 m x 20 m) and can accommodate 30 car parking spaces and a coach parking bay. This is considered ample parking provision.

During Stage Two, the number of vehicle movements will increase to an estimated maximum of 40 per day.

As Shene Road is a Category V Road, a Traffic Impact Assessment is not necessary under clause 8.6.2 of the planning scheme.

It is noted that the Shene Road – Midland Highway junction is within the 60 km/h speed limit.

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3.8.6 Heritage

'Shene' is listed under Schedule 4 Buildings and Works of Historic Significance, and is therefore subject to clause 10.1.

In considering applications for listed places, regard must be given to the following:

- (i) the conservation principles, processes and practices set down in the Burra Charter as adopted on the 23rd of April, 1988;
- (ii) the need to retain and protect the cultural and built heritage of the municipal area; and
- (iii) the need to ensure that elements of the cultural and built heritage are not adversely affected by new development.

Furthermore, an application must be refused if it:

- (i) will significantly detract from the historic character or importance of any place listed in Schedule 4, or
- (ii) will result in the demolition of a building or structure listed in Schedule 4 and there is no feasible and prudent alternative to demolition.

A heritage impact report from a suitably qualified and experienced person accompanies this report.

Changes to the significant heritage buildings on the site necessary to accommodate the proposed uses will be minimal and reversible.

A minimal fit-out is proposed for the historic sandstone stables, where the existing spaces and rooms will be utilised for the abovementioned heritage tourism purposes. The use of this building will be a very 'light' imposition on heritage values, with no existing heritage fabric to be removed and all changes readily reversible.

A comparatively more extensive fit-out is proposed for the sandstone barn, with the installation of copper pot stills, a mash-tun, fermentors, a grist mill and various lesser pieces of equipment. However, no existing heritage fabric is proposed to be removed, and all fit-out would be ultimately reversible.

A significant redevelopment of the shed is proposed to create a secure, stable-temperature bond store. This weatherboard building is currently in a poor state of repair, with much of the external wall cladding missing. It is proposed to rebuild the walls in Hebel block, and then reinstate external timber cladding. The current gravel floor is to become a concrete slab. The pitched roof will be retained, although the gable ends are proposed to be converted to hips. This shed is of a lower order heritage value than the historic Stables and Barn, and it is contended that a greater degree of alteration is acceptable. In fact, significant intervention is needed if this building is to be saved from collapse in the future and the intended investment to create the bond store will provide this.

A kitchen located within part of a secondary weatherboard out-building has Southern Midlands Council approval as a registered food business 2013/2014 and provides food preparation facilities to service visitors to the property. Food is served predominantly in the Stable's eating area, although some morning or afternoon teas are served from time to time in the homestead. Use of the homestead's formal lounge/dining room will be by special arrangement only.

The use of the two front rooms in the house will not require any fit-out or other changes.

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3.8.7 Signs

A number of appropriate signs will be erected as part of the new use.

Clause S6.4(b) of the planning scheme deals with signs at a site listed in the scheme's heritage schedule.

All signs will comply with clause S6.4(b) of the planning scheme to Council's satisfaction and the Tasmanian Heritage Council's Practice Note 6 – Signs at Heritage Places.

It is suggested that a condition of approval require the design and location of all signs to be submitted to Council for endorsement accordingly.

4. OTHER ISSUES

4.1 Distillery Licensing

The Alcohol Industry Group (AIG) of the Australian Tax Office, controls the licensing of distilleries and the collection of excise from distilled spirits.

Shene Distillery will need to obtain the necessary approvals for the manufacture of the stills, a Licence to Distil Spirits and Excise Registration. The new Bond Store will also require licensing.

For the production of liqueurs, a "permit to take delivery of spirits for approved purposes" will be necessary from the AIG in order to bring in Neutral Cane Spirit, 'under bond'.

The production of Brandy, like whisky, requires a specific distilling licence from the ATO.

4.2 Flammable Goods

High-percentage alcohol is defined as a flammable good and its storage and handling is regulated by AS 1940-2004. Workplace Standards Tasmania, Department of Infrastructure and Resources, has jurisdiction in this field in Tasmania.

The requirements of AS 1940 will apply to the distillery business. The provision of bunding measures for areas where alcohol is stored is a notable requirement of these regulations.

The storage and handling of high-percentage alcohol at Shene Distillery will conform to AS 1940-2004. This will ensure safety of persons both on site and on neighbouring sites.

4.3 Waste Disposal / Control

The major waste product from the operation will be used barley-mash. This is a porridge comprised of coarsely milled barley and water from which some of the starch and sugar has been extracted by being dissolved in hot water. It is a product in demand and in Tasmania is usually used as a direct soil conditioner or as an ingredient in commercial compost production, or as livestock feed.

Compared to the quantities produced by the State's two major breweries, the amount of barley mash produced by Shene Distillery will be small.

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Shene Distillery will produce approximately 1-2 tonnes of mash per week, which will all be utilised on site as soil conditioner or compost input.

The distillery wet-area will be bunded in order to prevent the escape of any spirit that spills due to accident. Whilst alcohol is a naturally occurring compound that is quickly broken down in the environment, the possible leaching of significant quantities is to be prevented – for economic reasons as much as environmental.

Wash-down water will be disposed of to an onsite wastewater treatment system. Some amount will be used to water the landscape plantings during the dryer months of the year.

The major water use in distilleries is the cooling water used in the stills' condensers. Shene Distillery will incorporate a cooling water recycling loop to minimise water use and maximise environmental sustainability.

In summary, all waste products from the facility will be reused or recycled. There will therefore be no surface or ground water contamination issues from waste product.

12.1.2 Development Application for Signage in the Historic Precinct Special Area, at *Midlands Hotel* 91 High St, Oatlands.

File Reference: T5842477

AUTHOR PLANNING OFFICER (D CUNDALL)
DATE 6TH DECEMBER 2013

ATTACHMENTS:

1. Development Application
2. Representation

THE PROPOSAL:

The Applicant David Wright, Lessee of the Midlands Hotel is seeking planning approval from the Southern Midlands Council for the installation of signage at the Midlands Hotel.

The Applicant has already installed most of the signs and is seeking retrospective approval for the works and seeking pre-approval to install further signage (wording) along the black awnings on the front of the hotel (see the attached Development Application for details).

Included in the Application is the following:

1. Replacement of Wall Sign; and
2. Canopy sign (bottle-shop entrance); and
3. Signage on bottle-shop wall and windows
4. Signage within bottle-shop; and
5. Below awning ‘Sports Bar’ Sign; and
6. New free-standing sign in front of hotel
7. New wording on the black awnings

Mr Wright has submitted an application for multiple signs in the documentation but has only declared the new development to be ‘Erection of sign at front of Hotel on Hotel land and replacing previous sign which was damaged’.

The Application has included the replacement of existing signage with the bright red corporate colours of the ‘Bottle-O’ bottle shop liquor outlets. The ‘Bottle-O’ colouring is normally green signage with white writing however the company has recently changed the branding of its smaller outlets to a bright red sign with white writing and a distinctive green street sign logo that reads ‘Neighbourhood’ (see Image 1 below). The smaller ‘Bottle-O’ ‘Neighbourhood’ liquor outlets do not supply the normal large promotional lines of products and therefore the company would like to make a distinguished difference between the two types of ‘Bottle-O’ liquor outlets.

The Lessee has branded most of the Midlands Hotel in the same graphics as the ‘Bottle-O’ ‘Neighbourhood’ branding with all the features of the hotel such as ‘Sports Bar’, ‘Restaurant’, ‘Café’, ‘Accommodation’, contact details and the wording ‘Midlands Hotel’ in a matching font type and the distinctive bright red, white and green colours.



Image 1 – the new corporate logo for the smaller ‘Bottle-O’ stores



Image 2 – This green branding was used for all ‘Bottle-O’ bottle shops and was the previous branding of the Midlands Hotel bottle-shop (only).



Image 3 – Photo of Midlands Hotel in June 2012. Depicting the old signage



Image 4 – Photo of Midlands Hotel in October 2013



Image 5 – Photo of new free-standing sign in the streetscape with historic buildings in the back ground.

BACKGROUND

The Lessee has erected signage without a Planning Permit and without any consent of Council. The Lessee has replaced many existing signs with new similarly sized signs but with new graphics and branding for the Hotel and for the bottle-shop.

The matter was brought to Council's attention and the Lessee was contacted as soon as possible. A letter was then sent to the Lessee with advice and the option to remove the sign or attempt to legitimise the sign(s) through the lodgement of an Application for a Planning Permit.

The Application is the subject of this Report

THE APPLICATION

The applicant has provided a completed standard application form and provided photographs of the signage, measurements of the 2.4m by 1.2m (free-standing sign), a covering letter and justification/explanation for the signage under Schedule 6 'Signs' of the *Southern Midlands Planning Scheme 1998*.

There is enough information in the Application to adequately assess the development and for members of the public to form a view on the matter. Also as most of the signs have been erected (without consent or planning approval) interested parties can also view the new works to form an opinion.

THE PLANNING SCHEME ASSESSMENT

Use/Development Definition

The works are defined as a ‘Sign’ under Schedule 6 of the Southern Midlands Planning Scheme. Signs must be developed in accordance with Schedule 6 ‘Signs’.

Zoning

The proposed sign is located in the Commercial Activity Zone.

Commercial Zone

The Commercial Zone is found in Oatlands and recognises land used, or has the potential to be used, for shops and business that primarily cater for the needs of the local population, tourists and other visitors.

Current Use of the Land

The land is currently used for a Hotel with Accommodation, Liquor Licensed Establishment (including Bottleshop), Gambling and Restaurant.

Statutory Status

Under the *Planning Scheme*, signage of this type is a ‘Discretionary Use/Development’ in the Historic Precinct Special Area and where a sign is greater than 1m² in area. Such a use development:

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

Extract SMPS 1998

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

Public Notification and Representation

The application was advertised, and all adjoining owners notified on the 16th November 2013 for the statutory 14 day period.

Two (2) representations were received. The representations received expressed concern for the impacts of the signage on the historic character of the township and the Commercial Zone. There are concerns for the proliferation of signage with-out

regard to the historic character of the town and the impact this will have on visitors, tourists and the integrity of the town.

Representation:

The representations have been included in the table below with personal details omitted. The representations have also been attached in their entirety (Attachment 2) to this Report. The comments in the representation (tabled) have been given a response from the Planning Officer (in *Italics*).

