

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS
COUNCIL HELD ON TUESDAY 22ND JULY 2014 AT THE MUNICIPAL
OFFICES, 85 MAIN STREET, KEMPTON COMMENCING AT 10:20 A.M.**

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ENCLOSED

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

- Item 12.1.1 Environmental Effects Report and Weed Management Plan and Traffic Impact Assessment and Representations

- Item 18.2.1 Draft Strategic Plan

- Item 18.2.2 LGAT Annual General Meeting Agenda/Minutes and LGAT General Committee Meeting Agenda/Minutes.

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OPEN COUNCIL MINUTES

1. PRAYERS

Mrs Christine Knight conducted Prayers.

2. ATTENDANCE

Mayor A E Bisdee OAM, Clr M Connors, Clr D F Fish, Clr A O Green and Clr J L Jones OAM.

In Attendance: Mr T Kirkwood (General Manager), Mr D Mackey (Manager Development and Environmental Services), Mr D Cundall (Planning Officer), Mrs M Weeding (NRM Manager) and Mrs K Brazendale (Executive Assistant).

3. APOLOGIES

Deputy Mayor M Jones OAM, Clr A R Bantick and Clr B Campbell.

C/14/07/004/19759 DECISION

Moved by Clr A O Green, seconded by Clr J L Jones OAM

THAT the apologies from Deputy Mayor M Jones OAM, Clr A R Bantick and Clr B Campbell be received.

CARRIED

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

4. APPLICATION FOR LEAVE OF ABSENCE

Nil.

Condolence Motions

The following condolence motions were recorded at this stage of the meeting:

Underwood, The Honourable Peter George AC, Governor of Tasmania

RESOLVED THAT the Southern Midlands Council note the sad passing of the Honourable Peter George Underwood AC, Governor of Tasmania. In doing so the Governor will be remembered for his warmth and gratitude and his commitment and support of the Southern Midlands Council and its community.

Beven, Mrs Coral Gwendoline

RESOLVED THAT the Southern Midlands Council note the sad passing of Mrs Coral Beven, wife of the late Councillor Colin Beven. Mrs Beven was a life-time resident of the Campania township and provided great support to her husband Colin, in his role as an elected member. She was a highly respected member of the community.

5. MINUTES

5.1 ORDINARY COUNCIL MINUTES

The Minutes of the previous meeting of Council held on the 25th June 2014, as circulated, are submitted for confirmation.

C/14/07/005/19760 DECISION

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

THAT the Minutes of the previous meeting of Council held on the 25th June 2014, as circulated, be confirmed.

CARRIED

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

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:

- **Lake Dulverton and Callington Park Management Committee – meeting held 14th July 2014.**

RECOMMENDATION

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

C/14/07/006/19761 DECISION

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

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

CARRIED

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

5.3.2 Special Committees of Council - Endorsement of Recommendations

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

- **Lake Dulverton and Callington Park Management Committee – meeting held 14th July 2014.**

RECOMMENDATION

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

C/14/07/007/19762 DECISION

Moved by Clr A O Green, seconded by Clr J L Jones OAM

THAT:

- A) the recommendations contained within the minutes of the above Special Committee of Council be endorsed; and
- B) in relation to the Lake Dulverton equalisation valve (positioned in the bund wall), Council contribute 50% of the total project cost, being an amount of \$2,250.

CARRIED

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

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

5.4.1 Joint Authorities - Receipt of Minutes (DRAFT)

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

- **Southern Tasmanian Councils Authority** – *meeting held 30th June 2014*
- **Southern Waste Strategy Authority** - *Nil*

Note: Issues which require further consideration and decision by Council will be included as a separate Agenda Item, noting that Council's representative on the Joint Authority may provide additional comment in relation to any issue, or respond to any question.

RECOMMENDATION

THAT the draft Minutes of the above Joint Authority meeting be received.

C/14/07/008/19763 DECISION

Moved by Clr A O Green, seconded by Clr D F Fish

THAT the draft Minutes of the above Joint Authority meeting be received.

CARRIED

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

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

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

36A. Annual reports of authorities

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

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

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

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

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

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

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

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

36B. Quarterly reports of authorities

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

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

(a) a statement of its general performance; and

(b) a statement of its financial performance.

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

- **Southern Tasmanian Councils Authority** – Annual Plan 2014/2015
- **Southern Waste Strategy Authority** – Nil

RECOMMENDATION

THAT the report from the Joint Authority be received.

C/14/07/010/19764 DECISION

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

THAT the report from the Joint Authority be received.

CARRIED

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

6. NOTIFICATION OF COUNCIL WORKSHOPS

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

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

RECOMMENDATION

THAT the information be received.

C/14/07/011/19765 DECISION

Moved by Clr A O Green, seconded by Clr D F Fish

THAT the information be received.

CARRIED

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

7. QUESTIONS WITHOUT NOTICE

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

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

- 1.** On behalf of Clr B Campbell (being an apology for the meeting), the General Manager asked Council whether it wished to consider adoption of a policy in relation to the use of cannabis for medicinal purposes; and secondly, the industrial growing of hemp.

Council determined that it was not in a position to adopt policy given the extent of research that would be required prior to making an informed decision. It was also noted that a Legislative Council Select Committee has been established to research these issues.

- 2.** Clr D F Fish referred to recent articles published in the Derwent Valley Gazette dated 16th July 2014 relating to the Derwent Valley Council and its membership of STCA and the Local Government Association of Tasmania. There was general discussion relating to this matter, noting that the Derwent Valley Council has since determined that it will remain a member of STCA.
- 3.** Requests / Complaints Register – needs to be updated to include recent actions and resolutions.

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.

The General Manager reported that the following items need to be included on the Agenda. The matters are urgent, and the necessary advice is provided where applicable:-

- Levensdale Primary School – Update
- *Traffic Act 1925* – Delegation

RECOMMENDATION

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

C/14/07/013/19766 DECISION

Moved by Clr A O Green, seconded by Clr J L Jones OAM

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

CARRIED.

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

9. DECLARATIONS OF PECUNIARY INTEREST

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

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

Nil.

10. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)

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

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

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

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

Mayor A E Bisdee OAM advised the meeting that no formal questions on notice had been received for the meeting.

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 for a proposed 'Level 1 Gravel Quarry' defined as an Industry (Extractive) at 1356 Tea Tree Road, Tea Tree.

File Ref: T2941285TEATR

AUTHOR PLANNING OFFICER (D CUNDALL)
DATE 16TH JULY 2014

ENCLOSURES

Environmental Effects Report and Weed Management Plan and Traffic Impact Assessment Representations

PROPOSAL

The Applicant Mr Craig Williams has submitted a Development Application to the Southern Midlands Council seeking a Permit to develop and use a level 1 gravel quarry at land owned by Mr Williams at 1356 Tea Tree Road Tea Tree. The quarry is a pit currently used by the land owner for onsite purposes and was once used by the former Department of Main Roads for road construction in the area. The proposed extraction and development requires a permit in accordance with the *Land Use Planning and Approvals Act 1993* ("the Act").

The use/development invokes Clause 11.5 *Southern Midlands Planning Scheme 1998* ("the Scheme") and is determined at Council's discretion. A 'Level 1 Quarry (Activity)' is defined as such under the *Environmental Management and Pollution Control Act 1994* ("EMPCA") as the extraction of any rock or gravel and producing under 5 000 cubic metres or more of rock or gravel per year. The proposal is for 4,999 cubic metres per annum.

The access to the land is from Tea Tree Road. The access is currently used to serve a single dwelling, farm and a workshop/industry (limited impact) for fabrication and repairs to agricultural and transport equipment.

The quarry operations area is located approximately 495m from Tea Tree Road and is accessed via existing internal farm tracks and roads. The attached 'Environmental Effects Report' ("EER") includes clear aerial and diagrammatic plans of the land and quarry site.

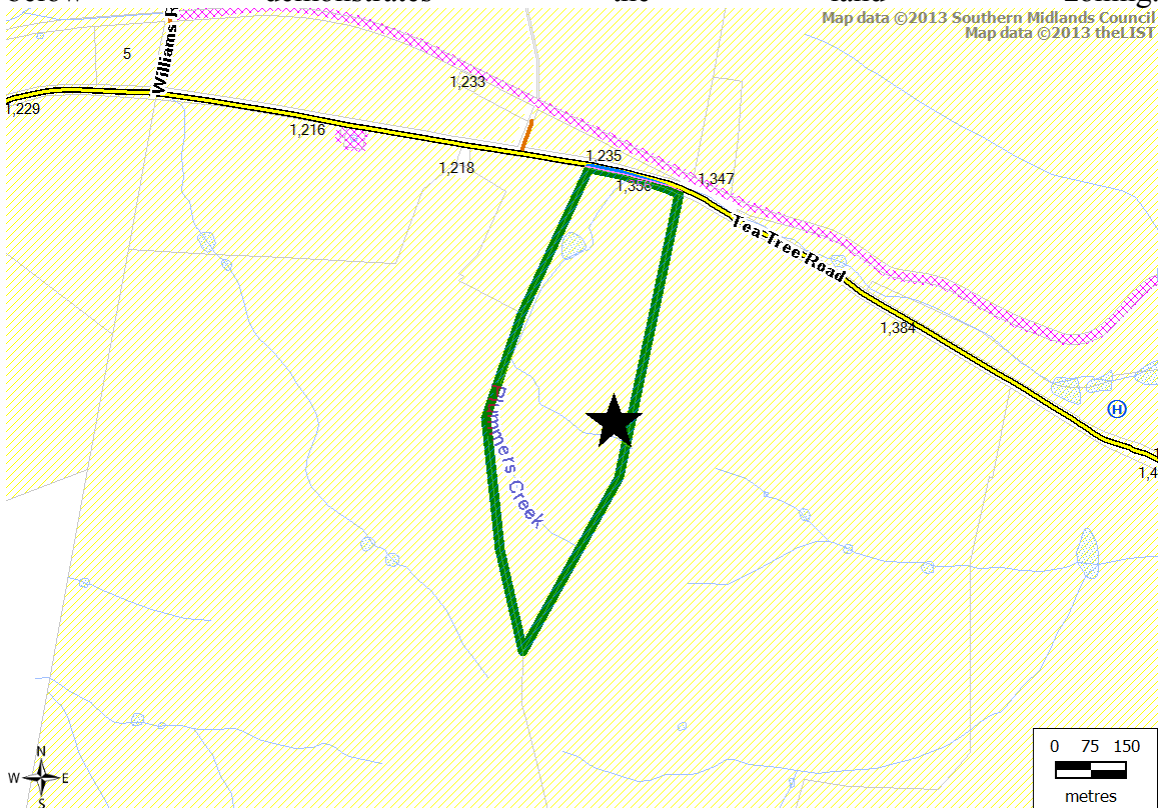
The Applicant has submitted a Traffic Impact Assessment to Council which has been referred to the Department of State Growth as the ‘Road Authority’ (formally Department of Infrastructure Energy and Resources “DIER”). The Applicant has forecast cartage operations to be a maximum 15 trucks per day (30 movements) over a peak 7 day campaign period (1,000 tonnes). The Application also states that the existing access to Tea Tree Road, combined with the existing usage of the land, should not generate any more than 40 movements per day. This would accord with the Scheme’s definition of a ‘low traffic generator’.

The Application has received four (4) representations raising numerous concerns with the proposal. The concerns are tabled as part of this report.

The Application is recommended for approval subject to conditions.

THE SITE

The land is in the Rural Agriculture Zone. The land is used for a dwelling, mixed farming and a commercial workshop. The property is surrounded by other farms, former farms and rural lifestyle land. All adjoining land is in the Rural Agriculture Zone. Map 1 below demonstrates the land zoning.



Map 1_The land, coloured light yellow, is the Rural Agriculture Zone. The quarry site is marked by a ‘black star’. The northern boundary of the site is the Tea Tree Road.

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

There is currently remnant bushland that sweeps across the western side of the land, and towards the south eastern side of the land and into the eastern property (as shown in the attached EER figures). The bushland provides a vegetative screen between the adjoining properties to the west and south of the quarry site. The topography of the land and the Application also demonstrate the capacity to further screen the quarry pit from adjoining land and other vantage points. This has been clarified on site with the landowner. This may help further attenuate any potential noise issues.

THE APPLICATION

The Applicant has submitted an Environmental Effects Report, Traffic Impact Assessment and Weed Management Plan prepared by a Consultant. There is sufficient information within these documents for Council Officers to make a recommendation to the Council.

Council Officers have also conducted a site visit and held discussions with the Applicant and the Consultant.

USE/DEVELOPMENT DEFINITION

Under Schedule 3 ‘Use or Development Category Definitions’ of the Planning Scheme, the proposed development is defined as an ‘Industry (Extractive)’:

Industry (Extractive) – means the use or development of any land for the extraction of minerals, sand, gravel, clay, soil, rock, turf, stone or any similar substance from the land.

The term includes:

- a) The extraction of any overburden;
- b) Primary treatment including crushing or screening of that substance on the same land;
- c) The associated storage of goods or materials used in connection with or resulting from that extractive industry;
- d) The wholesale sale of goods of vehicles and machinery used in connection with that extractive industry.

Use Development/Status under the Planning Scheme

Under the Scheme, ‘Industry (Extractive)’ is a discretionary use/development in the Rural Activity Zone and invokes Clause 11.5. 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 another provision of this Scheme, invoke Clause 11.6 (prohibited use or development);
or
- II. May be refused a Planning Permit by Council

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

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 27th of June 2014 for fourteen (14) days and received four (4) representations raising concerns and opposition to the quarry.

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

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

Representation 1

My reason for objecting to Mr Williams planning proposal for a Quarry at his Rekuna property is based on the following incidents.

I travel via Tea Tree Rd three return trips during the working week travelling East in the morning and returning in the mid to late afternoons.