Representation 1	Planning Officer Comment
<p>I... object to the above mentioned proposed signage because it diminishes the appeal of the historical precinct.</p> <p>The historical precinct is very important to my business as it attracts customers who appreciate fine food, and in particular, food made with local produce...</p> <p>The signage intrudes in the following way: - disrupts the view to Callington Mill.... The placement directly blocks the view. Bold colours and harsh typography further interfere with our customers gaze to the mill. - commercialises the precinct by introducing generic chain-style signage which has no connection and is at odds with the historical precinct.</p> <p><i>(My Business)</i>... attracts people from interstate & overseas, and the signage does not fit the character of the destination they are seeking due to the points mentioned above.</p>	<p><i>The intent of the Historic Precinct Special Area is to conserve and enhance the historic character of Oatlands. It allows for continued development that respects the streetscape qualities against a set of Development Standards particular to signage in the historic precinct.</i></p> <p><i>The content of the Representation will be further assessed against the relevant standards of the scheme.</i></p> <p><i>The Planning Officer largely agrees with most of this representation.</i></p>
Representation 2	Planning Officer Comment
<p>References:</p> <ul style="list-style-type: none"> A. SMC DA2013/115, dated 16 November 2013 B. Southern Midlands Planning Scheme, 1998 C. The Burra Charter, 1999, Australia ICOMOS <p>Dear Sir,</p> <p>I refer to the Development Application at reference A regarding the installation of signage at the Midlands Hotel, 91 High Street Oatlands (Historic Precinct Special Area), and its accompanying applicant's letter .</p>	<p><i>Most of the signage is replacement signage.</i></p> <p><i>The focus of this application is on the large 2.4m by 1.2m free standing sign in front of the Hotel. This is not a replacement sign; this is a 'new sign'.</i></p> <p><i>The Planning Officer agrees with most of the representor's assessment against the standards of the scheme. Much of which will be further assessed in this report.</i></p> <p><i>It is agreed that excessive signage is simply not necessary in Oatlands and especially where a building has complete</i></p>

<p>Regarding the principles to be applied to works in the Historic Precinct under Section 9 of reference B, I believe the proposal is contrary to the intent of:</p> <ul style="list-style-type: none"> • 9.1.1 (a), in that it makes no attempt to ‘conserve or enhance the historic character’ of the place; and • 9.1.1 (b)(i), as it does not ‘respect the qualities of the streetscape’. <p>Insofar as the application’s specific requirement to comply with Schedule 6.4 of reference B is concerned, I offer the following comments against the sub-sub sections:</p> <ul style="list-style-type: none"> • S6.4 (b)(i), the proposed signs are thoroughly modern, and therefore do not respect the period of the architecture in the streetscape, and their colour and number ‘intrude upon the visual qualities of the townscape’. • S6.4 (b)(ii), although the application describes the main sign, eight others are included, contrary to the requirement to keep the number of signs to a minimum. Also, size and location should be traditional; for a 19th century inn, signage would have been limited to one name-board sign, and a lantern over the front door fulfilled the legal requirement for its designation as an inn. In this case, the DA completely fails to comply with the reference B requirements. • S6.4 (b)(iii), ‘the design, materials, colours and layout of signs must be sympathetic to the period of the Historic Area or Site’. This 21st century proposal makes no attempt to adopt any 19th century characteristics or 	<p><i>street-frontage and the use of use of the building is very clear to any new visitor to the town. With minimal signage anybody could look at the Midlands Hotel and understand its principal functions.</i></p> <p><i>Many other businesses in town have adopted the standards of the Planning Scheme and other principles for signage in commercial historic areas without any impact on their business or the ability to capture passing trade.</i></p> <p><i>The Applicant is not the first person to apply for signage and nor are they the first person to be given the option to remove the signs or seek approval from the Council.</i></p> <p><i>Anybody seeking to erect new signs or replace existing signs is strongly advised to contact council first. This gives anyone the opportunity to discuss their proposal and then (if required) make an application for a sign that is consistent with other signs in the township and will conform with existing guidelines and the standards of the Planning Scheme.</i></p> <p><i>Installing signs with-out Council Approval is a risky and potentially very expensive exercise. If the signs are refused then the Applicant must remove the signs and cannot recover any costs associated with the application or in the construction of the sign.</i></p> <p><i>The suggestions for a temporary moratorium on signs will be considered by Council as a separate matter.</i></p> <p><i>The Applicant has stated they cannot alter the colours of the corporate signage. However this is not exactly the case. The corporate signage of the ‘Bottle-O’ ‘Neighbourhood’ group</i></p>
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<p>practices, and ignores its wider setting.</p> <ul style="list-style-type: none"> • S6.4 (b)(v), requires signs to directly relate to the owner/operator and the principal function. To comply with this and the foregoing, a single sign containing the names of the establishment and the licensee, and a list of functions, viz meals, accommodation and gambling, will suffice; for instance, bottle shop specials are not the ‘principle [sic] function’, nor is ‘Sports Bar’. • S6.4 (b)(viii), requires corporate image colours and logos to be minimised and adapted. The applicant states the corporate ‘Bottle O’ red colour cannot be changed. The (SMC approved?) ‘Bottle O’ sign at the Colebrook Tavern is a pale green. Perhaps the applicant should make some further inquiries; a modern, computerised print sign manufacturer can produce any design in any colour scheme. • S6.4 (c)(ii). The application states that the proposed, free-standing sign is contained entirely within the property, but as it has already been installed, it appears to extend beyond the building line. <p>The applicant makes a number of points:</p> <ul style="list-style-type: none"> • There seems to be an expectation that the erection of signs is a right. I do not believe, under reference B, that that is so. One good sign will suffice for business purposes. • While I agree with the concerns about signage at the Kentish Arms, the applicant’s comments (in effect about its ‘principal function’ under S6.4 (b)(v)) also 	<p><i>applies to the Bottleshop. The Applicant has chosen to re-brand the entire hotel in the colours of the ‘Bottle-O’ group.</i></p> <p><i>Many businesses around the world find ways to incorporate major corporate designs into sensitive historic areas.</i></p> <p><i>As a final note other businesses or persons that have erected signs with-out planning approval are required to make application to Council or remove the signs. This is a requirement under the Land Use Planning and Approvals Act 1993 and the Southern Midlands Planning Scheme 1998. Furthermore signage is also covered by Division 2 of the Local Government (Building and Miscellaneous Provisions) Act 1993.</i></p>
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<p>show that the Midlands Hotel currently enjoys a monopoly in Oatlands. Therefore there is no <u>need</u> for signage other than to tell patrons that they have found the one place in Oatlands which they were seeking. The applicant requires no signage for attracting business from a competitor, he has none. Therefore, the proposal runs counter to the guidance of Article 3 of reference C, which counsels limiting change to ‘as much as necessary but as little as possible’. The applicant has no <u>necessity</u> for more than one good sign.</p> <ul style="list-style-type: none">• The applicant states the free-standing sign is a replacement of one which was taken down some years ago. About five years ago, I counted 39 signs on the Midlands Hotel; are all to be replaced under this approach? In the 19th century, one sign sufficed. Since then, many seem to have been installed. The SMC should ask how many were approved. If the replacement argument is to be accepted, it should involve ‘like for like’ replacement of signs which have received prior planning approval.• The applicant considers himself victimised, and notes other signage within the municipality, which is unnecessary, inappropriate, and too numerous. (These have presumably been erected without Council/Main Roads approval.) He considers these, and alludes to the red awnings in Hobart, as precedents. While I have some sympathy with some elements of this view:<ul style="list-style-type: none">○ Previous lapses in policy supervision and	
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<p>enforcement, however caused, should not be taken as precedents. Two wrongs do not make a right.</p> <ul style="list-style-type: none">○ At some point, regulations have to be enforced, and someone will therefore be the first to receive the treatment.○ The applicant is not victimised. Complying with the Planning Scheme, as so many others in town have done already, will not result in any loss of business or commercial advantage. Indeed, the Midlands Hotel enjoys the benefits and advantages of its location in the Heritage Precinct; this proposal to despoil the heritage streetscape makes victims of those who have done the right thing, often for no personal or commercial advantage. <p>I therefore urge the SMC to reject this application <i>in toto</i>, to require the applicant to take down the signs recently erected, and to work with the SMC, and Heritage, to agree a way forward. However, since the applicant makes some relevant points, and to soften the decision, I suggest the Council:</p> <ul style="list-style-type: none">● Declare a temporary moratorium on signage, during which time any persons with unapproved signage can either take down the signs, or submit an application.● Produce a guidelines pamphlet for signage in the Heritage Precincts,	
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<p>and perhaps more broadly.</p> <ul style="list-style-type: none"> • At the end of the moratorium, fully enforce the Planning Scheme with regard to signage, and other heritage matters. • Inform the ratepayers of this approach and these decisions, ie a fresh start from a certain date. • Explain to the applicant that since some of his comments are valid, the Council is taking steps to ensure a uniform approach. 	
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Historic Precinct Special Area: Development Standards

Any new signs in the Historic Precinct Special Area (that requires development approval), requires a detailed assessment against the Intentions and Standards for new signs in accordance with Schedule 6 (b) of the *Southern Midlands Planning Scheme 1998*.

Standards Schedule 6.4 (b):

Signs within a Historic Precinct Special Area should be developed in accordance with the following 10 principles.

- i. signs must be located and designed so that they respect the architectural features of buildings and do not intrude upon the visual qualities of the townscape;*

The large free-standing sign clearly intrudes upon the visual qualities of the townscape and has no respect or relevance to the architectural features of any of the surrounding buildings. The sign has one very clear purpose and that is to draw attention to the sign and away from other features of the streetscape.

The sign does not comply with this standard.

- ii. the architectural characteristics of a building must remain visually dominant, with the number of signs kept to a minimum and the size of signs limited to traditional locations;*

Including the new free-standing sign there are 14 signs visible from High St.

It is certainly possible for any Lessee or owner of the hotel to reduce the number of signs to a few quality signs with all the details anyone could need to inform the public of the services the business provides.

The proposed white lettering across the black awnings would be acceptable under this standard and would be in accordance with relevant guidelines for signage in historic places. The lettering is making use of an area where a building may traditionally install a sign with minimal impact. The lettering would also negate the need to repeat the same information on the free standing sign.

The black awnings used to have the white writing across them prior to their removal from the building.

The free-standing sign visually dominates the hotel. It would seem this is the principal function of the sign, to draw the eye to the sign.

The location of the signs, both the new and replacement signs have some merits for location in traditional locations. However the colours, content, type and excessive amount of signs run contrary to any guidelines or standards of the scheme.

The free-standing sign is not considered a traditional location given its large size, design and type.

iii. the design, materials, colours and layout of signs must be sympathetic to the period of the Historic Area or Site;

None of the signs conform to the appearance or characteristics of the Historic Area. They are signs typically used for bottle-shops, pubs and gaming lounges in a suburban or modern environment where a business would need to entice customers from a busy, cluttered main road or where there is great competition with other similar businesses with similar branding and marketing campaigns. The signage would typically be found in a streetscape cluttered with signs. Oatlands does not fit this profile.

iv. signs should generally not have internal illumination;

Not applicable. The signs do not have internal illumination.

v. signs must directly relate to the owner, major tenant or principle function of the site;

The many signs that reiterate the services and functions of the site are unnecessary. As 'Representation 2' indicates a couple of signs would suffice to inform visitors and customers of the services and functions of the site. Many hotels around the world that offer a multitude of services do not have a proliferation of signs with every service of the facility mentioned repeatedly. The Wrest Point Casino in Hobart for instance has only a

single pole sign on the main road (Image 6 below). Another example, included in this report, is a Hotel in Launceston (Image 7). The building has function rooms, accommodation, restaurant(s), bar, and a shopping arcade. All of which are captured in a single sign and a multiple tenancy sign in front of the building.

The photo examples (image 6 & 7) demonstrate that a business with multiple functions can achieve a high trade and public attention and direction with minimal signage.

Therefore with the inclusion of the wording on the black awnings, anybody can see all the information and services this hotel provides in a single glance. The free-standing sign is unnecessary and should be removed.