In the first near miss I was the third vehicle in a group driving West at approx. 95 kph when a 10 yarder type truck turned and headed West from Mr Williams entrance. The first car driver had to brake suddenly to avoid crashing into the slow turning truck, the second vehicle driver had to avoid crashing into the first vehicle which by then was almost stationary, I also had to brake heavily to avoid all three vehicles. The low position of the afternoon sun created a vision hazard where the truck was 'hidden' by the glare of the sun.

The loaded truck struggled to reach approx. 50 kph by the time he reached the crest adjacent the Tas Water tanks, and due to the oncoming traffic spacing no one could overtake that truck. After I turned right into my driveway (5 klm's further) there were some 15 cars and trucks held up by that one driver.

Travelling at 95 kph it takes approx. 5 seconds (approx. 200 meters) to reach Mr Williams driveway from the vertical crest to his east, with a tree in a paddock obscuring drivers vision (through the corner) as an added distraction.

Double white lines start from the east of Mr Williams boundary and continue west until past the crest adjacent the Tas Water tanks, some 700 meters further on, preventing the overtaking of slow moving traffic.

The second incident was of a similar nature but in the morning with the sun low in the East.

I passed the school bus at Williams Rd travelling behind a small van. We were adjacent the ('cul du sac' entrance to Duncan Foster's property), a truck left Mr Williams driveway (approx. 200 meters distance) and turned east – we braked heavily almost coming to a halt (from 90+ kph) and formed a conga line with many others behind the truck unable to overtake with any degree of safety, due to oncoming traffic volumes until turning onto the Colebrook Rd, some 5 klm's further.

These examples of two near misses I have experienced are in no way the only events to happen in the vicinity of Mr Williams property, Several other Tea Tree Rd commuters we know have shared their experiences with us of similar incidents during wet and dry road conditions.

In both of my near misses I believe the truck drivers had far better lines of sight than the approaching cars due to their position in the truck cabs, but had decided to 'run the gauntlet' and enter the carriageway.

From the 2008 DIER submission to The Parliamentary Standing Committee I provide the following quote by Brian Williams, Design manager of Pitt & Sherry: Referring to Mr Steele's property opposite Williams Rd.

'The owner of that property has a truck bodyworks. He has big trucks going in and out so the access there is quite elaborate.'

No such allowance was made for safe access/egress to Tea Tree Rd for Mr Williams with businesses (agricultural machinery repair, truck and machinery sales, farmer, truck tray building, loam sales, agricultural contractor etc) as approved by Southern Midlands council's discretionary use ruling in I believe 2006.

DIER only provided additional road shoulders for the school bus to stop. Not a specific upgrade for Mr Williams entry on to Tea Tree Rd.

Ref: Question and Answer session between Mrs Napier and Brian Williams during that Parliamentary Committee Hearing:

Mrs NAPIER - *The rest of the intersections are, in a sense, similar but even on the Williams' one, on P14, it is a friendlier pull-off than the connection into Middle Tea Tree Road. Good luck to them with the one on the right. I am looking at P14, Williams and Burns, and the road heading into the Williams' place. That is quite a user-friendly connection for their property.*

Mr WILLIAMS - *Actually that's not what it is for. That is better widening for a bus stop. There is also a bit of additional widening at Rekuna Station Road on the opposite side of the road - notice how that tapers out - that is a bit of space to put a bus stop.*

In that 2008 Parliamentary Submission DIER gave a vehicle count of 1350 vehicles per day. Using DIER information from that submission ' Based on the historic growth rate of 5% per annum between 2008 and 2014 the estimated traffic volumes in 2014 would be around 1806 vehicles per day past Rekuna Station Rd.

That 2014 traffic count was extrapolated from 2008 data but given the speed of unforeseen expansion through the South East Horticultural region together with many industrial and logistic companies re-locating to the Bridgewater Hub, the Richmond Bypass will also funnel additional traffic to Tea Tree Rd. The heavy traffic volume alone using Tea Tree Rd could well be substantially higher with a real time value not captured in recent times.

In consideration of the high volume of traffic passing his entrance including many B-Doubles, Mr Williams has failed to address in his submission the critically important issue – that of Safety to the travelling public.

The current configuration of Tea Tree Rd adjacent to his property entrance does not allow for turning or bypass lanes to allow safe travel past or for merging with, slow moving traffic. With the estimated vehicles types projected in Mr Williams submission ranging from cars with trailers through to fuel and service trucks, 10 yard trucks and trailers that will enter and leave his property to access which ever business activity he operates.

Mr Williams would be aware of the current problem but his submission fails to provide a solution for the future one.

Council Officer Comment on Representation 1

This representation is focussed on the safety of road users on the Tea Tree road. The representation claims two (2) separate near misses in the vicinity of the access to 1356 Tea Tree Road caused by trucks entering or leaving the property. The representation then quotes a Design Manager at Pitt and Sherry and Hansard for a Parliamentary Standing Committee on Public Works in 2008. The representation states that previous approvals for the intensification of the access to 1356 Tea Tree Road did not adequately consider traffic safety.

The Traffic Impact Assessment provided by the Applicant claims that the Parliamentary Standing Committee on Public Works 2008 affirms that the road is capable of supporting the additional trucks that will access the quarry.

The traffic generated by the quarry activity is a similar volume claimed to be generated by the existing usage of the property.

There may however be times when up to 15 loaded trucks per day are generated by the access during peak operation of the quarry.

Even though the Applicant has stated that traffic movements to and from the access will be similar to the existing usage of the access, at under 40 movements per day, the existing traffic movements did not include heavily laden vehicles carting quarry material.

This is primarily a matter for the Department of Stategrowth as the Road Authority to consider in their assessment. The Road Authority has required the owner improve the access to the property and strengthen the pavement 10m each side of the access on Tea Tree Road in accordance with a separate permit issued by this Department. This may also include improvements to sight lines.

Traffic issues are also further addressed in this report.

Representation 2

Thank you for your letter of 27 June 2014 advising of an application for a quarry (“the Application”) at 1356 Tea Tree Road Tea Tree (“the Road”).

As an affected neighbouring property owner, I object to the proposed development.

The reasons for my objection are as follows.

The application appears to be based upon a claim that there are existing use rights for the conduct of a quarry at this location. I dispute that claim. I am not aware of any approved quarrying activity on the site in recent years. The application should be considered as a new use in a rural environment which is entirely inappropriate.

The proposal is likely to fetter the use of my own land for activities which would otherwise be permitted. That is an unreasonable imposition on neighbouring land. A quarry should only be allowed on land of sufficient area that any buffer zone is entirely contained within its boundaries rather than impacting on the activities of neighbours.

The quarrying activities are likely to create both noise and dust emissions that will unreasonably impact on neighbouring properties.

The transportation of the quarried product is also likely to result in similar emissions.

Drainage run-off from the quarrying and transportation activities has potential to pollute water courses and land onto which the drainage would flow. The potential for an increased risk of flooding has not been properly examined.

The impact of quarry-related vehicles on the surrounding road network has not been fully considered in the documentation provided.

In summary, the potential environmental impacts of this proposal are significant. The application documents are superficial in dealing with these impacts and provide no assurance of an environmentally acceptable outcome.

The legitimate concerns of neighbours are not adequately addressed and the concerns are such that the proposal should not be approved.

I have attended the Council to view the application by Mr and Mrs Williams (“Applicant”), however was not allowed a copy of it. This hinders my ability to properly address all aspects of the Application.

My further concerns are:-

Road Access

The road access to and from the property with the trucks using the quarry is a major

concern.

The road servicing the properties has double white lines and a speed limit of 100klms per hour. To have trucks turning in and off the road, which is a highway/main road, in these conditions is dangerous.

Road traffic with the trucks will be increased.

The turning point at the east of the property has minimal visibility. There is less than approximately 200 metres of visibility and traffic may be travelling at speeds of 100klms.

The existing traffic arrangements are unsuitable and unsafe.

Land Use and Reports

The Applicant recently protested against a development on a neighbouring property for a Buddhist and Tourist centre, stating that the land was for primary agriculture, however now he is wishing to use his land as a quarry. What effect is this on land use.

Whether the Applicant was required to seek consent/agreement from the neighbouring properties regarding the 300 metre buffer zone is an issue that he has not addressed.

Drainage

The quarry will be situated on the side of a hill and there will be water run-off, which will flow into the dam and culvert and perhaps lead to flooding. There have been, to my knowledge of what I have seen at the Council, insufficient drainage plans prepared for the current and future drainage issues.

Dust & Air Pollution

The dust from the trucks travelling on the driveway and the road will be increased and the driveway access to the property is less than 200m from my residence and another neighbouring residence. This is likely to cause significant dust issues for our properties. As far as I have seen from the plans, there are no barriers or mitigation measures that have been put in place for dust avoidance emanating from the quarry or trucks onto neighbouring properties.

It is a windy suburb and is particularly dry and dusty in drought period times.

Additionally, in drought periods when there is no water, I am concerned as to how Applicant will water down the road to minimise the dust? Buying in water would be expensive.

It is likely that mud will travel from the quarry onto the road from the use of the trucks.

Dust should not cross any boundary of the property. There have been no measures

undertaken to ensure this will not happen, particularly when my property falls within the buffer zone and truck will be travelling in close proximity to my residence . As far as I am aware, there has been no avoidance of mitigating measures taken by the Applicant to address this issue.

Will any chemicals be sprayed to control dust? If so what? What measures not to have the chemicals on my land? At this stage I believe that there has been insufficient information provided by the Applicant to address the use of chemicals. This should be addressed.

It is a high wind area. Extra care should be taken to avoid the likelihood of dust. This has not occurred.

The Applicant states that he is complying with all Greenhouse effects, however machinery currently at the property are extremely old and one piece that will most likely be used in the quarry is old and is reverred to the max which is really noisy and not suitable for reducing Greenhouse emissions. Insufficient evidence has been provided by the Applicant to advise on what machinery and vehicles he will be using at the quarry and based upon the existing machinery at the property, he will not be minimising Greenhouse effects.

Valuations & Location

The close proximity of the proposed quarry to my property, the fact that the buffer zone protrudes into my property and taking into consideration all of the facts that I have detailed in this objection, my property is going to significantly decrease in value.

The surrounding properties to the proposed quarry are all residential and there are approximately 10 within close proximity. It is more of a residential/rural (primary production) area than a development quarry/commercial area.

The location is very close to residences which may breach 5.1.2 of the Quarry Code of Practice 1999 (“the Code”).

The affect of the buffer zone is not clear, protrudes into my land.

Is the Quarry is going to be visual from some of the surrounding residential properties The visiability, quarry and truck/machinery activity will seriously affect the resale value of neighbouring properties. Some owners having upgraded their homes or built new homes in the close proximity and will suffer significant detriment due to the proposed quarry. There has been insufficient information made available by the Applicant to show that our properties will not lose significant value.

What experience does the Applicant have to run a quarry safely and competently?

Alternate Access

....

This Right of Way access is entirely unsuitable for trucks. Trucks could not use the right of way.

Consultation

There was no community consultation whatsoever.

Residential with Noise Pollution

Engine noise from trucks will be significant. Travelling on and off the property onto the Tea Tree Road will increase noise and traffic.

Has the potential noise level been tested? Our properties are currently considered by the Council as residential/rural for noise pollution. Has the noise level been tested to ensure that it will correspond with residential noise requirements. At this stage I believe that inadequate testing of the potential noise levels has not been undertaken.

All earthmoving operations will increase noise. This will affect my right to enjoy my residence and potential resale prices.

No precautions have been taken between my residence and the quarry. It will be operating 6 days of the week with increased noise.

There is no vegetation for screening or other mitigating measures to reduce the noise, dust and visual impacts which would only be of marginal assistance.

Mining Lease

There has been insufficient information supplied to evidence that the Applicant can obtain a Mining Lease. The Applicant has not provided any information on his likelihood of obtaining a Mining Lease. The Mineral Resources Development Act 1995 requires that all operators of Quarries hold Mining Leases to extract stone or other materials from private land. Conditions include rehabilitation bonds. Has the Applicant provided evidence that they can substantiate the rehabilitation bond? Surely for the Applicant to apply for Planning Approval they have made preliminary enquiries with Mineral Resources Tasmania (Director of Mines) and should be able to substantiate some evidence on their ability to obtain the Lease.

Council Officer Comment on Representation 2

The proposed quarry is considered by Council as a new quarry operation 'Industry (Extractive)'. As stated in this report and confirmed with the Applicant the site has been used as a minor borrow pit for onsite roadwork's and other minor land improvements. There is however no existing use rights for the extracting and selling the material as proposed in the Development Application. This is why the Applicant has submitted the Development Application, as a 'new use'.

Road Access

Council have previously issued a permit for a commercial workshop that would generate a maximum 40 movements per day at the access. The Development Application states that the quarry proposal will not increase the maximum vehicle movements. It will however increase the frequency of vehicles (at times) and include heavily laden vehicles.

Land Use and Reports

The Development Application (and the commitments within) provides reference to the bulk of the compliance matters necessary to operate the quarry. There are very few additional conditions that Council would need to impose on the land, given that the Applicant has already stated that quarry will be operated and developed in accordance with EMPCA, LUPAA and the Quarry Code of Practice and has included management techniques consistent with guidelines and legislative requirements. Council would typically condition a permit to ensure use and development complies with the submitted Application. Any divergence by the operator or alteration to the quarry development would be a compliance matter.

The Environmental Health Officer is generally satisfied that the quarry can be operated with minimal impact on the surrounding land use with pollutants contained and treated on site.

Adjoining Land Use/Development

Any future land use or development on adjoining land will be considered upon the receipt of such applications. It is difficult for a Planning Authority to assume a particular future land use/development on adjoining land (without any approvals in place). It would be therefore unreasonable for the Planning Authority to expect the Applicant to modify the use/development without any formal approvals in place.

Nevertheless the recommendations, in this report, have taken into consideration the current land zoning of surrounding land and the potential to develop such land in accordance with the relevant provisions of the Scheme. Council Officers are well aware of the adjoining landowners intentions to one day seek approvals to develop a 'Buddhist Cultural Park' (this has been widely publicised).

The proposed gravel quarry, if operated in accordance with 'Quarry Code of Practice' and in accordance with EMPCA should not realistically inhibit the ability to develop and

use neighbouring land in accordance the intent of the Scheme. It would be anticipated that future development of neighbouring land would take into consideration the intent of the Rural Agriculture Zone and take into consideration all adjoining land usage at the time of the Application and modify the development accordingly (if at all). This would be normal practice.

“300m Buffer”

The buffers in Figure 10 of the EER are not legislative requirements they are the guidelines for Councils and quarry operators as presented in the ‘Quarry Code of Practice (1999)’ and in the ‘Standard Recommended Attenuation Distances’ (SRAD) of the ‘Environmental Assessment Manual, (1996)’.

In this instance the topography of the land, the low level of extraction, the location of the quarry, the existing bush land combined with sound quarry management would ensure that a 300m buffer over adjoining land would be unnecessary.

Council should consider the 300m SRAD in determining future land use development but only in light of the location and operation of the quarry specific to this location. Council will also consider the SRAD in regard to this proposal and the distances from nearby dwellings to the quarry site.

As the Environmental Health Officer Report and the Environmental Effects Report provided by the Applicant demonstrate the quarry could be operated without any detrimental impact on the existing neighbouring land use.

Dust

There is sufficient water on site to manage any nuisance caused by dust. The operator should also limit vehicle speed on the internal roads, cover loads and employ dust suppression measures such as irrigating the roads near adjoining houses if significant cartage is occurring during dry windy weather. If water is not available then the operator must ensure compliance with EMPCA via alternative management practices.

Access

The Application is seeking to use the existing access onto Tea Tree Road. The Application makes no mention of using the Right of Way across the adjoining land.

Noise from trucks and machinery

Trucks and machinery associated with a level 1 quarry will generate intermittent levels of noise.

If the quarry operator secured multiple contracts for high amounts of gravel (based on the examples given in the TIA) then the 4,999 cubic metres (assuming a weight of 1.5 tonne per cubic metre) could be removed within less than 50 days of the year at 15 (10 tonne) loads a day.

If the volume of extraction is averaged out over the course of a working year this equates

to less than 15 (10 tonne) truckloads a week. It is of course unlikely that a quarry will be consistently run at the average. The examples given in the TIA are the more likely scenarios for this type of quarry.

The Applicant has committed to establishing a complaints register. Should noise or dust associated with cartage become a nuisance then the Council may have to impose an Environmental Protection Notice on the land to ensure compliance with Section 53 of EMPCA. The owner/operator is also liable to prosecution.

Representation 3

We wish to lodge a representation in relation to the proposed gravel quarry and hope that due consideration is given to our concerns.

Our objections are:

1. Rekuna area

As the Rekuna area where we live has become more of a residential agricultural area in recent years we believe that the proposed Level 1 gravel quarry is an inappropriate development for this area. The only other working quarry we are aware of in the area is situated between Richmond and Campania and would have minimal impact as there are no houses close by.

2. Buffer zone

In the paperwork submitted to the Council in relation to the proposed Level 1 gravel quarry there is a 300 metre buffer zone around the proposed site, this is inclusive of part our property. We strongly object to any restrictions that limit the normal use of our property. For example, with the buffer zone we have a large flat area designated for a horse arena.

3. Noise level

We are concerned about the possible level of noise particularly constant for six days of the week. Another concerning aspect is that the noise could be excessive as our residence is in close proximity to the proposed quarry site. Also this noise could impact on our health and wellbeing and that of our animals. Of concern also is that we are expecting our first child ... and we would not want any more noise over and above what already exists in the area.

4. Devaluation of our property

.... We believe if the proposed Level 1 gravel quarry was approved it would have a negative impact of the value of our property.

Council Officer Comment to Representation 3

Some land in the immediate vicinity is used for rural residential purposes.

It is unlikely that noise generated by ripping, dozing, loading and stockpiling material within the quarrying operations area, would not have any detrimental impact on the amenity of the neighbouring 'Residential Premises' (within 25m of the premises per the Quarry Code Of Practice glossary of terms). The neighbouring dwellings are all outside of the 300m SRAD. As mentioned in the comments, provided to Representation 2, the chosen quarry site will significantly mitigate noise impacts.

One thing that should be noted on this matter is on page 17 of the EER. The Applicant states that “the nearest permanent residence is located 420m south of the Mining Lease boundary with the second nearest being 460metres to the south west (Figure 10)”. These dwellings are actually north and north east of the ‘mining lease’.

It should also be noted the land does not have a Mining Lease at this point in time.

The 300m SRAD described as “buffer” in the Development Application is a 300m radius of the quarry pit/face and not the ‘mining lease’ area. 300m from the depicted ‘mining lease’ area would capture the residence to the north and north west of the lease area.

The Quarry Code of Practice states on page 5, that the ‘...separation distances (are), measured from the planned maximum extent of quarry operations to any sensitive use.’ This is referring to the quarry face/pit and stockpiling area and not the maximum extent of a mining lease or access road associated with a quarry (sometimes the road is included as part of a lease).

The SRAD is not always necessary and the approval authority may consider variations ‘...where the nature or manner of the operation can justify this.’ (p5, Quarry Code of Practice).

Any permit issued should not legitimise the ‘buffers’ presented in the Development Application as it appears the quarry can be operated sustainably and appropriately within the confines of the property boundary.

It is more likely that a nuisance could be generated by the trucks and vehicles travelling to and from Tea Tree Road to the quarry site. It is the responsibility of the operator to ensure compliance with Section 53 of EMPCA.

Representation 4

This content of this representation has been omitted from the Report as it contains personal details through-out that cannot be transcribed appropriately.

The representation raises the following issues:

- 1. There is a private burial site on the adjoining land*
- 2. The quarry may hinder future land use development and the development of ‘sensitive’ type uses.*
- 3. Concerns for the over exploitation of the earth’s natural resources and cause for ecological imbalances created by many minor activities across the globe – council should consider ‘...climatic and geographical conditions that will result from this development.’*

Council Officer Comment to Representation 4

Council Officers have confirmed the location of a private burial site on the adjoining

land. This private burial is approximately 370m from proposed quarry site.

The undulating topography of the land through this area provides a suitable natural buffering between adjoining properties. There is still plenty of opportunity for future land use development in the area. It would be expected that any future land use development would take into consideration the existence of a quarry (or any other activity on adjoining land) and modify any proposals accordingly (if at all necessary). Any potential development of adjoining land should take into consideration the topography and nature of the quarry operation and develop and/or use land in practical manner appropriate to the particular site.

Any future 'sensitive use/development' in the Rural Agriculture Zone such as a new dwelling, school, place of worship, accommodation etc should be strategically and sustainably located with a suitable separation distance from property boundaries to prevent the unreasonable fettering of rural land.

ASSESSMENT - THE SOUTHERN MIDLANDS PLANNING SCHEME 1998

Part 6 of the Scheme - Rural Agriculture Zone

The land is situated in the *Rural Agriculture Zone*. 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 application is in accordance with this intent. The application furthers the use of a resource at a sustainable level with minimal impact on other land uses. Other land uses can still use their land for rural activities.

(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 quarry site is at an elevated position clear of the more potentially intensive farm land.

(c) encourage expansion and diversification of agricultural activities;

A quarry of this size would not impact on the ability for the subject land or adjoining land to be further intensified or diversified for 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;

Rural land is not jeopardised by this proposed activity. There is still potential for the subject land and adjoining lands to be further intensified for rural purposes or to simply retain the status quo.

The proposal would not cause premature demands on the Council to provide infrastructure services to the land. The operation should be contained and managed on site with existing resources.

The quarry shall be suitably managed in accordance with the provided Development Application, Quarry Code of Practice and any conditions imposed by Council.

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

The rural character of the area is not impacted by this proposal. Intermittent quarrying is a normal activity in the rural zone. The location of the quarry is such that it cannot be seen from public vantage points. Note also the quarry is the development of an existing former quarrying site.

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

A small quarry would not impact on the long term use of rural land.

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

This has been suitably addressed by the Applicant on page 9 of the EER.

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

The proposed quarry is considered to be a ‘rural use’ and not an ‘agricultural use’. An ‘agricultural use’ is defined by the Scheme as ‘...animal and crop production and includes intensive tree farming and plantation forestry’.

The representations received from nearby land owners are not unreasonable in their line of enquiry. Council should consider all concerns raised in the representations and be satisfied that the quarry can be managed appropriately.

Part 8 of the Scheme – Road Activity Zone

The Applicant has submitted a ‘Traffic Impact Assessment’ (“TIA”) with the Application. This was necessary in accordance with Part 8.5.1 of the Scheme. Any change in use or any intensification of an existing use shall be deemed to be a ‘new access’. A new access onto a Category II Road (Tea Tree Road) requires a Traffic Impact Assessment to be submitted with the Development Application to the satisfaction of Council and the Road Authority. The Road Authority for Tea Tree Road is the Department of Stategrowth.

Part 8.6.3 of the Planning Scheme requires the TIA and the Development Application to be referred to the Road Authority for any comment. Any conditions recommended by the Road Authority will be included in the Planning Permit.

The Road Authority has recommended the following two comments and conditions within:

1. *“[The] Asset Management Branch have confirmed that due to the screwing motion of larger vehicles accessing Mr Williams property a strengthening of the pavement (20m – 10m each side of centre of access) would be required. The method of this strengthening is generally asphalt, but in this case it is possible that the fix would be a 7mm chip seal locking cover. This requirement would form part of the conditions on any permit that DIER provides for the proposal.”*

2. *“Stategrowth has no objection in principle to the development application; however the applicant must comply in accordance with the Roads and Jetties Act 1935 Section 16AA, that no work can be carried out in a State highway or subsidiary road without approval from the Minister's delegate.*

A permit must be obtained from Stategrowth through applying on-line at Permits@stategrowth.tas.gov.au. At that time a thorough investigation will be conducted and conditions will apply. Conditions will include, but are not limited to, the construction standards and sealing of the access from the road edge to the property boundary, drainage, sight lines and environmental considerations.

Previous comments from DIER remain unchanged.”

The ‘Previous comments from DIER remain unchanged’ statement refers to the first comment (number 1.) and ‘DIER’ means the newly created Department of Stategrowth.

The access improvements and road works must be in accordance with a separate permit issued by the Department of Stategrowth. The Department have indicated that the

conditions of this permit will include, the roadway improvements 10m each side of the centre access and the construction standards and sealing of the access from the road edge to the property boundary, drainage, sight lines and environmental considerations.

Accordingly a recommended condition is to complete the access works and road works to the satisfaction of the Department of Stategrowth in accordance with a permit issued by that Department to ensure the appropriate works are implemented. The inclusion of such conditions is requirement of the Planning Scheme, Part 8.6.3(c), and therefore can be included as a condition on a permit issued by the Council.

The roadworks must be completed prior to the cartage of material from the quarry.

ENVIRONMENTAL HEALTH OFFICER COMMENTS

The Environmental Health Officer has provided the following assessment regarding relevant potential environmental nuisances and impacts. These are matters identified by Council Officers and by the Representations:

“The Quarry Code of Practice 1999 (the Code) is the main document used for assessing acceptable environmental guidelines for quarries. It details the environmental issues that should be considered as part of any assessment including the need to carefully consider site selection so as to hopefully reduce any future problems “particularly with respect to neighbours”.

In this regard the Code recommends a separation distance of 300m to any sensitive use (where, no blasting, crushing or screening will occur), although “the approval authority may consider variations of this distance where the nature of the operation can justify this”. The proposed quarry is located >300m from any dwelling on other land, with the closest dwelling being more than 350m away, and also the proposed siting of the quarry (as detailed in the proponent’s Environmental Effects Report) and based on a site inspection, is such that it will be essentially only partly visible (if at all) from any adjacent dwellings. Also the location of the proposed quarry and the topography of the land around the site is such that the quarry will generally be shielded from other properties, and certainly from other residences. Also it should be noted that the 300m is not a “prescribed buffer zone” such that development would be, by default, then be restricted on adjacent properties. This should be made clear if any approval is issued, as in the Environmental Effects Report submitted by the proponent it seems to be proposing a “buffer zone” on the neighbouring property, and this should not be the result if a Planning Permit is issued.

Drainage/Water run-off:

There is a raised area around the quarry with an existing “spoon” drain and also the dolerite in the area to be quarried, will allow water to flow through it, such that any run-off should be limited. However any surface flows from the quarry will be directed to a series of sedimentation dams (existing) and these are considered satisfactory for dealing with any run-off water. As such it appears that

any sedimentation and water run-off issues can be adequately managed at the site.

Air Emissions:

The quarry is for the extraction of dolerite gravel/rock, which by its nature is not prone to the formation of “fines” (which could become airborne) when it is quarried. Also no crushing or blasting is proposed at the site, with the rock to be extracted through “ripping”, and as well the proposal is for a Level 1 quarry only, meaning that the amount of material extracted cannot exceed 5,000m³ per year. There is a large dam on the property and also the property is connected to the reticulated water supply, and the proponent indicates that these water sources will be used for dust suppression (if needed). It is considered that any air/dust emissions can be appropriately managed at the site.

Solid Waste and Liquid Effluent:

No buildings are proposed to be erected at the quarry site and as such apart from the quarried stone/gravel there will be little solid waste generated at the site. Similarly for liquid waste with the proponent proposing to continue servicing any machinery or vehicles in the existing “workshop” on the property. It is considered the limited amounts of solid waste and or liquid waste likely to be generated can be appropriately managed at the site.