Image 6 – Example of single pole sign for a major establishment that has many functions and services. (Photo Source: Google Earth)

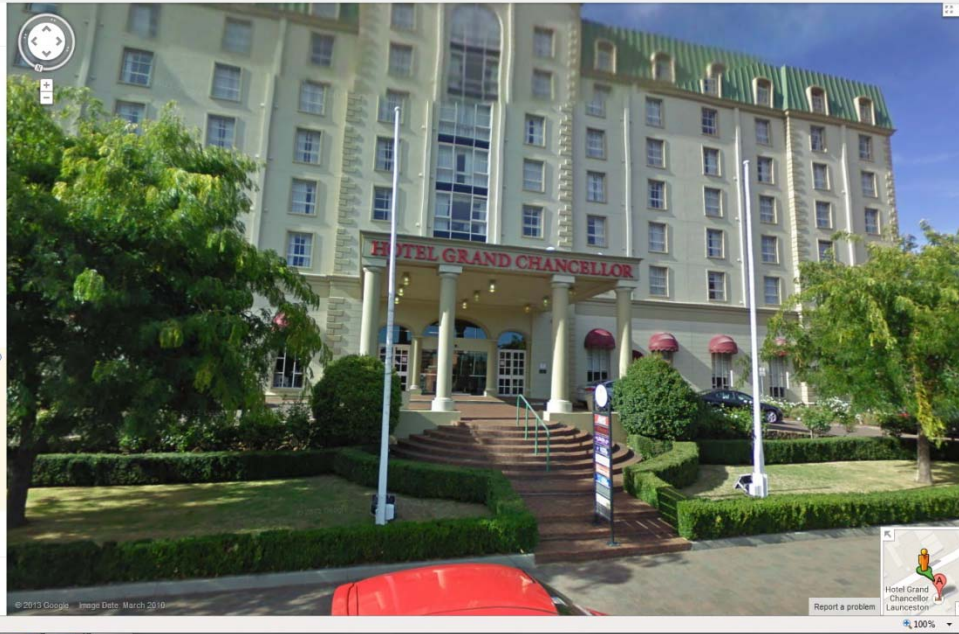


Image 7 – Example of a hotel with minimal signage and multiple functions and services. This hotel has bars, multiple function rooms, restaurant and many separate businesses in an indoor shopping arcade. All of the businesses within the building appear on a single ‘tenancy sign’. (Photo source: Google Earth)

vi. surviving early signs should be kept and protected;

Not applicable.

The Applicant has stated that the free-standing sign is a replacement of an existing free-standing sign that “...was vandalised 2.5 years ago”. However Image 8 of this report demonstrates a photo taken in December 2007 that does not include the free-standing sign. The free-standing sign is not a replacement sign.

All signs associated with the Midlands Hotel are not considered ‘early signs’ that need protection. This standard is referring to signs with heritage value.



Image 8 – Photo of Midlands Hotel _Taken December 2007 (Photo Source: Google Earth)

- vii. Signs should be attached to buildings in such a way that they can be attached and removed without damaging the heritage fabric. Generally, fixings should not be corrosive and should be into mortar joints where possible;*

The building is not Heritage Listed. All signs can be attached and removed without damage to the building.

- viii. corporate image requirements such as specific colours and logos must be minimised and otherwise adapted to suit the individual location and building;*

As stated in this report the Applicant has chosen to use the branding of the ‘Bottle-O’ ‘Neighbourhood’ corporate group to re-brand the hotel.

The direct replacement of the existing green ‘Bottle-O’ signs with the new red signs is acceptable, given that corporate logos were approved/installed pre-*Southern Midlands Planning Scheme 1998* and corporate logo signs have consistently been in place over the years. It would however been more much appropriate to try and reduce the corporate logos given the effort other business owners have made to raise the historic profile of the town through installing more sympathetic signage. The following signs are nevertheless

exempt from requiring planning approval as part of this Application as they are clearly replacement signs:

- 1) Wall Sign (was green now red)
- 2) Canopy sign (was green now red)
- 3) Bottle-shop door and window signs and hoardings (green now red)
- 4) Signage inside the bottle-shop (Internal Signage is exempt from requiring any Planning Approval or any Council Approval)

The proposed ‘Sports Bar’ sign under the awning is a replacement of a sign that read ‘Midlands Hotel’ in gold and white font on a black background with ‘Boags Draught’ logos on a green background flanking the wording. The overall effect of the new sign is that the red ‘Sports Bar’ sign looks nothing like the previous sign. However the following dot points shall be considered by Council under this standard:

- The two (2) ‘Boags Draught’ logos were corporate imaging – there are now two (2) ‘Bottle-O Neighbourhood’ images
- The whole size is substantially the same
- Its location under the awning is not considered intruding
- A developer would not require a Planning Permit to change wording on a sign i.e. ‘midlands hotel’ to ‘sports bar’
- The overall effect however is an increase in corporate logos with minimal effort in adapting to the surroundings.

The free-standing sign, with the ‘Botte-O Neighbourhood’ logo, bright red background and white font with the title ‘Bottle-shop’ uses the ‘Bottle- O’ branding entirely. This free-standing sign is unacceptable under this condition and should be removed.

ix. new signs must not be painted onto previously unpainted surfaces; and

Not applicable.

x. Buildings should not have projecting signs placed significantly above awning level.

Not applicable.

Schedule 6.4 (c):

Council shall not approve any sign that:

- (i) *creates a traffic hazard;*
- (ii) *interferes with pedestrian or vehicular traffic;*

- (iii) *obscures any direction, safety, information, warning, traffic control or other like sign;*
- (iv) *creates a loss of sunlight or daylight to adjoining residential properties;*
- (v) *is fixed, painted or in any way attached to a residential building which is not on the site of the business to which the sign relates;*
- (vi) *intrudes in terms of its size, design, colour, location or shape so as to cause a reduction of visual amenity;*
- (vii) *is not of a high standard of design or construction;*
- (viii) *substantially reduces the visibility of other signs in the locality;*
- (ix) *if illuminated, causes or is likely to cause annoyance to residents or confusion with traffic control devices in the vicinity; or*
- (x) *Interferes with any public utility.*

The free-standing sign intrudes on the streetscape and visual amenity of the area. It is not of a high standard of design or construction for an historic town.

DISCUSSION

The applicant has applied to the Council as Planning Authority for approval to install signage at the Midlands Hotel. The following matters can be deduced from this report:

- 1) Most of the signs are replacement signs and do not require planning approval – it would have been preferred that the owner contact Council to discuss this matter first and could have modified the signs to suit the standards of the historic precinct.
- 2) Some of the signs are internal and do not require planning approval.
- 3) The free-standing sign does not meet the standards of the Planning Scheme and should be removed
- 4) Council Officers would be more than willing to work with the Lessee or any business owner to provide advice services and guidelines for signage in historic areas.
- 5) The new branding of the Midlands Hotel in the ‘Bottle-O Neighbourhood’ colours is a business decision by the Lessee. A large corporation like the ‘Bottle-O’ group have the ability to install signage with more respect to historic towns.
- 6) The proposed writing across the black awning is considered appropriate and in a traditional location. It is fairly common practice for a business to place signage on

an awning without the need to install further buntings or attachments to a building. The black awnings with white writing also have some subtlety.

CONCLUSION

The Applicant, David Wright has applied to the Southern Midlands Council to seek planning approval for the installation of signage at the Midlands Hotel and for the further installation of signage across the black awnings (not yet in place). He has only sought written approval for the free-standing sign but has included the replacement signs and awning signs as part of the application.

Council received two (2) representations against the signs.

After considering all the information and through the assessment in this report, the only component of this application that requires Planning Approval is the writing across the awnings and the installation of the free-standing sign.

The free-standing sign cannot be approved by Council.

The writing across the awnings would however be considered acceptable and a fair compromise to the removal of the free-standing sign, given that these awnings combined with the other signage would give any customer all the information about the hotel's services.

A permit should be granted for the awning signs only. A condition of any permit issued shall ensure the removal of the free-standing sign within a set time limit of 15 days after the issue of the permit. Any permit issued shall include advice and a cover letter explaining the decision to refuse the free-standing sign.

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 Signage (white writing across a black awning only) in the Historic Precinct Special Area, at the Midlands Hotel, 91 High, Oatlands with the following conditions:

CONDITIONS

General

- 1) The awning signs as depicted in the application stamped DA 2013/115 are approved.

- 2) The free-standing sign is not approved and shall be removed within 15 days of the date of this permit.

The following advice applies to this permit:

- A. The Wall Sign, Canopy Sign, Internal Signage, Bottle-shop Door and Window Signage and ‘Sports Bar’ sign (below the awning) are considered replacement signs.
- B. The free-standing sign was not approved by Council at the monthly meeting, dated 11th December 2013.
- C. This permit does not imply that any other approval required under any other legislation has been granted.

C/13/12/066/19550 DECISION

Moved by Clr J L Jones OAM, seconded by Clr D F Fish

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 Signage (white writing across a black awning only) in the Historic Precinct Special Area, at the Midlands Hotel, 91 High, Oatlands with the following conditions:

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- B. The free-standing sign was not approved by Council at the monthly meeting, dated 11th December 2013.
- C. This permit does not imply that any other approval required under any other legislation has been granted.

CARRIED.

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

The Bottle-O Neighbourhood

Midlands Hotel Drive Thru Ph. 0254 1191

Specials

Sports Bar

Midlands Hotel Sports Bar Restaurant Cafe Accommodation

Bottle Shop Sports Bar Restaurant Cafe Accommodation

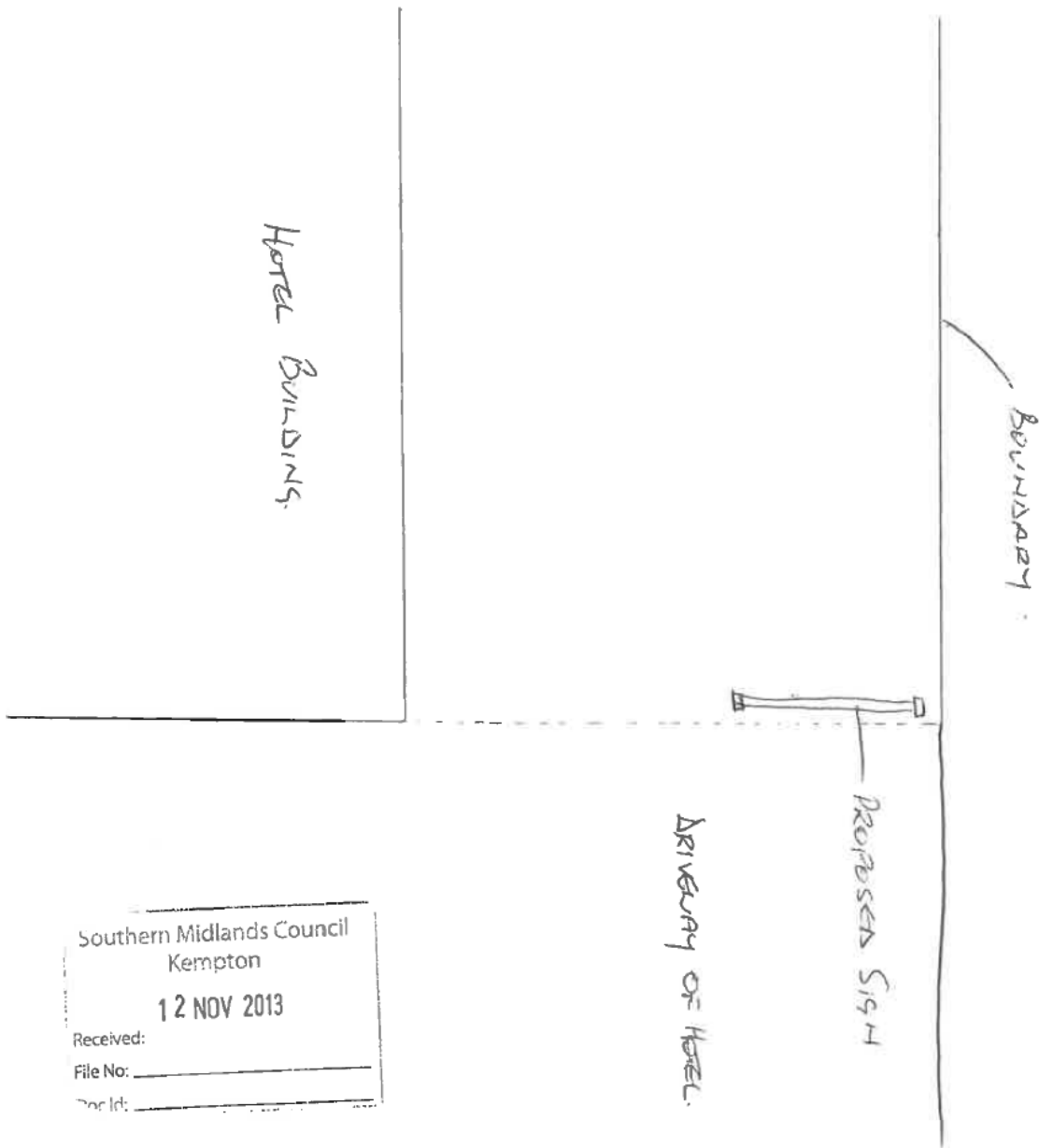
A OR B

Southern Midlands Council
 Kempton
 12 NOV 2013
 Received: _____
 File No: _____
 Ref Id: _____

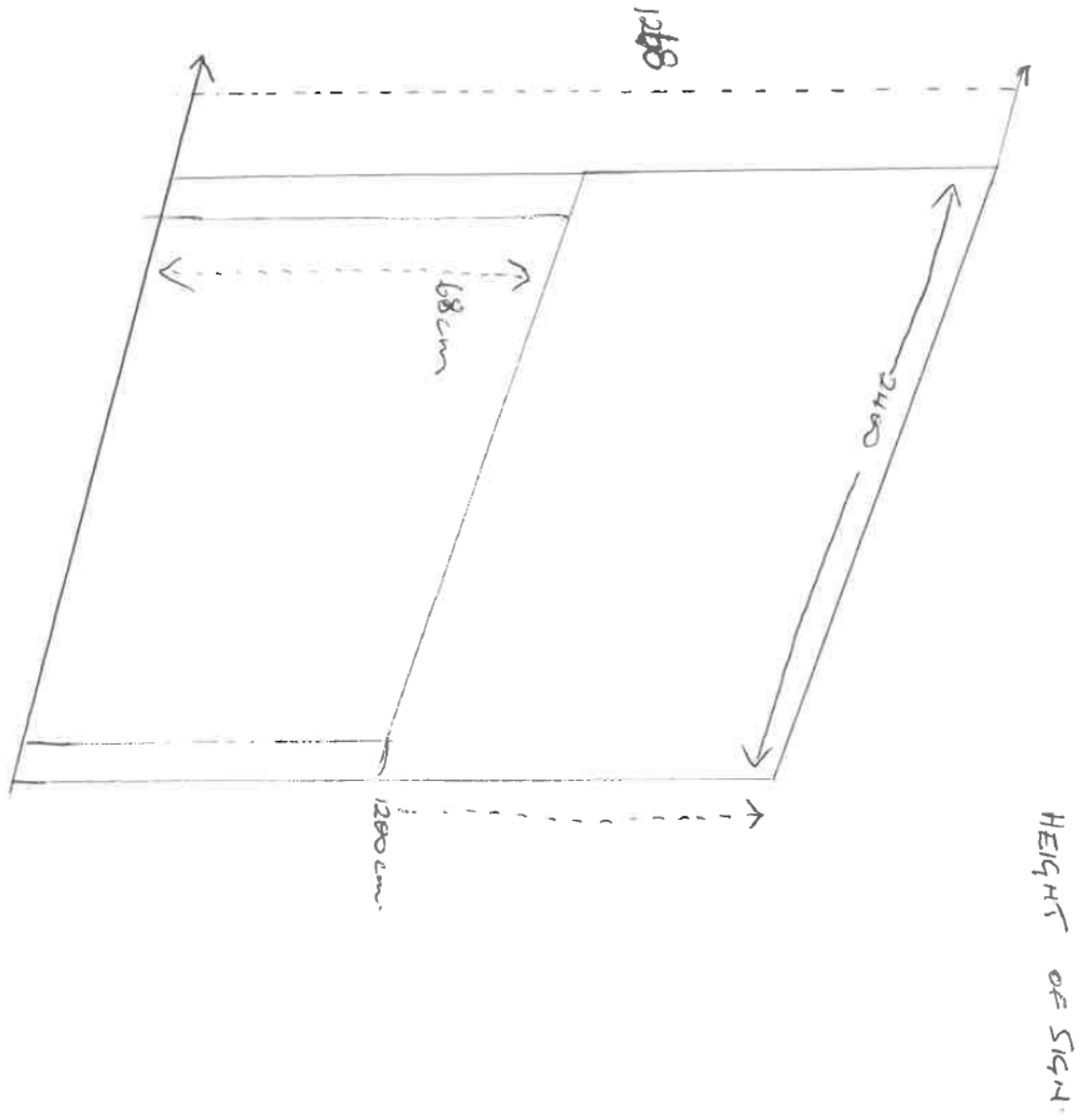
Cafe

Gaming

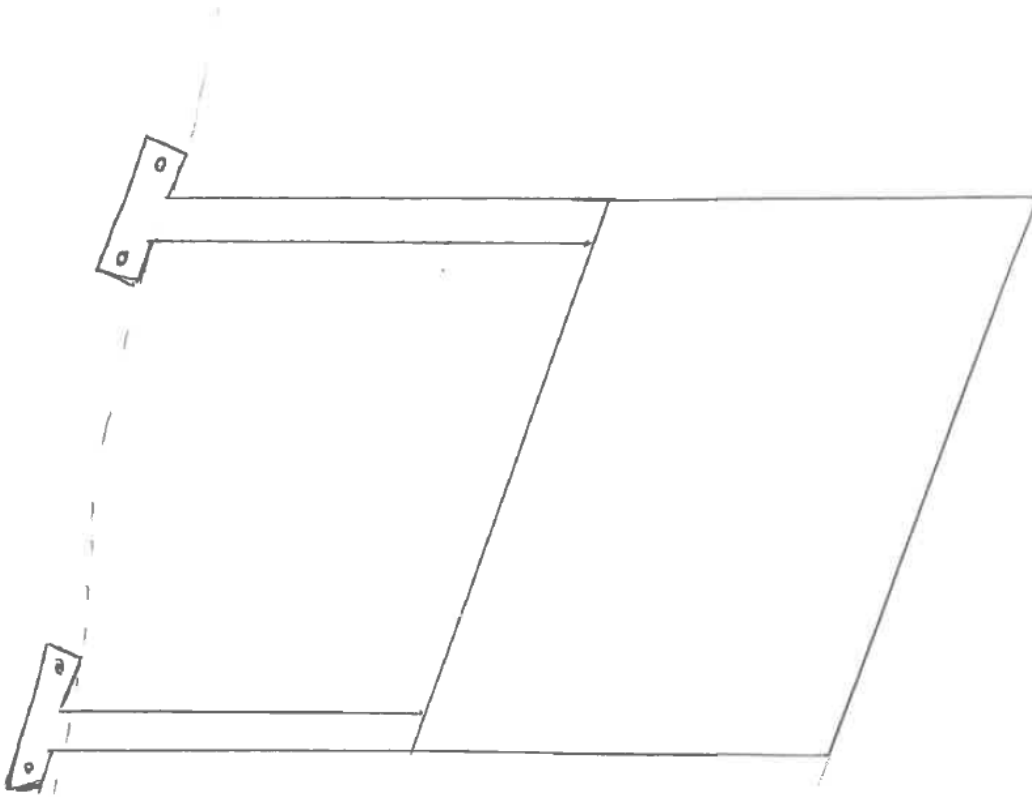
Restaurant



Southern Midlands Council
Kempton
12 NOV 2013
Received: _____
File No: _____
For Id: _____



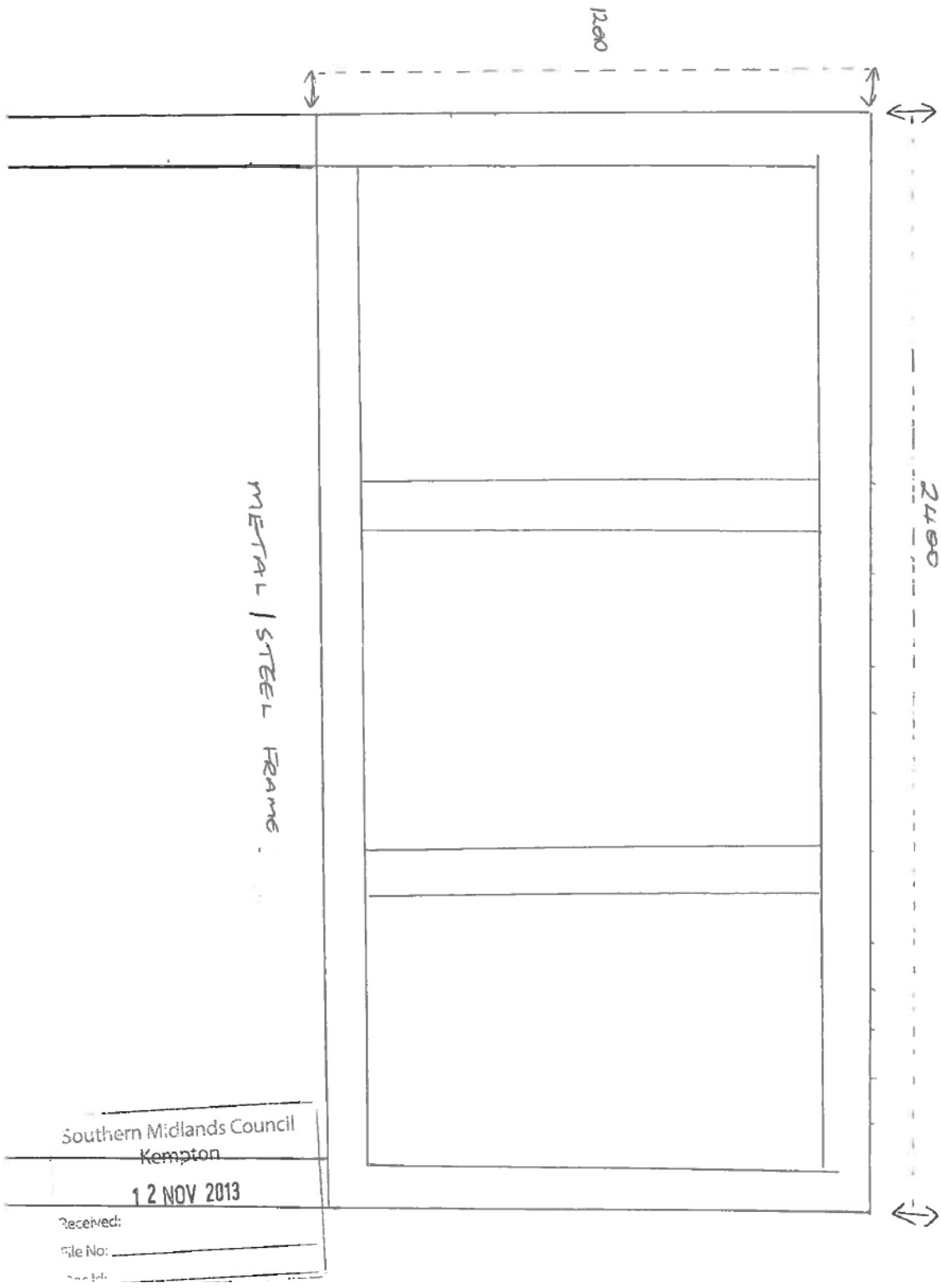
Southern Midlands Council
Kempton
12 NOV 2013
Received: _____
File No: _____
Ref: _____



SIGN
DYNA BOLTED
INTO CONCRETE

Southern Midlands Council	
Kempton	
12 NOV 2013	
Received:	
File No:	
Doc Id:	





The Manager,
Town Planning
Southern Midlands Council

Dear Sir/Madame

Re ; Midlands Hotel , 91 High Street Oatlands

Further to your correspondence , we have pleasure in submitting our application for a permit of a sign for approval as requested .