Noise Emissions/Truck Operating Hours:

For heavy vehicles, such as trucks, the Environment Management and Pollution Control (Miscellaneous Noise) Regulations 2004 sets out noise limits for such vehicles; no matter what time they are operating. It is incumbent on the operators of all heavy vehicles, no matter where they are operating, to comply with these requirements.

There are restricted hours of operation for heavy vehicles when working on “building sites”, however these restrictions do not apply to public roads and they do not apply where a “permit” is in place allowing the operation outside of these hours. The proposed hours of operation, in any case, fall within the limitations of the “Noise Regulations” excepting for an extra hour (until 7pm) on weekdays; and this is only likely to be feasible during daylight savings. Most dwellings in the area are well set back from the road and as such truck noise is unlikely to be an issue on Tea Tree Road, and in any event the road is already subject to usage by heavy vehicles. In terms of accessing the quarry the two closest dwellings are essentially shielded from much of the access road by large pine trees which will tend to disperse any noise generated.

Roads are designed to carry vehicles, and vehicles by their nature emit noise, and it is not considered that the noise emissions for trucks operating on the public roads to and from the quarry, or on the access road on the property on which the quarry is proposed to be located, will create an environmental nuisance. Nor is it considered that the proposed operating times should be varied. No planning

conditions are considered necessary in relation to noise, dust, vibration in relation to the operation of vehicle movements outside of the property on which the quarry is located (ie: on Council roads).

Based on the information provided by the applicant and following a site visit and an assessment against the Quarry Code of Practice, it is considered that the proposed quarry should be able to operate in an environmentally acceptable manner. If a permit is issued for the proposed quarry then no specific environmental conditions are considered necessary, although a condition should be included that: the quarry is to be operated and managed in accordance with the Quarry Code of Practice 1999.

*Leon McGuinness
(Environmental Health Officer)”*

CONCLUSION

This report has assessed a Development Application for a level 1 quarry at 1356 Tea Tree Road, Tea Tree.

The Application received four (4) representations raising numerous concerns and objections to the quarry. Council Officers have considered these representations and addressed them as part of this report. Council Officers are satisfied that a level 1 quarry in this location can be operated to comply with relevant provisions of EMPCA and would not unduly fetter adjoining land use/development.

The Application was referred to the Department of Stategrowth as the Road Authority to assess the safety and impact of additional heavy vehicle movements onto the road. The Road Authority has recommended conditions for roadway and access improvements to be included in any permit issued by the Council. The works must be in accordance with a separate permit issued by the Department.

Council have paid particular attention to a ‘300m buffer’ that was included in the EER and have addressed this matter as part of the report. To summarise the 300m buffer is a guideline for Councils and quarry operators to understand and gauge an acceptable distance between quarry operations and ‘sensitive uses’ such as dwellings. The 300m attenuation distance (SRAD) is considered only for the purposes of assessing the Development Application to demonstrate the existing land use/development within a 300m radius of the quarry operations area (quarry face and stockpile area).

Advice shall be included in any permit issued reiterating the status of this buffer to the effect that the granting of a permit does not constitute the granting of any sort of formal status of the buffer zone as shown in the Development Application. Advice to this effect may also be included in any covering letter issued with the Permit.

It is reiterated that the specific location of the quarry has ensured that the 300m attenuation distance can be varied substantially due to the topography of the land and the

remnant bushland and combined with good management practices as also stated in the Quarry Code of Practice (1999).

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 Level 1 Gravel Quarry defined as an Industry (Extractive) at 1356 Tea Tree Road, Tea Tree and that a permit be issued with the following conditions:

CONDITIONS

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

Access to State Roads

3. The existing access (1356 Tea Tree Road) and the roadway 10m each side of the centre of the existing access onto Tea Tree Road, must be upgraded to cater for the additional heavy vehicle turning movements. All works shall be in accordance with the conditions of a Permit provided by the Department of State Growth (see the 'Advice to accompany this permit' below the conditions).
4. No works in the State Road reserve shall commence until the Minister's consent has been obtained and a permit issued in accordance with the *Roads and Jetties Act 1935*. The developer can apply for the permit at permits@stategrowth.tas.gov.au
5. The access works and road works, required by a permit issued by the Department of State Growth, must be completed to the satisfaction of the Department prior to the cartage of any material from the quarry. It is the responsibility of the developer to notify the Council upon the satisfactory completion of the works.

Existing services

6. 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 proposed development works. Any work required is to be specified or undertaken by the authority concerned.

Advice to Accompany this Permit

General Advice

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

Access Works and Road Works Advice

- c) The Department of State Growth provided the following advice regarding the likely conditions and construction works that would be included in a Permit issued by the Department:
 - a. The strengthening of the pavement (20m – 10m each side of centre of access). The method of this strengthening is generally asphalt, but in this case it is possible that the fix would be a 7mm chip seal locking cover.
 - b. Upgrade the access to current construction standards and sealing of the access from the road edge to the property boundary, drainage, sight lines and environmental considerations.

300m Buffer – Standard Recommended Attenuation Distance (SRAD)

- c. The ‘300m buffer’ as depicted in Figure 10 and described on pp17-18 of the ‘Environmental Effects Report’ prepared by Van Diemen Consulting submitted with the Application is not endorsed or formalised by the issue of this permit.
- d. The 300m attenuation distance described in the ‘Environmental Effects Report’ is considered only for the purposes of assessing the Development Application to demonstrate existing land use/development within a 300m radius of the quarry operations area (quarry face and stockpile area).

C/14/07/039/19767 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 a Level 1 Gravel Quarry defined as an Industry (Extractive) at 1356 Tea Tree Road, Tea Tree and that a permit be issued with the following conditions:

CONDITIONS

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

Access to State Roads

3. The existing access (1356 Tea Tree Road) and the roadway 10m each side of the centre of the existing access onto Tea Tree Road, must upgraded to cater for the additional heavy vehicle turning movements. All works shall be in accordance with the conditions of a Permit provided by the Department of Stategrowth (see the 'Advice to accompany this permit' below the conditions).
4. No works in the State Road reserve shall commence until the Minister's consent has been obtained and a permit issued in accordance with the *Roads and Jetties Act 1935*. The developer can apply for the permit at permits@stategrowth.tas.gov.au
5. The access works and road works, required by a permit issued by the Department of State Growth, must be completed to the satisfaction of the Department prior to the cartage of any material from the quarry. It is the responsibility of the developer to notify the Council upon the satisfactory completion of the works.

Existing services

6. 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 proposed development works. Any work required is to be specified or undertaken by the authority concerned.
7. Planting

Advice to Accompany this Permit

General Advice

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

Access Works and Road Works Advice

- c) The Department of State Growth provided the following advice regarding the likely conditions and construction works that would be included in a Permit issued by the Department:
 - a. The strengthening of the pavement (20m – 10m each side of centre of access). The method of this strengthening is generally asphalt, but in this case it is possible that the fix would be a 7mm chip seal locking cover.
 - b. Upgrade the access to current construction standards and sealing of the access from the road edge to the property boundary, drainage, sight lines and environmental considerations.

300m Buffer – Standard Recommended Attenuation Distance (SRAD)

- c. The ‘300m buffer’ as depicted in Figure 10 and described on pp17-18 of the ‘Environmental Effects Report’ prepared by Van Diemen Consulting submitted with the Application is not endorsed or formalised by the issue of this permit.
- d. The 300m attenuation distance described in the ‘Environmental Effects Report’ is considered only for the purposes of assessing the Development Application to demonstrate existing land use/development within a 300m radius of the quarry operations area (quarry face and stockpile area).

CARRIED

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

12.2 SUBDIVISIONS

Nil.

12.3 MUNICIPAL SEAL (PLANNING AUTHORITY)

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

Nil Report.

12.4 PLANNING (OTHER)

Nil.

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

13.1 ROADS

Strategic Plan Reference – Page 13

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

Nil.

The meeting was suspended at 11.19 a.m. for a short break and resumed at 11.41 p.m.

13.2 BRIDGES

Strategic Plan Reference – Page 14

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

13.2.1 Tender – Brown Mountain Road Bridge Replacement

AUTHOR DEPUTY GENERAL MANAGER (A BENSON) AND
MANAGER WORKS & TECHNICAL SERVICES (J LYALL)

DATE 15TH JULY 2014

ATTACHMENTS Request for Tender (RFT) and Three Tenders Submitted (because of the bulk, one package will be available at the meeting for Councillors to peruse – a copy can be made available prior to the meeting if required):

BACKGROUND

Council engaged Phil Gee, BE, FIEAust, CPEng, MBA, Managing Director, Sugden & Gee Pty Ltd. on a contract basis to undertake the Superintendent's role in respect of this project, along with the development the tender documentation in partnership with Council's Deputy General Manager and Council's Manager Works & Technical Services.

ENGINEER'S REPORT

**Report on Tenders
Brown Mountain Road Bridge (637) over the Coal
River, Contract No. 01/2014
Client: Southern Midlands Council
14 July 2014**

Introduction

The Southern Midlands Council (SMC) advertised a Request for Tenders (RFT) for the Brown Mountain road Bridge (637) over the Coal River, Contract No. 01/2014 in the Mercury newspaper on 7 June 2014. A copy of the Request for Tenders will be available at the Council meeting.

Tenders for the Contract closed at 4 pm on Monday 7 July 2014.

This report provides An assessment of Tenders received for the Brown Mountain Road Bridge (637) over the Coal River, Contract No. 01/2014.

Code for Tenders & Contracts

The Tender process and this assessment has been conducted in accordance with SMC's Code for Tenders and Contracts in that it aims to achieve:

- open and effective competition
- value for money
- enhancement of the capabilities of local business and industry, and
- ethical behaviour and fair dealing

As the Tender was expected to exceed \$100,000 the RFT was advertised in the Mercury newspaper as required by the Code.

The Tenders are to be assessed by a Tender Review Committee who will make a recommendation to Council.

The Conditions of Tender, specification, Conditions of Contract and Tender Form were prepared without bias, aligned with appropriate Australian Standards and Codes for a design and construct bridge contract.

Tenders Received

The following conforming Tenders were received:

Tenderer	Amount (\$), Excl. GST	Comments
BridgePro	272,900.00	Three span. Post Tender clarification sought and received regarding security deposit, insurance and management systems. (Ref. letter 10 July 2014) Offer a fully compliant RHS rail barrier system for this bridge with a saving of \$4k.
VEC Option 1	323,274.00	One Span. Unable to have joint names on PL insurance but can have SMC listed as an interested party for respective rights and interests. No allowance for power outage, will be at D&C.
VEC Option 2	323,880.00	Two span. Unable to have joint names on PL insurance but can have SMC listed as an interested party for respective rights and interests. 4.2m instead of 4.5m between barriers. No allowance for power outage, will be at D&C. Allowed for up to 12m piling, \$400/m beyond that.
VEC Option 3	343,367.00	Two span, blade pier. Unable to have joint names on PL insurance but can have SMC listed as an interested party for respective rights and interests.

		4.2m instead of 4.5m between barriers. No allowance for power outage, will be at D&C. Allowed for up to 12m piling, \$400/m beyond that.
Tas Span	345,013.12	One Span. Offer \$4k extra for proof check – Note: The Specification requires the Contractor's Professional Engineer to certify design and construction so the onus is on them to have this done. Conditional on providing 13m BCTA barrier extension instead of 19m.

Required Documentation

Tenderers were required to submit the following documentation:

- Form of Tender and schedules completed and signed by the Tenderer
- Certificates of Currency of Insurance
- Quality management system certification
- Environmental management system certification
- WHS management system certification
- A program scheduling the various activities from the Date of Acceptance of Tender through to contract completion.
- Relevant project experience of the Contractor on bridge construction and design and construct contracts
- Relevant qualifications and experience of key staff that the Contractor will use to deliver this Contract.
- Relevant qualifications and experience of the professional engineers who will be responsible for the design and certification of the bridge.
- The proposed bridge solution and construction methodology and its ongoing maintenance and economic life
- Proposed systems for risk management including workplace health and safety, quality of product and environmental management.
- A statement on the current capability and capacity to deliver the contract on time

- Any supporting documentation which the Tenderer considers relevant to the Tender
- Information to support the selection criteria of the Tender assessment

All Tenderers provided a signed Tender Form and schedules. There was an inconsistency between the numerical and written Tender Sum on one form. This was resolved to the higher of the two, which was consistent with the schedule.

All Tenderers provided the required information except for some missing certificates. Copies of these certificates were sought and provided where appropriate to confirm levels of insurance and certified management systems.

Assessment Criteria

Tenderers were advised in the RFT that the selection criteria would include the following:

- Price and rates
- The proposed bridge solution and construction methodology including workplace health and safety management plan
- Proposed systems for risk management including WHS, EMS and Quality control
- Experience of the construction company and any sub-contractors and consultants
- Experience and qualifications of key personnel

Assessment

Prices & Rates

The lowest price Tender is \$272,900 excl. GST from BridgePro which is \$50,374 below the next lowest Tender is \$323,274 from VEC.

BridgePro also offer an alternative RHS barrier rail for a saving of \$4,000 which represents good value alternative. The price for this alternative offer is therefore \$268,900.00.

The schedule of rates submitted by each Tenderer will only be used should additional work be requested. The comparative rates vary between each item, however, those from BridgePro are generally some 10% higher than the other two Tenderers. The main exception to this is the rate for a professional engineer from TasSpan which is significantly higher than the other two Tenderers.

Proposed Solution

BridgePro offer a three span bridge which is the same configuration as the existing bridge .

VEC offer both single span and double span bridges with a third option of blade piers on the two span option.

TasSpan offer a single span solution.

All solutions will be required to comply with the specification and relevant Australian Standards. This includes allowing for hydraulic loading and maintaining the hydraulic

capacity of the Coal River.