Firstly , we apologise for our oversight in having the sign erected , without a permit .

As mentioned previously , we were of the belief that we did not need a permit because ;

- a) the awnings on the building were allowed to be erected again without a permit because they were replacing awnings that were originally on the building , more specifically , being placed in the same position !
- b) This advice was given by a representative of planning within your council .

Therefore , based upon this advice , we assumed that the sign did not require a permit because

- a) it was replacing a previous sign which had been damaged
- b) it was being erected in exactly the same position as the previous sign
- c) it was being erected on land which belongs to the hotel .

The subject sign is 2040 x 1020 in size , and is red , with white writing which are the new corporate colours of the “ Bottle O “ group , replacing the previous green colours .

You will also note that other signage attached to the hotel has been changed to these new corporate colours .

Unfortunately , we cannot change , nor are we permitted to alter these corporate colours and or logos to suit council .

You will also note that our hotel has other signage attached to the building representing the various organizations linked to the hotel .

These include TOTE , KENO , OASIS and CASCADE BREWERY .

All these signs are in the corporate colours of each organization .

Furthermore , each of these signs have internal illumination , whilst the subject sign does not !

Based upon this alone , this application should be approved as a precedent has already been established !

We shall now drive down High Street , from our hotel to the Kentish Hotel . Sorry , is it a hotel or a bakery ?

This particular building has numerous signs attached to it ; including Cascade , Bottleshop , yet it does not open for trade on the High Street .

Southern Midlands Council
Kempton
12 NOV 2013
Received.

It even has a sign attached to its roof promoting “TKO pies” !
Except for the Cascade sign , none of the other signs seem to comply with the Southern Midlands Planning Scheme 1998 section 6.4b

- a) because they do not represent any corporate logo .
- b) and are not “ sympathetic to the heritage of this Historic Precinct Area

Further along High Street , is the IGA supermarket which is covered in numerous signs , all in different colours !
Similar to the Kentish Hotel , this building does not represent the “ Historic Precinct Special Area “

Littered along High Street are numerous “ For Sale “ boards , all in different colours , sizes and shapes which are not sympathetic to the area .

Maybe , we should drive along the highway and look at the signs promoting the various businesses in the Outlands township . Again , we would assume that these signs have been erected WITHOUT permits because they are on land which belongs to DIER and consist of varying colours , shapes and sizes .
None of which are sympathetic to the area !

In concluding , I have sought independent advice regarding this matter and strongly believe that we are being victimized over our sign .

Precedents have already been set within the area , let alone red awnings in Hobart , recently .

I look forward to an amicable resolution to what was a mis-understanding .

Yours faithfully



David Wright

SUMMARY

SOUTHERN MIDLANDS PLANNING SCHEME 1998

SECTION 6.4 (B)

“ Signs within an Historic Precinct Special Area , or on a site listed in Schedule 4 , Buildings and Works of Historic Significance , should be developed in accordance with the following principles “

i) The subject sign is located and designed not to intrude upon the visual qualities of the townscape .
The actual location of the sign is in the exact position of a previous sign which was vandalized and removed some 2.5 years prior .

ii) The architectural characteristics of the building have not been changed whatsoever with the erection of the sign ----- given it is replacing a previous sign

Therefore , it complies with this sub section

iii) The design , materials, colours and layout are sympathetic to the period of the area based upon other signs in the area . The colours of the sign are the corporate colours of “ Bottle O “ bottleshop group and cannot be changed whatsoever .
Therefore , it complies with this sub section .

iv) The subject sign does not have internal illumination .Therefore complies with this sub section .

v) The subject sign relates directly to the tenant and principle function of this site .
Therefore complies with this sub section .

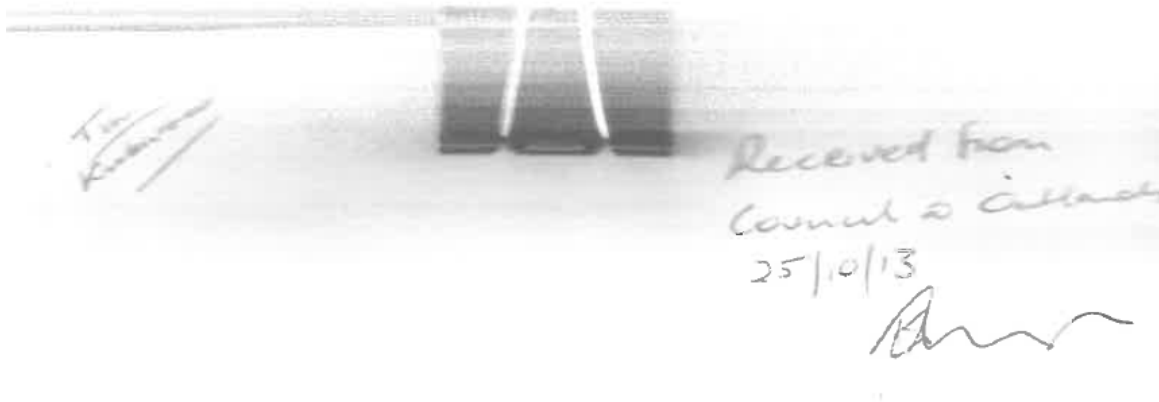
vi) The subject sign has been erected in exactly the same location as a previous sign which was vandalised 2.5 years ago.
Therefore it complies with this sub section because the previous sign was approved by council .

vii) The subject sign is not attached to any building whatsoever .Therefore , it complies with this sub section

viii) The subject sign complies with corporate colours and image of “ Bottle O “ bottleshop group .
Therefore , it complies with this sub section .

ix) The subject sign has not been painted onto un-painted surfaces .Therefore , it complies with this sub section

x) The subject sign has not been place above awning level . Therefore complying with this sub section .



SOUTHERN MIDLANDS PLANNING SCHEME 1998

19 November 2007

EXCLUDED FROM THE MINUTES PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE MINUTES PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

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GENERAL MANAGER**

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GENERAL MANAGER**

EXCLUDED FROM THE MINUTES PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

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)

Nil.

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

13.1 ROADS

Strategic Plan Reference – Page 13

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

Nil.

13.2 BRIDGES

Strategic Plan Reference – Page 14

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

Nil.

13.3 WALKWAYS, CYCLE WAYS AND TRAILS

Strategic Plan Reference – Page 14

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

Nil.

13.4 LIGHTING

Strategic Plan Reference – Page 14

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

Nil.

13.5 SEWERS

Strategic Plan Reference – Page 15

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

Nil.

13.6 WATER

Strategic Plan Reference – Page 15

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

Nil.

13.7 IRRIGATION

Strategic Plan Reference – Page 15

1.7.1 Increase access to irrigation water within the municipality.

Nil.

13.8 DRAINAGE

Strategic Plan Reference – Page 16

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

Nil.

13.9 WASTE

Strategic Plan Reference – Page 16

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

Nil.

13.10 INFORMATION, COMMUNICATION TECHNOLOGY

Strategic Plan Reference – Page 16

1.10.1 Improve access to modern communications infrastructure.

Nil.

13.11 SIGNAGE

Strategic Plan Reference – Page 16

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

Nil.

13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)

Item discussed later in the meeting.

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 RESIDENTIAL

Strategic Plan Reference – Page 17

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

Nil.

14.2 TOURISM

Strategic Plan Reference – Page 18

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

Nil.

14.3 BUSINESS

Strategic Plan Reference – Page 19

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

2.3.1b Increase employment within the municipality.

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

Nil.

14.4 INDUSTRY

Strategic Plan Reference – Page 20

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

Nil.

14.5 INTEGRATION

Strategic Plan Reference – Page 21

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

Nil.

15 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

15.1 HERITAGE

Strategic Plan Reference – Page 22

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

15.1.1 Heritage Project Officer’s Report

File Ref: 3/097

AUTHOR MANAGER HERITAGE PROJECTS (B WILLIAMS)

DATE 11TH DECEMBER 2013

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects

DETAIL

During the two weeks, Southern Midlands Council heritage projects have included:

- The gaol arch is nearing completion.
- The Southern Midlands Convict Sites project is nearing completion, with graphic design in progress.
- Jen is progressing write-ups of the summer archaeology programs 2011-13 and working with Alan on school programs for 2014.
- Review of the Southern Midlands Council Historic Heritage Strategy 2009-13 is continuing.
- Work is continuing on drafting the 2014 HESC program, with a re-branding exercise being undertaken and a re-launch planned for February 2014.
- Council has been loaned an original bed from the Oatlands Gaol, from the Gregg family of Oatlands. This is currently on display in the Gaoler’s residence and will form part of a temporary exhibition.

RECOMMENDATION

THAT the information be received.

C/13/12/087/19551 DECISION

Moved by Clr A O Green, seconded by Clr M Connors

THAT the information be received.

CARRIED.

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

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

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

15.2.1 Landcare Unit & Climate Change – General Report*File Ref: 03/082*

AUTHOR NRM PROGRAMS MANAGER – M WEEDING
 DATE 3RD DECEMBER 2013

ISSUE

Southern Midlands Landcare Unit and GIS Monthly Report

DETAIL

- Bushlinks 500 project. Work on site preparation for the Round 2 sites has commenced. There has been some revised site planning based on some of the knowledge gained in Round 1. Monitoring and review of the Round 1 properties is occurring.
- As part of the Local Government Energy Efficiency program, the final report is being prepared for this project.
- Graeme Green continues undertaking the GIS work required on the Southern Midlands Planning Scheme maps.
- Graeme Green continues working with Council's Manager Development and Environmental Services (D Mackey) to assist Central Highlands Council in determining biodiversity matters from a planning scheme perspective.
- Hazell Bros are now finishing high pressure water testing for the delivery lines of the Midlands Water Scheme, with Main Line 4 (Jordan line) being the only line still to be tested. A few issues have delayed the completion of the testing phase, meaning that the return of the Lake Dulverton water used for the testing will now be late this year or early January. Hazell Bros will close their Oatlands office on 20th Dec.
- The Dulverton Corridor track has had sections of the track resurfaced due to some difficult terrain underfoot.

- Helen Geard has assisted with some outstanding Works and Services tasks.
- Landcare staff attended the Aust Bureau of Statistics workshop on using ABS census data.
- The outcome of the funding application for the completion of Mahers Point Cottage should be known as of 12th December 2013.

RECOMMENDATION

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

C/13/12/089/19552 DECISION

Moved by Clr B Campbell, seconded by Clr D F Fish

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

CARRIED.

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

15.3 CULTURAL

Strategic Plan Reference – Page 23

- 3.3.1a Increase the retention, documentation and accessibility of the aboriginal convict, rural and contemporary culture of the Southern Midlands.
- 3.3.1b Ensure that the Cultural diversity of the Southern Midlands is maximised.

Nil.

15.4 REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS)

Strategic Plan Reference – Page 24

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

Nil.

15.5 CLIMATE CHANGE

Strategic Plan Reference – Page 24

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

Nil.

16 OPERATIONAL MATTERS ARISING LIFESTYLE

16.1 COMMUNITY HEALTH AND WELLBEING

Strategic Plan Reference – Page 25

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

Nil.

16.2 YOUTH

Strategic Plan Reference – Page 25

- 4.2.1 Increase the retention of young people in the municipality.

Nil.

16.3 SENIORS

Strategic Plan Reference – Page 26

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

Nil.

16.4 CHILDREN AND FAMILIES

Strategic Plan Reference – Page 26

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

Nil.

16.5 VOLUNTEERS

Strategic Plan Reference – Page 26

4.5.1 Encourage community members to volunteer.

Nil.

16.6 ACCESS

Strategic Plan Reference – Page 27

4.6.1a Continue to explore transport options for the Southern Midlands Community.

4.6.1b Continue to meet the requirements of the Disability Discrimination Act.

Nil.

16.7 PUBLIC HEALTH

Strategic Plan Reference – Page 27

4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

16.8 RECREATION

Strategic Plan Reference – Page 28

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

Nil.

Mr J Lyall (Manager - Works and Technical Services) attended the meeting at 2.50 p.m.

13.12.1 Manager - Works & Technical Services Report

File Ref: 3/075

AUTHOR MANAGER – WORKS & SERVICES

DATE 6TH DECEMBER 2013

ROADS PROGRAM

Maintenance Grading is being undertaken in both the Broadmarsh / Elderslie and Stonehenge / Tunnack / Woodsdale areas.

Roadside slashing has commenced in the Glen Morey / Tunbridge areas utilising Council machinery, and a contractor has been engaged for the Broadmarsh area. A second Council tractor and slasher will be mobilised in the Campania area this coming fortnight.

Stonor Road – drainage works commenced as part of the reconstruct and seal program.

Tenders for reseal and reconstruction works have closed and are being assessed. Details and recommendation will be circulated prior to the meeting.

BRIDGE PROGRAM

Rotherwood Road Bridge – on site meeting planned with Engineer to confirm design plan and scope of works.

Lyalls Road Bridge replacement – precast units have been ordered and replacement is scheduled early in new-year.

WASTE MANAGEMENT PROGRAM

Ongoing operations.

Oatlands WTS – significant works have been carried out to enable improved site management and weed control. Materials ex roadside drains has been used to provide additional cover to shape old refuse disposal area.

TOWN FACILITIES PROGRAM

Grange Road Footpath – majority of works completed with basic patching to link up with new kerb.

Grass mowing with the towns is a major draw on resources.

The following Works and Technical Services issues were raised for discussion:

Roads Program – Tenders – Road Reconstruction – to be re-advertised. Interlaken Road (‘Rockton’ corner) – widening project has commenced – blast undertaken on 10th December 2013. Stonor Road (reconstruction) – commenced drainage works; Estate Road (vicinity of Mallow property) – corner realignment – need to progress survey; Road bitumen patching – contract ‘jet patcher’ on hire; Roadside vegetation – mowing commenced – two contractors engaged together with Council slasher(s).

Bridge Program – Rotherwood Road (replacement) – ongoing assessment with engineer; Lyall’s Road (replacement) – order submitted for decking etc.; Tunbridge Historic Bridge – DIER responsibility – referred to DIER with a request to inspect.

Town Facilities – Colebrook Recreation Ground – storage of rail sleepers – negotiate temporary storage in paddock north of Recreation Ground – a bond (approx. \$5,000) should be required for any reinstatement works; Grange Road, Kempton – Footpath/drainage – works completed; Swan Street, Bagdad – contract prices confirmed – scheduled to commence second week in January 2014.

RECOMMENDATION

THAT the information be received.

C/13/12/093/19553 DECISION

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

THAT the information be received.

CARRIED.

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

16.9 ANIMALS

Strategic Plan Reference – Page 28

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

16.9.1 Animal Control Officers Report

File Ref: 3/027

AUTHOR ANIMAL CONTROL OFFICER (G DENNE)

DATE 5TH DECEMBER 2013

ISSUE

Consideration of Animal Control Officer’s monthly report.

DETAIL

Bagdad - 9 sheep were killed during a dog attack, 5 were killed on one property whilst 4 were killed on an adjoining property. Both places are owned by absentee persons, however I was able to meet one of the owners on site, the other owner is currently interstate. There were no witnesses to the attack, and despite making enquires no sightings have been made

Refer Monthly Statement on Animal Control for period ending 30th November 2013.

RECOMMENDATION

THAT the information be received

C/13/12/094/19554 DECISION

Moved by Clr D F Fish, seconded by Clr M Connors

THAT the information be received.

CARRIED.

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

**SOUTHERN MIDLANDS COUNCIL
MONTHLY STATEMENT ON ANIMAL CONTROL
FOR PERIOD ENDING 30/11/2013**

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

Breakdown Being:

ADOPTED	RECLAIMED	LETHALISED	ESCAPED
1	2		1

MONEY RECEIVED

Being For:

Pound	_____
Reclaims	\$27.27
Dog Registrations	\$395.47
Kennel Licence Fee	_____
Infringement Notices	\$130.00
Complaint Lodgement Fee	_____
TOTAL	\$552.74

COMPLAINTS RECEIVED FOR PERIOD ENDING 30/11/2013

Dog at Large: 2
Dog Attacks: 1
Request Pick-ups: 1
After Hours Calls: 6
TOTAL 10

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

Animal Control Officer: **Garth Denne**

16.10 EDUCATION

Strategic Plan Reference – Page 28

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

Nil.

17 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

17.1 RETENTION

Strategic Plan Reference – Page 29

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

Mr J Lyall (Manager – Works and Technical Services) left the meeting at 3.40 p.m.

Deputy Mayor M Jones OAM attended the meeting at 3.53 p.m.

17.2 CAPACITY AND SUSTAINABILITY

Strategic Plan Reference – Page 29

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

17.2.1 Southern Midlands Community Radio Station (97.10 MIDFM) – Update / Briefing

AUTHOR GENERAL MANAGER (T KIRKWOOD)
DATE 5th DECEMBER 2013

ISSUE

To report on the planned future operations of the Southern Midlands Community Radio Station Inc.

BACKGROUND

The future of the Radio Station was raised indirectly during a discussion relating to electricity consumption at Council's various buildings and facilities. It was noted that electricity for both radio station locations (i.e. 85 High Street, Oatlands – Studio) and the transmitter tower were considerably high and totalled \$8,254 for the 2012/13 financial year (\$7,434 in 2011/12).

This matter was subsequently discussed with representatives of the Radio Station, and in particular, the need to recover an amount over and above the agreed subsidy. This automatically led to a discussion relating to the ongoing sustainability and viability of the radio station.

The Radio Station representatives then determined that they would convene a meeting to which an invitation was extended to the broader community. Approximately fifteen (15) people attended this meeting, and in summary, the outcome was to continue the operation and management of the Radio Station.

DETAIL

The Annual General Meeting of the Southern Midlands Community Radio station Inc. was then held on 20th November 2013, and the following persons formed the Management Committee:

President: Dr Merle Gray
Vice President: TBC
Secretary: Sheila Pearson-Smith
Treasurer: Max Gray
Station Manager: John Hay
Committee: Leigh Blake, Ken Pearson-Smith, Chris Jackson, Betty Lockley.

The newly appointed Management Committee has been working with Mr Stuart Thomas (technology/electronic consultant) to investigate the feasibility and cost of relocating the studio from 85 High Street, Oatlands to the Aquatic Centre (rear room) on the foreshore of Lake Dulverton.

At the time of finalising this report, the technical detail was yet to be received and will be circulated prior to the meeting.

Human Resources & Financial Implications – The Radio Station has sufficient funds to meet the cost of relocation and purchase the new infrastructure / equipment to continue operation at the new location (most recent Finance Report will be tabled).

The new system is apparently designed to dramatically reduce electricity consumption. In addition, relocation from 85 High Street will ensure that the Aurora expenses will purely relate to the Station's operations and not other activities located within the building.

Essentially, the Southern Midlands Community Radio Station is seeking an ongoing commitment from Council to provide an operational subsidy per year to offset power costs associated with the studio and transmitter site.

Community Consultation & Public Relations Implications – In relation to joint occupation of the Aquatic building, no contact has been made with representative(s) from Oatlands Rural Youth pending Council direction.

Policy Implications – N/A.

Priority – Implementation Timeframe – N/A.

RECOMMENDATION

THAT:

- a) **The information be received; and**
- b) **Council determine the amount of ongoing subsidy that it is prepared to contribute on annual basis to the Southern Midlands Community Radio Station Inc.**

C/13/12/099/19555 DECISION

Moved by Clr J L Jones OAM, seconded by Clr D F Fish

THAT:

- a) Council support the relocation of the Radio Station to the Aquatic Centre;
- b) Council continue to meet the Aurora account(s) linked to the transmission tower and 85 High Street, Oatlands pending relocation (i.e. to end of 3rd quarter); and
- c) The Southern Midlands Community Radio Station Inc. be required to lodge a submission each year for funding, which is to be considered as part of the normal annual budgetary process.

CARRIED.

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

17.3 SAFETY

Strategic Plan Reference – Page 30

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

Nil.

17.4 CONSULTATION

Strategic Plan Reference – Page 30

5.4.1 Improve the effectiveness of consultation with the Community.

Nil.

17.5 COMMUNICATION

Strategic Plan Reference – Page 30

5.5.1 Improve the effectiveness of communication with the Community.

Nil.

The meeting was suspended for a short break at 4.22 p.m. and resumed at 4.34 p.m.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

18.1 IMPROVEMENT

Strategic Plan Reference – Page 31

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

18.1.1 Review of the Southern Midlands Council Computer Use Policy

AUTHOR MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (A BENSON) AND INFORMATION COMMUNICATION TECHNOLOGY OFFICER (N WILSON)

DATE 5TH DECEMBER 2013

ENCLOSURE Amended Policy

ISSUE

Consideration by Council of policy amendments.

BACKGROUND

A document titled the Southern Midlands Council Computer Use was approved by Council in late 2012.