Health & Safety Management

All Tenderers have appropriate WHS management systems in place.

Management Systems

All Tenderers have appropriate certified integrated QMS, EMS and OHS systems.

Company Experience

Both VEC and TasSpan have extensive experience in bridge building.

BridgePro was established in 2010 by an experienced bridge engineer and have completed the replacement of some 50 bridges since then.

Personnel Experience

All Tenderers have appropriately qualified and experienced personnel on their Team.

Conclusion

Based on assessment the Tenders received for SMC Contract 01/2014 the Brown Mountain Road Bridge:

1. The Tender process was conducted in accordance with the SMC Code of Tenders
2. The best value for money Tender is that received from BridgePro Engineering Pty Ltd for the offer with alternative RHS barrier system for the sum of \$268,900.00 excl GST.



14 July 2014

Phil Gee, BE, FIEAust, CPEng, MBA

Managing Director

Sugden & Gee Pty Ltd

Version one of this Report was tabled at a SM Tender Evaluation/Review Committee meeting on Monday 14th July 2014 (Committee Members being, Chairman Andrew Benson, Jack Lyall and Craig Whatley) Consultant Engineer, Phil Gee presented his report to the Committee. The Committee sought clarification around some minor issues and commended Phil Gee on his rigour and professionalism in respect of his Report along

with the process to date. The report included in this Agenda Report includes the minor changes sought by the Committee. It is confirmed that this process has been undertaken in accordance with Council’s Code for Tenders and Contracts, October 2013.

RECOMMENDATION

THAT Council:

- 1. receive and note the report;**
- 2. accept the tender received from BridgePro Engineering Pty Ltd for the offer, with alternative RHS barrier system for the sum of \$268,900.00 excl GST; and**
- 3. sign and seal the Formal Instrument of Agreement with BridgePro Engineering Pty Ltd for the contractual requirements detailed in the Request For Tender and provided in their tender submission, including the alternative of providing a Rolled Hollow Section (RHS) barrier system, for the total sum of \$268,900.00 excl GST;**

C/14/07/047/19768 DECISION

Moved by Clr A O Green, seconded by Clr J L Jones OAM

THAT Council:

1. receive and note the report;
2. accept the tender received from BridgePro Engineering Pty Ltd for the offer, with alternative RHS barrier system for the sum of \$268,900.00 excl GST; and
3. sign and seal the Formal Instrument of Agreement with BridgePro Engineering Pty Ltd for the contractual requirements detailed in the Request For Tender and provided in their tender submission, including the alternative of providing a Rolled Hollow Section (RHS) barrier system, for the total sum of \$268,900.00 excl GST;

CARRIED

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

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.
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Nil.

13.9 WASTE

Strategic Plan Reference – Page 16	
1.9.1	Maintenance and improvement of the provision of waste management services to the Community.

Nil.

13.10 INFORMATION, COMMUNICATION TECHNOLOGY

Strategic Plan Reference – Page 16	
1.10.1	Improve access to modern communications infrastructure.

Nil.

13.11 SIGNAGE

Strategic Plan Reference – Page 16	
1.11.1	Signage that is distinctive, informative, easy to see and easy to understand.

Nil.

13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)

13.12.1 Manager - Works & Technical Services Report

File Ref: 3/075

AUTHOR MANAGER – WORKS & SERVICES (J LYALL)

DATE 16TH JULY 2014

ROADS PROGRAM

Maintenance Grading is being undertaken in the Oatlands and Bagdad areas.

BRIDGE PROGRAM

Tenders for the replacement of the Brown Mountain Road Bridge have been assessed and are the subject of a separate report.

WASTE MANAGEMENT PROGRAM

All operating well.

TOWN FACILITIES PROGRAM

General Maintenance continuing, footpath weed spraying is well underway in township areas.

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

- Colebrook Recreation Ground – removal of built up soil (adjacent to pitch) – safety issue referred by Cricket Club – to be addressed
- Bow Hill Road – Tas Irrigation - Air Valve – water damage to roadway when valve released – to be investigated (possible piping or culvert under road)
- Blackspot Road Funding - Church Road / Elderslie Road Junction – approach Minister for Infrastructure (Hon Rene Hidding MHA) – State Government contribution to reduce Council’s contribution and overall impact on budget
- Midland Highway, Kempton – Drainage at rear of Church and cemetery and noise attenuation

RECOMMENDATION

THAT the information be received.

C/14/07/051/19769 DECISION

Moved by Clr D F Fish, seconded by Clr A O Green

THAT the information be received.

CARRIED

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

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 RESIDENTIAL

Strategic Plan Reference – Page 17

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

Nil.

14.2 TOURISM

Strategic Plan Reference – Page 18

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

Nil.

14.3 BUSINESS

Strategic Plan Reference – Page 19

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

Nil.

14.4 INDUSTRY

Strategic Plan Reference – Page 20

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

Nil.

14.5 INTEGRATION

Strategic Plan Reference – Page 21

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

Nil.

15 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

15.1 HERITAGE

Strategic Plan Reference – Page 22

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

15.1.1 Heritage Project Officer's Report

File Ref: 3/097

AUTHOR MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

DATE 22ND JULY 2014

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects

DETAIL

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

- A grant application (approx. \$230,000) has been submitted to the Tasmanian Community Fund in conjunction with Brighton, Derwent Valley, Glamorgan/Spring Bay and Tasman Councils for the '5x5x5' project, which seeks to undertake heritage skills training on five sites in five regions, teaching five skills streams (per year, for 3 years). This project, if funded, will be administered by the Heritage Education and Skills Centre and several projects will be undertaken within the Southern Midlands. An overview of the deliverable of the project is provided here as an Enclosure.
- Continuation of work with Heritage Building Solutions on the Willow Court Project, New Norfolk.
- SMC Heritage Staff provided substantial input into the Centre for Heritage at Oatlands *Heritage Skills and Trades Days*, held at Roche Hall on 5-6 July. Around 300 people attended the event, with very positive feedback.
- Jen Jones is progressing write-ups of the summer archaeology programs 2011-13 and liaising with students on projects.

- Development approvals are in place for the interpretive installations for the *Southern Midlands Convict Sites* project, with installations to occur soon at Jericho, Colebrook, Tunbridge, Kempton and Broadmarsh.
- Alan Townsend has been delivering a series of U3A workshops, in conjunction with Clarence City Council as well as undertaking regular interviews on MidFM.

RECOMMENDATION

THAT the information be received.

C/14/07/054/19770 DECISION

Moved by Clr A O Green, seconded by Clr J L Jones OAM

THAT the information be received.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	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 15TH JULY 2014

ISSUE

Southern Midlands Landcare Unit and GIS Monthly Report

DETAIL

- The Bushlinks 500 project is progressing well with Pakana Services contracted to undertake a component of the planting. Work has commenced on the ‘Lemon Hill’, Outlands and ‘Warringa’ Woodbury properties.
- Tree planting has continues on the eastern foreshore of Hawthorn Bay (Lake Dulverton) as part of the Midlands Tree Committee grant received from Landcare Tas.
- On Thursday 10 July 2014 members of the Midlands Tree Committee collected over 2300 trees and associate materials for planting in the area. For many years the Midlands Tree Committee has received funding to facilitate tree planting.
- Work compiling the building asset management register is almost complete. The register information will feed into the building asset management plan process and assist with developing graphs and analysis of building infrastructure costings, depreciation schedules etc.
- Lake Dulverton: The flap on the bund wall pipe has partially broken off allowing some water to drain into the large lake section known as the Natural Zone (Bellevue property end of the lake). The Lake Dulverton & Callington Park Management Committee are looking to replace the flap with a proper valve that can be opened and closed. This will be a challenging task, but a valve will ensure that the water purchased remains in the designated area of the lake.

RECOMMENDATION

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

C/14/07/056/19771 DECISION

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

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

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	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.

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.

AUTHOR ANIMAL CONTROL OFFICER (G DENNE)

DATE 17TH JUNE 2014

ISSUE

Consideration of Animal Control Officer’s monthly report.

DETAIL

LEVENDALE

A toy poodle was injured in an attack by a neighbour’s dog(s). The neighbours share a common driveway and there was some dispute as to where the attack took place. The owner of the poodle insists that 3 dogs were involved in the incident whereas the house sitters infer that it was a dog on dog fight. The house sitters declare that the other 2 dogs were with them at the time. Lengthy discussions resulted in 1 of the dogs (a pug) being put down by its owners. An Infringement notice was issued.

Refer Monthly Statement on Animal Control for period ending 30th June 2014.

RECOMMENDATION

THAT the information be received.

C/14/07/059/19772 DECISION

Moved by Clr A O Green, seconded by Clr D F Fish

THAT the information be received.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	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 30/6/2014**

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

Breakdown Being:

ADOPTED	RECLAIMED	LETHALISED	ESCAPED
3	1		

MONEY RECEIVED

Being For:

Pound	<u> </u>
Reclaims	<u> </u>
Dog Registrations	<u>\$7104.80</u>
Kennel Licence Fee	<u>\$863.55</u>
Infringement Notices	<u> </u>
Complaint Lodgement Fee	<u> </u>
TOTAL	<u>\$7968.35</u>

COMPLAINTS RECEIVED FOR PERIOD ENDING 30/6/2014

Dog at Large: 6
Dog Attacks: 1
Request Pick-ups: 4
After Hours Calls: 5
TOTAL 16

Number of Formal Complaints Received: -
Number of Infringement Notices Issued: 3

Animal Control Officer: **Garth Denne**

16.10 EDUCATION

Strategic Plan Reference – Page 28

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

Nil.

17 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

17.1 RETENTION

Strategic Plan Reference – Page 29

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

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

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

17.2.1 Chauncy Vale Management Committee

File Ref: Chauncy Vale

AUTHOR Manager Development & Environmental Services

DATE 17 July 2014

ATTACHMENTS

1. Section 24 LG Act - **Current** Committee Roles and Functions.
2. Section 24 LG Act - **Proposed** Committee Roles and Functions.
3. Statutory Management Plan 1993 – Excerpt - Roles and Responsibilities of Council and of the Management Committee

1. ISSUE

The purpose of this report is to seek endorsement from Council regarding proposed changes to the management arrangements for the Chauncy Vale Wildlife Sanctuary.

2. BACKGROUND**2.1 History**

The Chauncy Vale Wildlife Sanctuary was bequeathed to the Brighton Council by the Chauncy Family in 1988 and then handed to the Southern Midlands Council in 1993 as a result of municipal amalgamations.

The reserve is bounded on most sides by other reserved land including that managed by Parks and Wildlife (Alpha Pinnacle Conservation Area) and the Tasmanian Land Conservancy (Flat Rock Reserve) and by private land subject to a nature conservation covenant.

The Sanctuary is a gazetted Conservation Area under the *National Parks and Reserves Management Act 2002*; this Act replaced the former *National Parks and Wildlife Act 1970*.

The Southern Midlands Council is the owner of the land and the ‘Managing Authority’ under the Act and also the statutory Management Plan 1993.

In 2006, land neighbouring to the north, now known as the Flat Rock Reserve, was purchased by the Tasmanian Land Conservancy. The combined reserved area (which also includes the State’s Alpha Pinnacle Conservation Area) is managed cooperatively and a representative of the Tasmanian Land Conservancy attends Management Committee meetings.

2.2 The Management Committee

The Management Committee exists under Section 24 of the *Local Government Act 1993* - to provide advice to Council for the management of the reserve in accordance with a statutory Management Plan created in 1993 under the former *National Parks and Wildlife Act 1970* (now repealed and replaced by the *National Parks and Reserves Management Act 2002*).

The statutory Management Plan 1993 also provides for the existence of the Management Committee.

The Committee therefore exists pursuant to two Acts: under S.24 of the *Local Government Act 1993* and under the *National Parks and Reserves Management Act 2002* via the statutory Management Plan.

The Management Committee is comprised of representatives from many stakeholder groups.

Under both the Management Plan 1993 and Council’s S.24 LG Act resolution (Attachment 1), the Committee is comprised of:

- a) One Councillor
- b) One Chauncy Family Member
- c) One representative from the Bagdad Community
- d) Two representatives from the Friends of Chauncy Vale
- e) One representative from the Bagdad Primary School
- f) One representative from the Bagdad Field and Game Association
- g) One representative from the Parks and Wildlife Service

Over the years the Committee has evolved without amendment to the Management Plan and now (informally) involves:

- a) Two Councillors (Chairperson and proxy)
- b) One Chauncy Family Member

- c) One representative from the Bagdad Community (also currently fulfilling the role of one of the two Friends of Chauncy Vale representatives)
- d) A second representative from the Friends of Chauncy Vale
- e) The Caretaker
- f) One representative from the Bagdad Field and Game Association
- g) One representative from the Parks and Wildlife Service
- h) One representative from the Tasmanian Land Conservancy
- i) One Council Officer

However, it is noted that:

- The Friends of Chauncy Vale Incorporated is no longer active;
- There is no Bagdad Primary School representative;
- Parks and Wildlife Service representative has only been unable to attend one meeting in approximately two years; and
- The Tasmanian Land Conservancy representative has been unable to regularly attend.

The Management Plan 1993 does not provide detail regarding meeting procedures, frequency of meetings, etc. (refer Attachment 3 - an excerpt from the Management Plan of the relevant sections).

Council's S.24 resolution states that the committee must meet every month – although this is subject to possible change, and at any time three members of the committee can call a meeting. (Refer Attachment 1).

2.3 The Management Plan

The Chauncy Vale Management Plan 1993 is the formal document providing overarching direction for the management of the Sanctuary.