DETAIL

The purpose of this Policy is to ensure the proper use of Southern Midlands Council's electronic communication systems by Council staff and Elected Members for its intended purposes without infringing legal requirements, Council policies or creating unnecessary business risk.

The policy framework of risk management requires that Council have a Computer Use Policy in place as a policy document. Council is also required to regulate use of Internet and E-mail so that Council staff and Elected Members have a safe working environment and the Council is protected from commercial harm and exposure to liability. To achieve this, electronic messages sent, received, forwarded or transmitted may from time to time be subject to monitoring or retrieval.

The original Policy has been amended to reflect some minor changes as well as the inclusion of a category specifically related to Social Media. The changes for the original policy are shown in a red font within the document for ease of identification of the changes. It also proposed to change the name of the document to the *Computer Use and Electronic Communications Policy*.

RECOMMENDATION

THAT the proposed Computer Use and Electronic Communications Policy be considered for adoption at the January 2014 meeting

C/13/12/102/19556 DECISION

Moved by Clr M Connors, seconded by Clr B Campbell

THAT:

- a) the proposed Computer Use and Electronic Communications Policy be amended to exclude reference to elected members (these provisions to be inserted into the Code of Conduct); and
- b) the amended Policy be considered for adoption at the January 2014 meeting.

CARRIED.

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

18.2 SUSTAINABILITY

Strategic Plan Reference – Page 32 & 33

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

Nil.

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

- | | |
|-------|---|
| 6.3.1 | Maintain current levels of community equity. |
| 6.3.2 | Major borrowings for infrastructure will reflect the inter-generational nature of the assets created. |
| 6.3.3 | Council will retain a minimum cash balance to cater for extra-ordinary circumstances. |
| 6.3.4 | Operating expenditure will be maintained in real terms and expansion of services will be funded by re-allocation of service priorities or an increase in rates. |
| 6.4.4 | Sufficient revenue will be raised to sustain the current level of community and infrastructure services. |

18.3.1 Monthly Financial Statement (November 2013)*File Ref: 3/024*

AUTHOR FINANCE OFFICER (C PENNICOTT)
 DATE 5TH DECEMBER 2013

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1st July 2013 to 30th November 2013 (including Notes)
- b) Current Expenditure Estimates
- c) Capital Expenditure Estimates

Note: Refer to enclosed report detailing the individual capital projects.

- d) Rates & Charges Summary – as at 5th December 2013
- e) Cash Flow Statement - July 2013 to November 2013.

Note: Expenditure figures provided are for the period 1st July to 30th November 2013 – approximately 40% of the period.

Comments

A. Current Expenditure Estimates (Operating Budget)

Strategic Theme – Infrastructure

- **Sub-Program – Signage** - expenditure to date (\$5,143 – 41.81%). Installation of new Street Signage around the Oatlands Township.

Strategic Theme – Growth

- **Sub-Program – Business** - expenditure to date (\$38,357 – 57.90%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

Strategic Theme – Lifestyle

- **Sub-Program – Childcare** - expenditure to date (\$5,000 – 50.00%). Expenditure of \$5,000 is the annual ‘one-off’ payment for the Family Day Care Service.
- **Sub-Program – Aged** - expenditure to date (\$2,361 – 157.38%). Expenditure includes an amount of \$1,653 which relates to the Healthy Communities Initiative Program and this amount is recovered through a minor grant.

Strategic Theme – Community

- **Sub-Program – Consultation** - expenditure to date (\$4,438 – 87.54%). Expenditure of \$2,198 relates to Aurora expenses associated with the operation of the Radio Station. Part-reimbursement from Management Committee.

Strategic Theme – Growth

- **Sub-Program – Mill Operation** - expenditure to date (\$256,473 – 42.04%).

B. Capital Expenditure Estimates (Capital Budget)

Discussion relating to the two projects (i.e. Commissariat and Reeve Street Footpath Construction) which were listed for funding through the Regional Development Australia (Grant Round 5). The Australian Government has confirmed that this Grant Round has been cancelled.

RECOMMENDATION

THAT the information be received.

C/13/12/106/19557 DECISION

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

THAT the information be received.

CARRIED.

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

STATEMENT OF COMPREHENSIVE INCOME
FOR THE PERIOD
1st JULY 2013 to 30 NOVEMBER 2013

	Annual Budget	Year to Date as at 30TH NOVEMBER	% To Date	Comments
Income				
General rates	\$ 4,192,243	\$ 4,158,447	99.2%	Budget includes interest & Penalties to be imposed to end of June 2014
User Fees (refer Note 1)	\$ 699,354	\$ 257,274	36.8%	
Interest	\$ 260,000	\$ 97,182	37.4%	
Government Subsidies	\$ 31,700	\$ -	0.0%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ -	\$ -	0.0%	
Other (refer Note 2)	\$ 235,188	\$ 31,548	13.4%	
Sub-Total	\$ 5,418,485	\$ 4,544,451	83.9%	
Grants - Operating	\$ 3,570,800	\$ 821,607	23.0%	FAGS Grant Only
Total Income	\$ 8,989,285	\$ 5,366,058	59.7%	
Expenses				
Employee benefits	\$ 3,703,066	\$ 1,296,824	35.0%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ 3,046,484	\$ 1,411,331	46.3%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ 2,495,000	\$ -	0.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ 58,741	\$ 9,947	16.9%	
Contributions	\$ 169,088	\$ -	0.0%	Fire Service Levies
Other	\$ 204,004	\$ 102,537	50.3%	
Total expenses	\$ 9,677,383	\$ 2,820,638	29.1%	
Surplus (deficit) from operations	-\$ 688,098	\$ 2,545,420	-369.9%	
Grants - Capital (refer Note 3)	\$ 606,153	\$ -	0.0%	
Donations	\$ 3,500	\$ 400	11.4%	
Sale Proceeds (Plant & Machinery)	\$ -	\$ -	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ 160,000	\$ -	0.0%	Budget Amount - Sale of Lots - Kandara Court
Surplus / (Deficit)	\$ 81,555	\$ 2,545,820	3121.6%	

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2013/14

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT NOVEMBER 2013 40%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3484103	3484103	663367	2820736	19.04%
Bridges	428807	428807	20152	408655	4.70%
Walkways	175603	175603	65570	110033	37.34%
Lighting	89544	89544	22093	67451	24.67%
Irrigation	2450	2450	466	1984	19.00%
Drainage	81322	81322	14006	67316	17.22%
Waste	548480	548480	169773	378707	30.95%
Public Toilets	55726	55726	17434	38292	31.28%
Communications	0	0	636	-636	0.00%
Signage	12300	12300	5143	7157	41.81%
INFRASTRUCTURE TOTAL:	4878335	4878335	978640	3899695	20.06%
GROWTH					
Residential	2900	2900	0	2900	0.00%
Mill Operations	610120	610120	256473	353647	42.04%
Tourism	188853	188853	6480	182373	3.43%
Business	66250	66250	38357	27893	57.90%
Agriculture	5370	5370	0	5370	0.00%
Integration	27600	27600	0	27600	0.00%
GROWTH TOTAL:	901093	901093	301310	599783	33.44%
LANDSCAPES					
Heritage	291385	291385	104631	186754	35.91%
Natural	477908	477908	167845	310063	35.12%
Cultural	0	0	0	0	0.00%
Regulatory	789303	789303	292395	496908	37.04%
Climate Change	40376	40376	5835	34541	14.45%
LANDSCAPES TOTAL:	1598972	1598972	570706	1028266	35.69%
LIFESTYLE					
Youth	160905	160905	46200	114705	28.71%
Aged	1500	1500	2361	-861	157.38%
Childcare	10000	10000	5000	5000	50.00%
Volunteers	32000	32000	11808	20192	36.90%
Access	6405	6405	0	6405	0.00%
Public Health	7706	7706	304	7402	3.95%
Recreation	402126	402126	124184	277942	30.88%
Animals	70029	70029	25784	44245	36.82%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	690671	690671	215640	475031	31.22%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	35025	35025	11742	23283	33.53%
Safety	56650	56650	21249	35401	37.51%
Consultation	5070	5070	4438	632	87.54%
Communication	15125	15125	1674	13451	11.07%
COMMUNITY TOTAL:	111870	111870	39104	72766	34.95%
ORGANISATION					
Improvement	7300	7300	0	7300	0.00%
Sustainability	1925878	1925878	659533	1266345	34.25%
Finances	223263	223263	75643	147620	33.88%
ORGANISATION TOTAL:	2156441	2156441	735176	1421265	34.09%
TOTALS	10337382	10337382	2840575	7496807	27.48%

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 NOVEMBER 2013

	BUDGET	EXPENDITURE	VARIANCE
BRIDGE ASSETS			
C1030003	\$ 557,000	\$ 7,820	\$ 549,180
C1030043	\$ 166,000	\$ 113	\$ 165,887
C1030028	\$ 57,000	\$ 2,536	\$ 54,464
C1030023	\$ 678,000	\$ 2,579	\$ 675,421
C1030044	\$ 81,700	\$ 1,231	\$ 80,469
C1030045	\$ 26,440	\$ -	\$ 26,440
C1030041	\$ 142,600	\$ 26,535	\$ 116,065
C1030013	\$ -	\$ 51,685	\$ 51,685
	\$ -	\$ 1,488.74	\$ 1,489
	\$ -	\$ 419.64	\$ 420
	\$ 1,708,740	\$ 94,387	\$ 1,614,353
WALKWAYS			
	\$ 50,000	\$ -	\$ 50,000
Bagdad Township	\$ 50,000	\$ 3,085	\$ 46,915
- East Bagdad Road (Le Compte to Highway)			
Footpaths - General (Program to be confirmed)			
Campaña Township	\$ 10,000	\$ -	\$ 10,000
- Reeve Street (Vicinity of Shore)			
C1040005	\$ 80,000	\$ 6,588	\$ 73,414
C1040005	\$ 5,000	\$ -	\$ 5,000
- Reeve Street (500 metres)			
- Review Management Plan (Shie Pien) / Walking Tracks (Blush Reserve)			
Colebrook Township	\$ 15,000	\$ -	\$ 15,000
- Kerb & Gutter / Footpath improvements			
Kempton Township	\$ -	\$ 3,283	\$ (3,283)
C1040017	\$ -	\$ -	\$ -
- Grange Road Kerb & Gutter			
Mangalore Township	\$ -	\$ 3,685	\$ (3,685)
C1040013	\$ -	\$ -	\$ -
- Nil Black Bush			
Oatlands Township	\$ 8,000	\$ -	\$ 8,000
C1040016	\$ 7,000	\$ -	\$ 7,000
- High Street (Kearns / School area)			
Turnack Township	\$ -	\$ -	\$ -
- Various (to be confirmed)			
Nil Projects	\$ 225,000	\$ 16,639	\$ 208,361
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
DRAINAGE			
Bagdad	\$ 21,882	\$ 8,060	\$ 13,822
C1090014	\$ 75,000	\$ 1,840	\$ 73,160
C1090015	\$ 145,000	\$ -	\$ 145,000
- Swan Street - Kerb & Gutter (eastern side - 250 metres)			
- Swan Street - Kerb & Gutter (western side - 360 metres)			
- Swan Street - Kerb & Gutter (western side - 180 metres)			
- North of Le Compte Place Subdivision			
Colebrook	\$ 10,000	\$ -	\$ 10,000
C1090016	\$ 12,000	\$ 1,007	\$ 10,994
- Colebrook Main Rd / Yarrington Rd (Junction to Rail)			
Kempton	\$ -	\$ -	\$ -
- Nil			
Oatlands	\$ 5,000	\$ -	\$ 5,000
C1090017	\$ 13,000	\$ -	\$ 13,000
C1090018	\$ 12,000	\$ -	\$ 12,000
- High St/Warrington Street Junction			
- Stanley Street / Lake Dubvetton - Extension			
- Warrington Street (150 metres - kerb replacement)			
Turnbridge	\$ 20,000	\$ -	\$ 20,000
C1090020	\$ 6,000	\$ -	\$ 6,000
C1090021	\$ -	\$ -	\$ -
- Main Road (Vicinity of Community Club)			
- Main Road (Junction with Allison Street)			
	\$ 319,882	\$ 10,907	\$ 308,975

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 NOVEMBER 2013

		BUDGET	EXPENDITURE	VARIANCE
WASTE	C110001	\$ 5,000	\$ 10,371	\$ (5,371)
	C110002	\$ 10,000	\$ -	\$ 10,000
		\$ 15,000	\$ 10,371	\$ 4,629
PUBLIC TOILETS	C1110001	\$ 5,000	\$ -	\$ 5,000
		\$ 5,000	\$ -	\$ 5,000
SIGNAGE	C113001	\$ 10,000	\$ 5,312	\$ 4,688
		\$ 10,000	\$ 5,312	\$ 4,688
RESIDENTIAL		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
GROWTH		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
TOURISM		\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
HERITAGE	C3010004	\$ 59,900	\$ 56,872	\$ 2,028
		\$ 4,000	\$ -	\$ 4,000
LANDSCAPES	C3020004	\$ 5,240	\$ 4,073	\$ 1,167
	C3020004	\$ 2,100	\$ -	\$ 2,100
NATURAL	C3020004	\$ -	\$ 2,439	\$ (2,439)
		\$ 7,340	\$ 6,512	\$ 828
REGULATORY	C3040001	\$ 20,000	\$ 11,046	\$ 8,954
	C3040001	\$ 3,500	\$ 337	\$ 3,163
REGULATORY	C3040001	\$ 5,000	\$ -	\$ 5,000
	C3040001	\$ 2,500	\$ -	\$ 2,500
		\$ 31,000	\$ 11,383	\$ 19,617
		\$ 261,400	\$ 171,004	\$ 90,397

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 NOVEMBER 2013

LIFESTYLE	RECREATION		BUDGET	EXPENDITURE	VARIANCE
	C4070005	Recreation Committee	\$ 30,000	\$ -	\$ 30,000
	C4070004	Playground Equipment	\$ 7,500	\$ -	\$ 7,500
	C4070017	Kempson Memorial Hall	\$ 10,000	\$ -	\$ 10,000
	C4070016	Colebrook Recreation Ground (Amenities)	\$ 16,367	\$ 18,512	\$ (2,145)
	C4070006	Mildenhall Aquatic & Recreation Centre	\$ -	\$ 8,482	\$ (8,482)
	C4070020	Colebrook Online Access Centre (Repairing)	\$ 2,500	\$ -	\$ 2,500
	C4070021	Wellants - BMX Track	\$ 5,000	\$ -	\$ 5,000
	C4070001	Paralan Recreation Ground	\$ 2,600	\$ -	\$ 2,600
	C4070022	Playspace Strategy - Alexander Circle & Lynton Road	\$ 25,000	\$ -	\$ 25,000
		Medicine Baks, Various Weights	\$ -	\$ 377	\$ (377)
		Campara Cricket Mats	\$ -	\$ 228	\$ (228)
		Supply and installation 2 Heat Pumps HW	\$ -	\$ -	\$ -
			\$ 98,967	\$ 27,995	\$ 71,372
COMMUNITY		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000
			\$ 3,000	\$ -	\$ 3,000
ORGANISATION	SUSTAINABILITY ADMINISTRATION				
	C6020007	Council Chambers - Building Improvements (\$ for \$)	\$ 7,500	\$ -	\$ 7,500
	C6020007	Council Chambers - Concrete Paths (Forecast)	\$ 7,400	\$ -	\$ 7,400
	C6020007	Photo Reframing	\$ 3,500	\$ -	\$ 3,500
	C6020007	Council Chambers - Temp Issues & Streamtasonry	\$ 15,000	\$ -	\$ 15,000
	C6020007	Council Chambers (External Windows - Repair)	\$ 10,000	\$ 8,313	\$ 1,687
	C6020007	Computer System (Hardware / Software)	\$ 23,000	\$ 18,552	\$ 4,448
	C6020007	Town Hall (Chairs)	\$ 5,000	\$ -	\$ 5,000
	C6020007	Town Hall (General)	\$ 8,286	\$ -	\$ 8,286
	C6020007	Town Hall (Upstairs) - Rewiring	\$ 5,000	\$ -	\$ 5,000
	G3060003	Climate Change Efficiency	\$ 5,000	\$ -	\$ 5,000
		Office Equipment/Furniture	\$ -	\$ 23,286	\$ (23,286)
			\$ -	\$ 1,440	\$ (1,440)
WORKS	C8990002	Minor Plant Purchases	\$ 6,000	\$ 9,180	\$ (3,180)
		Radio System	\$ 2,000	\$ 2,989	\$ (989)
			\$ -	\$ -	\$ -
		Plant Replacement Program	\$ 662,536	\$ 383,344	\$ 269,192
		Refer separate Schedule (Net Changeover)	\$ 144,000	\$ 111,709	\$ 32,291
		Light Vehicles	\$ -	\$ -	\$ -
		(Trade Allowance - \$240K)	\$ 60,000	\$ -	\$ 60,000
		Excavator (Approx. 2.70 tonne)	\$ 7,000	\$ -	\$ 7,000
		Emulsion Sprayer	\$ 7,000	\$ -	\$ 7,000
		Traffic Lights (mounted mobile)	\$ -	\$ -	\$ -
		Water Tanks Replacement (Truck)	\$ 36,000	\$ -	\$ 36,000
			\$ 1,009,222	\$ 568,792	\$ 465,155
			\$ 5,495,825	\$ 992,349	\$ 4,528,202

6511.61

SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED

	5/12/2013	5/12/2012
Arrears Brought Forward	\$352,040.89	\$251,900.24
ADD Current Rates and Charges Levied	\$4,138,844.33	\$3,939,158.58
ADD Current Interest	\$27,055.46	\$20,602.54
TOTAL Rates and Charges Demanded	\$4,517,940.68	\$4,211,661.36
LESS Rates and Charges Collected	\$2,425,422.67	\$2,183,930.85
LESS Pensioner Remissions	\$205,654.58	\$200,249.15
LESS Other Remissions	-\$4,760.72	-\$3,481.94
LESS Discounts	\$17,747.50	\$13,102.39
TOTAL Rates and Charges Collected and Remitted	\$2,644,064.03	\$2,393,800.45
UNPAID RATES AND CHARGES	\$1,873,876.65	\$1,817,860.91
	41.48%	43.16%
	58.52%	56.84%
	100%	100%

	INFLOWS (OUTFLOWS) (July 2013)	INFLOWS (OUTFLOWS) (August 2013)	INFLOWS (OUTFLOWS) (September 2013)	INFLOWS (OUTFLOWS) (October 2013)	INFLOWS (OUTFLOWS) (November 2013)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities						
Payments	-	-	-	-	-	-
Employee costs	- 239,458.53	- 274,071.17	- 268,147.50	- 259,876.01	- 255,270.42	- 1,296,823.63
Materials and contracts	- 277,590.55	- 437,046.31	- 181,933.87	- 342,668.96	- 302,707.23	- 1,541,946.92
Interest	- 627.25	-	-	-	-	- 9,946.89
Other	- 9,793.10	- 34,432.27	- 32,556.88	- 62,381.71	- 16,041.56	- 155,205.52
	- 527,469.43	- 745,549.75	- 482,638.25	- 664,926.68	- 583,338.85	- 3,003,922.96
Receipts						
Rates	57,079.91	819,356.99	1,104,558.08	139,532.99	422,175.54	2,542,703.51
User charges	97,861.87	48,302.62	43,422.56	83,826.89	54,929.89	328,343.83
Interest received	15,891.50	16,810.09	22,072.17	23,089.96	19,318.60	97,182.23
Subsidies	-	-	-	-	-	-
Other revenue grants	-	- 410,803.25	-	-	- 410,803.25	- 821,606.50
GST Refunds from AIO	-	-	-	-	-	-
Other	17,385.26	29,379.99	5,523.39	21,207.61	60,487.65	133,068.60
	188,218.54	1,224,652.85	1,175,576.20	267,657.45	846,739.63	2,688,447.59
Net cash from operating activities	- 339,250.89	579,103.10	692,937.95	- 397,269.23	263,400.78	932,790.16
Cash flows from investing activities						
Payments for property, plant & equipment	- 48,657.75	- 76,280.43	- 30,979.38	- 343,190.42	- 281,434.17	- 780,542.15
Proceeds from sale of property, plant & equipment	-	15,993.64	-	26,000.00	65,716.84	107,710.48
Proceeds from Capital grants	2,368.18	9,141.85	6,690.91	327,847.50	7,226.91	353,275.35
Proceeds from Investments	-	-	-	-	-	-
Payment for Investments	-	-	-	-	-	-
Net cash used in investing activities	- 46,289.57	51,344.94	24,288.47	10,657.08	208,490.42	- 592,823.07
Cash flows from financing activities						
Repayment of borrowings	- 4,704.53	-	-	-	-	- 14,809.82
Proceeds from borrowings	-	-	-	-	-	-
Net cash from (used in) financing activities	- 4,704.53	-	-	-	-	- 24,915.11
Net increase/(decrease) in cash held	- 390,244.99	527,958.16	668,649.48	- 386,612.15	44,805.07	464,555.57
Cash at beginning of reporting year	8,734,794.63	8,344,549.64	8,872,507.80	9,541,157.28	9,154,545.13	9,199,350.20
Cash at end of reporting year	8,344,549.64	8,872,507.80	9,541,157.28	9,154,545.13	9,199,350.20	9,663,905.77

19. INFORMATION BULLETINS

Refer enclosed Bulletin dated 6th December 2013.

RECOMMENDATION

THAT the Information Bulletin dated 6th December 2013 be received and the contents noted.

C/13/12/115/19558 DECISION

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

THAT the Information Bulletin dated 6th December 2013 be received and the contents noted.

CARRIED.

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

20. MUNICIPAL SEAL

Nil.

21. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

Nil.

RECOMMENDATION

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

C/13/12/116/19559 DECISION

Moved by Clr B Campbell, seconded by Deputy Mayor M Jones OAM

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

CARRIED.

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

CLOSED COUNCIL MINUTES

22. BUSINESS IN “CLOSED SESSION “

EXCLUDED FROM THE MINUTES PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE MINUTES PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

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GENERAL MANAGER**

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GENERAL MANAGER**

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GENERAL MANAGER**

EXCLUDED FROM THE MINUTES 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”.

C/13/12/140/19561 DECISION

Moved by Clr A O Green, seconded by Clr B Campbell

THAT Council move out of “Closed Session”.

CARRIED.

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

RECOMMENDATION

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

C/13/12/141/19562 DECISION

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

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

CARRIED.

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

23. CLOSURE 4.56 P.M.