In 2009/2010 the Management Committee, largely through the efforts of the Tasmanian Land Conservancy, and in consultation with the community, drafted a new management plan covering the Chancy Vale and Flat Rock Reserve combined area. This plan is intended to replace the old 1993 plan. However the new plan has not proceeded to statutory status due primarily to the lack of resources within Parks and Wildlife, which is devoting all its management planning resources to reserves that do not have any management plan in place, (which is quite understandable). Repealing an existing statutory management plan and bringing in a replacement is a very resource-hungry process for the State and other involved parties. The statutory processes are similar to bringing in a new planning scheme.

The 1993 Management Plan is now considered to be not representative of current best practice. For example, it does not provide for burns for fire hazard reduction and vegetation community renewal purposes. It is desirable that the management of Chauncy Vale be in line with the new 2010 draft document. This would also formalise the cooperative management of the larger combined reserved area now incorporating Flat Rock and its owners, the Tasmanian Land Conservancy.

The Parks & Wildlife Service has recently indicated that it would endeavour to have the 1993 plan rescinded, if formally advised by Council that this is its wish. However this is a lengthy process, as mentioned above, with no certainty of timeframe or even success. Once rescinded, it would be possible to seek to have the new 2010 plan (updated) progressed to statutory status, with the new management arrangements contained within it. However, again, this would be a very lengthy process.

It is recommended that the development and establishment of new practical management arrangements should not be delayed to await these possible outcomes.

If the 1993 statutory Management Plan were rescinded it would not be necessary to progress immediately with the creation of a new statutory management plan. In the absence of such a plan, the following existing statutory mechanisms would effectively replace, it from a legal perspective:

- The Objectives for Reserves in the under the *National Parks and Reserves Management Act 2002*. The Act specifies particular objectives for each category of reserved area. (Set out in Schedule 1 of the Act).
- The Nature Conservation Covenant established several years ago over the Chauncy Vale land. This covenant correlates with a similar covenant over the Flat Rock Reserve.
- Responsibilities for management under the *National Parks and Reserves Management Act 2002*. (Set out in Sections 29 and 30 of the Act).

From a practical perspective, in the short-to-medium term, the statutory management plan would be replaced with an updated version of the 2010 draft management plan. Until and unless this is progressed through the statutory management plan creation process, this document could be referred to as a ‘*management strategy*’ to distinguish it from a statutory document.

The fact that the 2010 draft management plan has not been formalised provides an opportunity for any new agreed management arrangements to be incorporated within it.

2.4 The Friends of Chauncy Vale Inc.

The Friends of Chauncy Vale Inc. (FoCV), as an entity, is no longer active. FoCV were a great asset and were responsible for:

- Promotion of the Sanctuary
 - Creating networks between organisations
 - Encouraging public involvement and “hands on” experiences
 - Providing differing types of interpretation
- Fund raising

- Events
- Ordering and selling books, DVDs, cards and merchandise
- Social Networking and volunteer opportunities

The FoCV still own some merchandise and some current/former members have been more than willing to volunteer their time for open days upon the invitation/organisation by the Management Committee.

3. NEED FOR NEW MANAGEMENT ARRANGEMENTS

As the report to the May 2014 Council meeting elaborated, there has been a long-term decline in various representatives' involvement in the monthly committee meetings, and an even greater decline in the volunteer activities of the FoCV. The administrative task of servicing the monthly committee meetings and organising the Council tasks necessary in the sanctuary, now combined with undertaking the roles formerly undertaken by the FoCV and other management committee members, has become quite onerous for Council staff. The time and resources available for practical actions within the Sanctuary are now suffering.

It is considered that the current management situation needs to be reviewed to make more efficient use of available Council resources and reflect that reality that the amount of community input and assistance is steadily declining.

At the May meeting, Council resolved to investigate a new management system for the Chauncy Vale Wildlife Sanctuary in consultation with relevant stakeholders, as represented on the current Management Committee.

The Management Committee met on 17 July to workshop proposed new management arrangements. The workshop occurred after the Council agenda was finalised. The proposed arrangements put to the workshop are outlined in the section below. The outcomes and recommendations of the Management Committee workshop will be presented to the Council meeting for consideration.

4. PROPOSED NEW ARRANGEMENTS

As indicated above, the new management arrangements ought to be put in place notwithstanding that fact that the 1993 statutory Management Plan still exists. This would take some considerable period of time and, if it were decided to progress an updated version of the 2010 draft management plan to statutory status, this would take even longer. Therefore, the following proposed management arrangements are put forward assuming neither of these things will happen in the short-to-medium term.

Proposed changes for the management arrangements for the Chauncy Vale Wildlife Sanctuary are:

4.1 The Management Committee

- The existing management committee, as defined in the 1993 Management Plan, will continue to exist. However, it is proposed that it meets only once per year.
- This would be in association with the annual community workshop, (either during or immediately after).
 - A key role of the Management Committee would be to distil the information provided by the community at the annual workshop and form it into advice to Council. In particular:
 - A draft annual operational plan, (incorporating an annual works plan).
 - A draft annual operational budget.
- Councils' resolution under S.24 of the *Local Government Act 1993* pertaining to the Management Committee would be amended to reflect the new operational arrangements. (Refer Attachment 2).
- The Management Committee will play a key role as the conduit for community input into the management of the Sanctuary.
- As a once-a-year event, the annual community workshop will likely attract much more community interest, as time-poor members of the community would be more able and willing to attend.
- The community workshop would focus on 'big picture' issues for the Sanctuary, and the outputs would inform a draft annual operational plan (including a works program) and an annual operating budget.
- The annual operational plan would become the key practical management document for each 12-month period, with progress reported back to the community and the Management Committee at each subsequent annual community workshop / management committee meeting.
- In between the annual workshops, members of the community would naturally be able to report issues to the Caretaker, Council officers and/or Tasmanian Land Conservancy staff. Protocols for directing and handling such issues would be developed.

4.2 The Management Group

- The Council, the Tasmanian Land Conservancy and the Parks & Wildlife Service would form a *Management Group*, which will be responsible for undertaking the

- actions necessary to implement the annual operational plan, in accordance with the operational budget.
- The proposed ‘management strategy’ document (refer below) will reference the Management Group, and will set down the principles for the division of roles.
 - Tasks will be allocated according to each entity’s core skill set. Actions associated with the Sanctuary’s natural values would likely be handled by the Tasmanian Land Conservancy and those associated with preserving its cultural heritage values would likely be handled by Council.
 - The annual operational plan will set out the tasks for each year in greater detail than the management strategy.
 - The Management Group will essentially have responsibility for day-to-day management decisions. It will work in close cooperation with the Caretaker.
 - The Management Group will establish protocols for liaison between its members and also with the Caretaker. Through this, the role of the Caretaker will be better defined than at present.
 - Meetings of the Management Group will take place on an as-needed basis. These would likely be quite frequent in the first instance as the new management system beds down.
 - The Management Group will assist the Management Committee in running the annual community workshop.

4.3 The 2010 Draft Management Plan / (‘Management Strategy’)

- The 2010 draft management plan will be updated and amended to reflect the agreed new management arrangements, and any other updates identified as necessary. The first annual community workshop held under the new management arrangements would provide an ideal opportunity to consider any updates.
- In the short-to-medium term, the (updated) 2010 draft management plan will be called a ‘management strategy’, and will form the key overarching practical management document. This situation will continue until and unless the 1993 statutory Management Plan is rescinded and the new management plan document is successfully progressed through the management plan creation process.
- The document recognises the intention to manage both Chauncy Vale and Flat Rock as a combined reserved area.
- As indicated above, tasks will be allocated according to each entity’s core skill set. Actions associated with the Sanctuary’s natural values would be handled by the Tasmanian Land Conservancy and those associated with preserving its cultural

heritage values will be handled by Council. The proposed ‘management strategy’ document will set down the principles for the division of roles, and the annual operational plan will set out the tasks for each year in greater detail.

5. NEXT STEPS

The Management Committee is to workshop the above proposed changes at meeting/workshop on 17 July.

It is intended that the Committee will formulate recommendations for the new arrangements (either as outlined above or a modification of them).

The management committee’s recommendations will then considered for endorsement by the key entities ultimately responsible for the management of the Chauncy Vale and the associated Flat Rock Reserve.

- Southern Midlands Council.
- The Parks & Wildlife Service.
- The Tasmanian Land Conservancy.

If endorsed by these entities, the new management arrangements will be implemented.

For Council, this will mean amending its S.24 Local Government Act resolution, (refer draft in Attachment 2).

Also as mentioned above, the Parks & Wildlife Service have indicated they would be willing to commence the process of rescinding the current 1993 statutory Management Plan - if requested to do so by Council. The rationale for doing so is outline above in section 2.3. This matter will also be considered by the Management Committee at its workshop on 17 July, with a view to providing a recommendation to Council.

Further to all of the above, it is noted that during the abovementioned recent discussions the possibility of transferring ownership of the Sanctuary to the Tasmanian Land Conservancy was raised. It was felt that this ought not be ruled out as a long term possibility. However, a number of significant issues would need to be resolved if this were to be seriously contemplated. It was agreed between the relevant parties that the immediate priority should be consideration of a new management system.

RECOMMENDATION

(Subject to consideration of recommendations from the 17 July 2014 Chauncy Vale Management Committee workshop).

THAT Council:

- A. Endorse the proposed new management arrangements for the Chauncy Vale Wildlife Sanctuary, as set out in Section 4 of this report;**
- B. Amend the roles and functions of the Chancy Vale Management Committee pursuant to Section 24 of the *Local Government Act 1993*, as set out in Attachment 2;**
- C. Request the Parks & Wildlife Service to rescind the Chauncy Vale Wildlife Sanctuary Management Plan 1993.**

C/14/07/070/19773 DECISION

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

THAT Council:

- A. Endorse the proposed new management arrangements for the Chauncy Vale Wildlife Sanctuary, as set out in Section 4 of this report (and as amended by the revised report);
- B. Amend the roles and functions of the Chancy Vale Management Committee pursuant to Section 24 of the *Local Government Act 1993*, as set out in Attachment 2 (and as amended by the revised report); and
- C. Request the Parks & Wildlife Service to rescind the Chauncy Vale Wildlife Sanctuary Management Plan 1993.

CARRIED

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

ATTACHMENT 1**CURRENT**

**CHAUNCY VALE MANAGEMENT COMMITTEE
ROLES & FUNCTIONS
Under Section 24 of the Local Government Act 1993**

Committee Name	Chauncy Vale Management Committee
Decision No.	C/02/06/033/5604
File Reference.	6/020
Type	THAT in accordance with the provisions of Section 24 of the Local Government Act 1993 a Special Committee be established to be known as the Chauncy Vale Management Committee.
Roles, Functions & Responsibilities	<ol style="list-style-type: none"> 1. To manage the Sanctuary in accordance with the Chauncy Vale Wildlife Sanctuary Management Plan 1993. 2. The Committee is empowered to do such things as are required to manage Chauncy Vale Sanctuary within the following objects of Management. <ol style="list-style-type: none"> (a) maintain the diversity of plant life, (b) protect the known breeding sites of raptorial birds, (c) maintain the integrity of the Browns Caves Creek, (d) to develop an appropriate fire management plan in conjunction with the responsible authorities. 3 To protect and conserve land forms and cultural features in particular: <ol style="list-style-type: none"> (a) conserve Mr Chauncy's house and to develop an appreciation of the Chauncy family works and lives. (b) conserve Aboriginal artefacts and other historic features. (c) preserve the caves from vandalism and inappropriate use. 4. To promote use of the Sanctuary for education purposes and in particular the study of natural history by: <ol style="list-style-type: none"> (a) development of an area for use by school groups of up to 30 students. Such area to provide minimal facilities. (b) development of education and management projects for recreation by school groups. (c) provide for benign forms of recreation such as bush walking, birdwatching and climbing. 5. To promote use of the Sanctuary for scientific studies based on the natural resources of the reserve. 6. To continue to foster the support of the public group (Friends of Chauncy Vale Inc.) to assist in the management of Chauncy Vale Wildlife Sanctuary including its interpretation, development and assessment.

	<ol style="list-style-type: none"> 7. To provide advice in any review of the Management Plan. 8. To consider and report on any matters which may be referred to it by Council. 9. To manage the facilities so that each year’s operating budget is not exceeded. Nothing in this requirement prevents the Committee from purchasing items of a capital nature from surplus funds held. 10. To liaise with Council to ensure appropriate management practices are followed in relation to the appointment of any service providers. Ensure all service providers utilised by the Committee of Management have in place public liability insurance for an amount of not less than five million dollars (\$5,000,000). 11. To maintain the facilities in good repair to the satisfaction of the Council and apply any excess funds that are accumulated by the Committee of Management as a result of rentals or grants on maintenance of the facilities or purchase of equipment to be used within the facilities. 12. To not make any alterations or additions to the buildings and not install fittings or fixtures within the buildings without prior written approval from Council, which shall include all other relevant approvals. 13. To provide Council, in April of each year, with an up to date inventory of the Council owned contents of the facilities.
<p>Membership Structure</p>	<p>Membership of the Chauncy Vale Management Committee is documented in the 1993 Management Plan and is as follows:-</p> <ol style="list-style-type: none"> 1. The membership of the Committee shall consist of eight (8) members made up as follows:- <ul style="list-style-type: none"> - One (1) Southern Midlands Council Councillor - One (1) Chauncy family member - One (1) representative from Bagdad Community - Two (2) representatives from the "Friends of Chauncy Vale" - One (1) representative from the Bagdad Primary School - One (1) representative from the Bagdad Field and Game Association - One (1) representative from the Department of Primary Industry, Water and Environment - Parks & Wildlife Division. 2. Nominations from the above groups (excluding the Councillor representative and Chauncy family member) shall be requested at the end of the term. 3. Nominations received shall be forwarded to Council for formal

	<p>consideration and appointment.</p> <p>4. In the absence of sufficient nominations, the Council shall appoint suitable persons to fill any vacancies.</p> <p>5. The Committee shall have the power to appoint a Secretary from within its members.</p> <p>6. At the conclusion of their term of office, members are eligible to be re-appointed to the Committee.</p> <p>7. Members of the Committee will be deemed to vacate their position if they are absent without leave from three consecutive ordinary meetings.</p> <p>8. To ensure each Committee of Management Member has completed a volunteer information sheet.</p>
Chairperson	The appointed Southern Midlands Councillor will be Chairperson.
Term of Appointment	Appointments shall be for a two (2) year term.
Quorum	A quorum at any meeting of the Committee shall be a majority of its members (5 members).
Proxies	Where possible, proxies shall be appointed for all Committee representatives.
Meetings Frequency & Minutes	<p>1. The Committee shall meet at least once each calendar month unless otherwise determined for the purpose of:-</p> <ul style="list-style-type: none"> • Confirming the minutes of the previous meeting; • The payment of accounts; • Correspondence and; • General Business. <p>2. A copy of the meeting minutes shall be provided to Council in accordance with Council Policy No. 5.3.1.4.</p> <p>3. The Committee shall have power to adjourn and otherwise regulate its meetings as it deems fit. Any three members shall have the power to call a meeting of the Committee. The Chairperson of the Committee shall take the chair at all such meetings. Should the Chairperson not be present then the Vice Chairperson shall take the chair. In the absence of the Vice Chairperson the Committee shall elect one of its number to take the chair.</p> <p>4. All notices of Committee meetings shall unless extreme urgency arises, be in writing to members at least seven days prior to the date of such meeting.</p> <p>5. The Committee shall have the power to delegate any of its</p>

	<p>powers to a Subcommittee or delegates to deal with any particular matter or matters upon such terms as the Committee may think fit except the power to expend the funds of the Management Committee.</p>
<p>Pecuniary Interest Members & Recording</p>	<p>Committee Members (ref: Part 5 Local Government Act 1993) Committee members with a direct or indirect pecuniary interest in a matter before the Committee must declare that interest before any discussion on that matter commences. On declaring an interest the member is to leave the meeting room.</p> <p>Recording Any declaration of pecuniary interest shall be recorded in the minutes of the Committee meetings.</p>
<p>Spokesperson Protocol</p>	<ol style="list-style-type: none"> Under the Local Government Act 1993 the Mayor is “spokesperson” for Council and its activities. This protocol is strictly adhered to. As such media releases, public statements or advertisements, which contain or impute the view or policy position of Council must be vetted by the Mayor and issued under the Mayor’s name unless otherwise agreed. Committee members shall also adhere to the Southern Midlands Council Policy (No. 5.3.4.9) relating to this issue. Provide articles on services available at the facilities on a regular basis to Council so they can be included in Council press releases and newsletters.
<p>Working Groups (under Committee)</p>	<p>The Committee may appoint specific purpose working groups in relation to its functions, comprising of members of the Committee and/or other persons subject to prior Council approval.</p>
<p>Admin/Sec Support</p>	<p>Council will allocate sufficient staff resources in order to provide ongoing and regular liaison and interaction between Council and the Committee.</p>
<p>Annual Budget</p>	<ol style="list-style-type: none"> In each year the Committee is to prepare and submit to Council a draft operational plan, including estimates for the forthcoming financial year. Recommend to Council in March of each year a list of capital works to be considered for funding.

ATTACHMENT 2

PROPOSED
CHAUNCY VALE MANAGEMENT COMMITTEE
ROLES & FUNCTIONS
Under Section 24 of the Local Government Act 1993

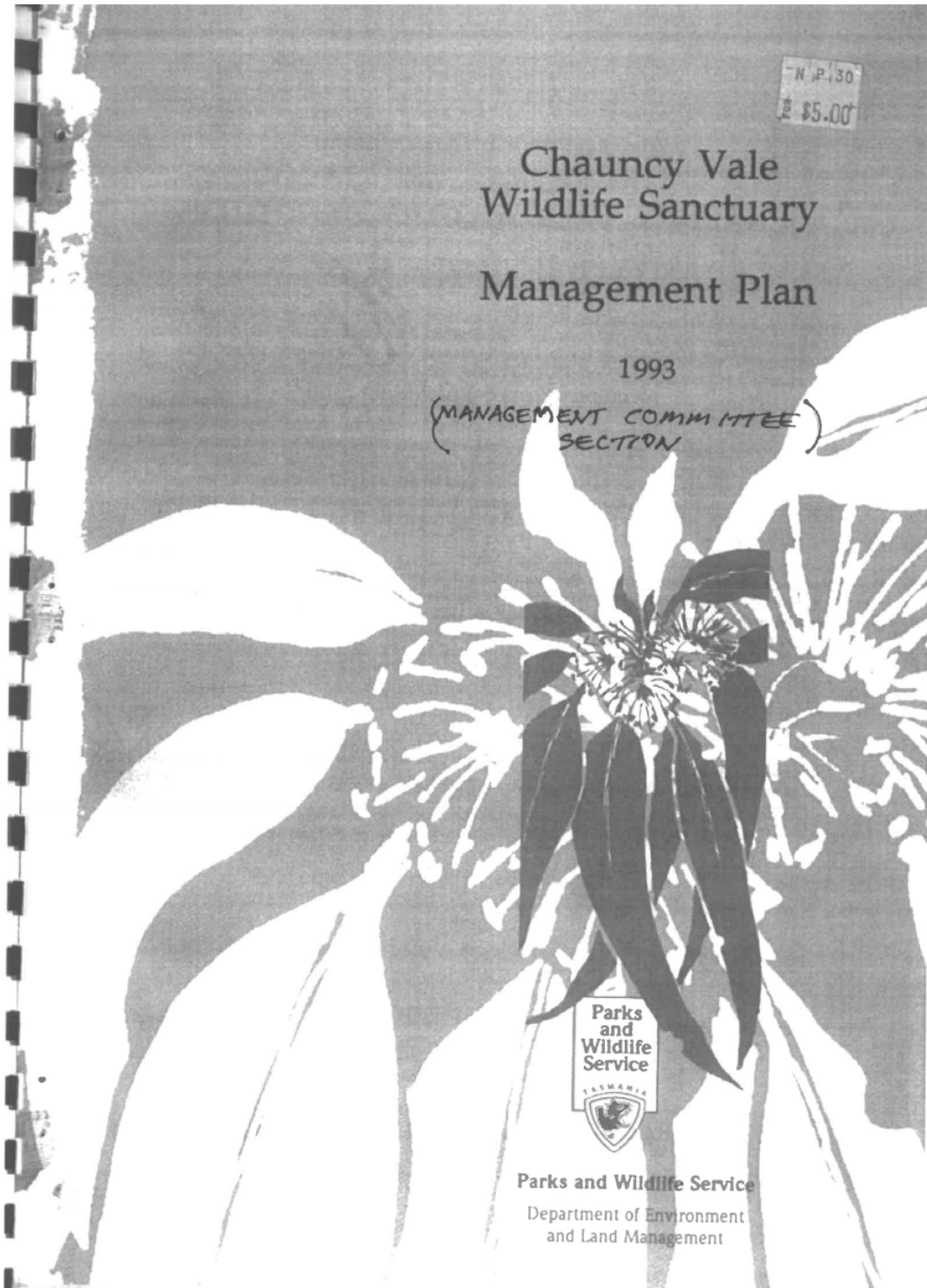
Committee Name	Chauncy Vale Management Committee
Decision No.	C/xx/xx/xxx/xxxx
File Reference.	6/020
Type	THAT in accordance with the provisions of Section 24 of the Local Government Act 1993 a Special Committee be established to be known as the Chauncy Vale Management Committee.
Roles, Functions & Responsibilities	<ol style="list-style-type: none"> 1. To annually provide advice in regard to the management of the Sanctuary in accordance with the objectives of the Chauncy Vale Wildlife Sanctuary Management Plan 1993. 2. To have regard to the following objectives in providing advice on the management of the Sanctuary. <ol style="list-style-type: none"> (a) maintain the diversity of plant life, (b) protect the known breeding sites of raptorial birds, (c) maintain the integrity of the Browns Caves Creek, (d) to develop an appropriate fire management plan in conjunction with the responsible authorities. 3 To have regard to the need to protect and conserve land-forms and cultural features in particular: <ol style="list-style-type: none"> (a) conserve Mr Chauncy's house and to develop an appreciation of the Chauncy family works and lives. (b) conserve Aboriginal artefacts and other historic features. (c) preserve the caves from vandalism and inappropriate use. 4. To provide advice to Council on the promotion of use of the Sanctuary for education purposes and in particular the study of natural history by: <ol style="list-style-type: none"> (a) development of an area for use by school groups of up to 30 students. Such area to provide minimal facilities. (b) development of education and management projects for recreation by school groups. (c) provide for benign forms of recreation such as bush walking, birdwatching and climbing. 5. To provide advice to Council on the promotion of use of the Sanctuary for scientific studies based on the natural resources of the reserve. 6. To continue to foster the support of the public group (Friends of Chauncy Vale Inc.) to assist in the management of Chauncy Vale Wildlife Sanctuary including its interpretation, development and assessment.

	<p>7. To provide advice in any review of the Management Plan.</p> <p>8. To provide advice to Council on the management of the Sanctuary generally, and in particular recommendations for:</p> <ul style="list-style-type: none"> • a draft annual operational plan, including an annual works plan, • a draft annual operational budget.
Membership Structure	<p>Membership of the Chauncy Vale Management Committee is documented in the 1993 Management Plan and is as follows:-</p> <ol style="list-style-type: none"> 1. The membership of the Committee shall consist of eight (8) members made up as follows:- <ul style="list-style-type: none"> - One (1) Southern Midlands Council Councillor - One (1) Chauncy family member - One (1) representative from Bagdad Community - Two (2) representatives from the "Friends of Chauncy Vale" - One (1) representative from the Bagdad Primary School - One (1) representative from the Bagdad Field and Game Association - One (1) representative from the Department of Primary Industry, Water and Environment - Parks & Wildlife Division. 2. Nominations from the above groups (excluding the Councillor representative and Chauncy family member) shall be requested at the end of the term. 3. Nominations received shall be forwarded to Council for formal consideration and appointment. 4. In the absence of sufficient nominations, the Council shall appoint suitable persons to fill any vacancies. 5. At the conclusion of their term of office, members are eligible to be re-appointed to the Committee. 6. Each Committee of Management Member must complete a volunteer information sheet.
	The appointed Southern Midlands Councillor will be Chairperson.
Term of Appointment	Appointments shall be for a two (2) year term.
Quorum	A quorum at any meeting of the Committee shall be a majority of its members (5 members).
Proxies	Where possible, proxies shall be appointed for all Committee representatives.
Meetings Frequency & Minutes	<ol style="list-style-type: none"> 1. The Committee shall meet once each calendar year for the purpose of formulating advice to Council and the Operational Committee. Deliberations of the Committee is to include, but not be limited to: <ul style="list-style-type: none"> • Confirming the minutes of the previous meeting;

	<ul style="list-style-type: none"> • Collecting and collating community input. • Recommendations for an annual operational plan for the Sanctuary. • Recommendations for an annual operating budget for the Sanctuary. <p>2. A copy of the meeting minutes shall be provided to Council in accordance with Council Policy No. 5.3.1.4.</p> <p>3. The Committee shall have power to adjourn and otherwise regulate its meetings as it deems fit. The Chairperson of the Committee shall take the chair at all such meetings. Should the Chairperson not be present then the Vice Chairperson shall take the chair. In the absence of the Vice Chairperson the Committee shall elect one of its number to take the chair.</p> <p>4. All notices of Committee meetings shall, unless extreme urgency arises, be in writing to members at least seven days prior to the date of such meeting.</p>
<p>Pecuniary Interest Members & Recording</p>	<p>Committee Members (ref: Part 5 Local Government Act 1993) Committee members with a direct or indirect pecuniary interest in a matter before the Committee must declare that interest before any discussion on that matter commences. On declaring an interest the member is to leave the meeting room.</p> <p>Recording Any declaration of pecuniary interest shall be recorded in the minutes of the Committee meetings.</p>
<p>Spokesperson Protocol</p>	<p>1. Under the Local Government Act 1993 the Mayor is “spokesperson” for Council and its activities. This protocol is strictly adhered to. As such media releases, public statements or advertisements, which contain or impute the view or policy position of Council must be vetted by the Mayor and issued under the Mayor’s name unless otherwise agreed.</p> <p>2. Committee members shall also adhere to the Southern Midlands Council Policy (No. 5.3.4.9) relating to this issue.</p> <p>3. Provide articles on services available at the facilities on a regular basis to Council so they can be included in Council press releases and newsletters.</p>
<p>Admin/Sec Support</p>	<p>Council will allocate sufficient staff resources in order to facilitate the annual meeting of the Committee and the associated community workshop.</p>

ATTACHMENT 3

**EXCERPT - MANAGEMENT COMMITTEE ARRANGEMENTS
CHAUNCY VALE WILDLIFE SANCTUARY MANAGEMENT PLAN 1993**



1.3 ROLES AND RESPONSIBILITIES OF INTERESTED PARTIES

The roles and responsibilities of parties interested in the management of Chauncy Vale are as follows.

1.3.1 Southern Midlands Council

The Southern Midlands Council (hereinafter referred to as "the owner") is the owner and intended managing authority of Chauncy Vale Wildlife Sanctuary (as shown on Map 2). This ownership was transferred from Brighton Council following the local government amalgamations of 2 April 1993. As such, the role of the owner in the management of Chauncy Vale is to:

- (a) carry out the wishes of Anton Chauncy as stated in the terms of his will and made known to the then Brighton Council in discussions and correspondence; and as endorsed by Heather Chauncy in her gift of the house and paddock blocks;
- (b) restore and maintain the Chauncy house, insure the house and any material lent for display, and develop a heritage program through its Chauncy Vale Management Committee;
- (c) undertake, through its Management Committee, heritage research, interpretation and educational programs on its behalf subject both to adherence with the principles of the International Charter for the Conservation and Restoration of Monuments and Sites, "The Burra Charter" (see Appendix 4), as well as the input of a professional archaeologist where necessary;
- (d) develop access for the people of Tasmania;
- (e) maintain the property and appropriate insurance; and
- (f) ensure that matters concerning the *Local Government Act 1962*, the *Fire Service Act 1979* and the *Public Health Act 1962* are dealt with in an environmentally sensitive manner.

All physical improvements of Chauncy Vale are vested in this Council.

1.3.2 Chauncy Vale Management Committee

The Chauncy Vale Management Committee (hereinafter referred to as "the Management Committee") was formed under Section 134 of the *Local Government Act 1962* to administer and manage Chauncy Vale Wildlife Sanctuary on behalf of Brighton Council. It was an official committee of Brighton Council and has been reconstituted by the Southern Midlands Council. The Management Committee will comprise:

- (i) (a) one (1) Councillor from the Municipality of the Southern Midlands;
- (b) one (1) Chauncy family member;
- (c) one (1) representative from the Bagdad community;
- (d) two (2) representatives from the Friends of Chauncy Vale;
- (e) one (1) representative from the Bagdad Primary School;
- (f) one (1) representative from the Bagdad Field & Game Association;
- and
- (g) one (1) representative from the Parks and Wildlife Service.

It is envisaged that the Management Committee will:

- (ii) (a) act on behalf of the owner;
- (b) advise the owner on the appropriate means to manage Chauncy Vale;
- (c) promote Chauncy Vale as a conservation area and as a living memorial to Nan and Anton Chauncy;
- (d) maintain the property;
- (e) determine access requirements, including risk management for insurance and other purposes;
- (f) encourage and co-ordinate the Sanctuary's use locally, statewide and nationally by providing formal links with local groups, such as the Bagdad Community Club, Inc. and the Bagdad Field and Game Club, Inc. (who have a historical involvement with the Sanctuary), and with government departments, including those responsible for education, sport, tourism, recreation and with other groups which are identified from time to time;
- (g) develop a means by which the wider community can make use of Chauncy Vale and assist with its development within the broader terms and understanding of the management plan;
- (h) continue to foster the support of the public group (Friends of Chauncy Vale, Inc.) to assist in the management of Chauncy Vale Wildlife Sanctuary including its interpretation, development and assessment;
- (i) provide advice in any review of this management plan; and
- (j) authorise any suitable person to act as an "authorised person" to carry out its instructions.

The Management Committee established the Friends of Chauncy Vale, Inc. for the purposes outlined in items (g) and (h) and to assist with items (a) to (f) and (i).

(It is acknowledged that the contents of the house, including all pictures and furniture are on loan from Heather Chauncy.)

1.3.3 Parks and Wildlife Service

- (a) The *National Parks and Wildlife Act 1970* provides for the management of local and private reserves for conservation purposes. Those purposes include the preservation and protection of the natural environment and of features of archaeological, historic and scientific interest. It also provides for the development of educational and interpretive programmes and the provision of advice to managing authorities of reserved lands. It is intended that the Southern Midlands Council will be the managing authority of Chauncy Vale Wildlife Sanctuary upon gazettal of this plan under the Act.
- (b) The Parks and Wildlife Service of the Department of Environment and Land Management is responsible for ensuring implementation of the Act, and so has a responsibility to ensure that this management plan, prepared in accordance with Part IV of the *National Parks and*

Wildlife Act 1970, is adhered to. The Parks and Wildlife Service is to inspect the Reserve annually by arrangement with the managing authority and the report of the inspection is to be made available to the Southern Midlands Council.

- (c) Aboriginal sites are protected under the *Aboriginal Relics Act 1975* and the Service is responsible for its implementation.

1.3.4 Chauncy Family Representative

The role of the Chauncy Family Representative in the management of Chauncy Vale is to:

- (a) advise the managing authority on the history and background of Chauncy Vale from 1916;
- (b) help organise the house display and advise on the literary aspect and use with regard to Nan Chauncy;
- (c) advise the Friends generally and assist in training members of the Friends and others to show visitors the main features of interest on the property.

1.3.5 Friends of Chauncy Vale, Inc.

The Friends of Chauncy Vale, Inc. has been instituted to assist in the management of Chauncy Vale by:

- (a) providing a human resource network for realising the aims and objectives of the management plan;
- (b) providing and developing the opportunities for people to be involved in and learn from a "hands on" experience in conservation and preservation;
- (c) promoting and supporting the concept of living sustainably as part of the ecological system;
- (d) fund raising.

1.3.6 Local Government Involvement

The Municipality of the Southern Midlands was created on 2 April 1993 as a consequence of the restructuring of local government in Tasmania. The new Municipality comprises the municipalities of Oatlands and Green Ponds, together with the northern part of Richmond and Brighton Municipalities. The Municipalities of Green Ponds, together with Oatlands and Richmond, ceased to exist as at 2 April 1993. When the Chauncy Vale Management Committee is reconstituted, the new Southern Midlands Council (which is also the new owner of Chauncy Vale Wildlife Sanctuary) will be represented on the Management Committee.

1.3.7 Bagdad Primary School

At present the Principal of the Bagdad Primary School is the administrator and processor of applications from non-Catholic and State schools to visit the Sanctuary. The purpose of the school visits is to investigate any aspect of the natural environment, or to study the site as a backdrop to the literary work of Nan Chauncy, or for recreational purposes.

1.3.8 Other Statutory Authorities

Where any aspect of the management of the reserve falls within the scope of the responsibility of any other statutory authority, the Management Committee will seek advice from and consultation with that authority.

Consultation has already taken place with the following:

- (a) **Inland Fisheries Commission:** This authority controls the fisheries of the freshwater systems of the State. Any research proposal which includes collection of fish from the Sanctuary must be referred to the Commission for comment (see Section 4.6).
- (b) **Mines Department:** while Chauncy Vale is not exempt from the *Mining Act 1929*, the Director of Mines has written that it is highly unlikely that economic mineral deposits would be discovered in the valley and he has noted the reserve's conservation value and status.
- (c) **Department of Primary Industry:** the Secretary of the Department has given permission by letter for the owner to manage exotic weeds by natural processes.
- (d) **Department of Transport and Works:** all Crown Road Reserves within Chauncy Vale have been closed by the authority of the Chief Property Officer under the *Crown Lands Act 1976*, subject to access being given to the adjoining owner for forestry purposes only.
- (e) **Department of Forestry:** Chauncy Vale's values and objects of management have been referred to the Chief Commissioner for Forests, and discussed with the Forest Practices Officer employed by Australian Pulp and Paper Mills, Triabunna under the *Forest Practices Act 1985* to ensure that any Timber Harvesting Plans in respect to adjoining land, or which may affect the Sanctuary's water catchment, wildlife distribution, fauna corridors, Aboriginal relics and/or fire management will be referred to the Management Committee for comment and input.
- (f) **Education Department:** Bagdad Primary School is represented on the Management Committee, and the School Council partly funds a part-time teacher to organise school visits to Chauncy Vale. This is jointly funded with the Bagdad Community Club, Inc. and the Friends of Chauncy Vale.

17.3 SAFETY

Strategic Plan Reference – Page 30

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

Nil.

17.4 CONSULTATION

Strategic Plan Reference – Page 30

5.4.1 Improve the effectiveness of consultation with the Community.

Nil.

17.5 COMMUNICATION

Strategic Plan Reference – Page 30

5.5.1 Improve the effectiveness of communication with the Community.

Nil.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

18.1 IMPROVEMENT

Strategic Plan Reference – Page 31

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

Nil.

18.2 SUSTAINABILITY**Strategic Plan Reference – Page 32 & 33**

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

18.2.1 Review of Council’s Strategic Plan 2012 – 2017 and the Creation of the 2014 – 2023 Strategic Plan**AUTHOR** MANAGER COMMUNITY & CORPORATE DEVELOPMENT

(A BENSON)

DATE 15TH JULY 2014**ATTACHMENTS:** Submission from Edwin Batt
Submission from Clr Campbell**ENCLOSURE** Draft Strategic Plan**BACKGROUND**

Report to the June 2014 Council Meeting

[EXTRACT]

Council’s Strategic Plan in its current layout was adopted prior to the commencement of the 2006/07 financial year and it is acknowledged that a review of the Plan has occurred every two years since that date. There have been changes to the Local Government Act 1993 and those changes require Council to create a plan that encapsulates a ten year period in line with the requirement for Council to have a ten year asset Management Plan.

The attached draft Strategic Plan 2014 – 2023 is the outcome of Councillor and senior Manager Workshops, with input also having been sought from the employees of Council.

Following this Council meeting, the amended draft Strategic Plan will be advertised for Community input and then tabled at the July Council meeting for further consideration of submissions and final endorsement by Council.

RECOMMENDATION**THAT Council****1. receive and note the report;**

- 2. adopt the proposed changes developed in the Councillor/Senior Management workshops and included those changes in the draft Strategic Plan 2014 – 2023 enclosed with the agenda papers;**
- 3. adopt the draft Strategic Plan 2014 - 2023, as amended during the meeting and proceed to advertise the document for further public comment with final consideration in the July 2014 Council meeting; and**
- 4. endorse the process of the review of the Strategic Plan to date**

[EXTRACT END]

CURRENT POSITON

In accordance with the resolution from the previous Council meeting, an advertisement was placed in the Hobart Mercury on the 28th June 2014 which sought feedback by close of business on 15th July 2014. Council’s Records Management Officer (Elizabeth Green) advised the Manager Community & Corporate Development (Andrew Benson) that as of the close of business on the 15th July 2014, that one submission had been received from Edwin Batt (copy attached). One further submission was received from Councillor Campbell (copy attached).

RECOMMENDATION

THAT Council:

- 1. receive the information;**
- 2. add the amendments received into the document, as agreed by the meeting;**
- 3. adopt the Strategic Plan 2014 – 2023, and**
- 4. endorse the process of the review of the Strategic Plan.**

C/14/07/085/19774 DECISION

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

THAT Council:

1. receive the information;
2. add the amendments received into the document, as agreed by the meeting;
3. adopt the Strategic Plan 2014 – 2023, and
4. endorse the process of the review of the Strategic Plan.

CARRIED

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

Mayor
A & E Diodee OAM Esq.
Southern Midlands Council

Woodlands
St Helton & Howbray
Southern Midlands Council
8. VII. 14
10 JUL 2014

Dear Tony

Just a brief note on the Strategic Plan out for comment:

i) At page 39: "Plans & strategies that support the Strategic Plan" the Southern Midlands Arts Strategy ought to be included. I mentioned this to the ever efficient Andrew Benson & I think he is "on to it" already.

ii) At page 31 under "5.3 Safety" I think consideration ought to be given to including the Jamaican Fire Service & the local brigades within our Council's boundaries in the "key actions to achieve our aims".
"Work in partnership with the

TFS. to keep southern Midlands fire safe" might be a simple enough addition.

iii) In light of the recent deputation to Council at Bagdad led by Dot Evans it might be worthwhile adding something to 3.1 Heritage Reg Action to achieve our aims p.22. Perhaps "Support the occupancy/use of Council owned heritage buildings by Art + craft groups specializing in heritage crafts" might be an appropriate addition there.

Hope these thoughts are not too tedious, otherwise well done in the production of the strategy

Yours truly
Cairn Batt.

Clr B Campbell - Monitor the need for a cemetery should be "need for the cemetery".

18.2.2 Local Government Association of Tasmania – Annual General Meeting and General Meeting (July 2014)

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)
DATE 16th JUNE 2014

ENCLOSURES: LGAT Annual General Meeting Agenda/Minutes
LGAT General Committee Meeting Agenda/Minutes

ISSUE

- a) To provide Council with copies of the Agenda for both the LGAT Annual General Meeting and General Meeting to be held in July 2014; and
- b) Council to consider its position in relation to the Motions contained within the Agenda.

BACKGROUND

The Local Government Association of Tasmania will be holding its Annual General Meeting on 23rd July 2014 at the Wrest Point Casino, Hobart.

DETAIL

Refer enclosed Meeting Agendas.

There are no Motions within the Annual General Meeting Agenda that require specific consideration – noting that the key decision relates to the annual subscriptions for 2014 – 2015.

Council to consider each of the Motions within the General Meeting Agenda.

Comments will be provided at the meeting where necessary.

RECOMMENDATION

THAT the information be received and Council consider its position in relation to the Motions contained within the Agenda(s).

C/14/07/089/19775 DECISION

Moved by Clr A O Green, seconded by Clr J L Jones OAM

THAT:

- a) The information be received; and
- b) Council acknowledge the position taken in respect to each of the Motions listed on the Agendas of the Annual General Meeting and General Meeting.

CARRIED.

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

The meeting was suspended at 1.04 p.m. for lunch and resumed at 1.32 p.m.

18.2.3 Local Government Association of Tasmania – Local Government Board

File Ref: 6/002

AUTHOR EXECUTIVE ASSISTANT – (K BRAZENDALE)

DATE 18TH FEBRUARY 2010

ISSUE

To inform Council that the current appointments of the Local Government Board will expire on 13th September 2014 and the Association has been requested by the Minister for Planning and Local Government to provide three nominations.

BACKGROUND

The current Local Government representative is Mrs Liz Gillam and it is the intent of the Association to re-nominate Mrs Gillam along with a further two nominations from Councils. The appointments will be for a period of up to three years from the date of appointment.

DETAIL

The Minister will consider all nominations and, as the Act allows the appointment of a suitable person to act as a substitute for a member while that member :-

- a) in respect of any matter that is subject to a review or advice to the Minister, is excluded from any discussion on that matter because of a declared interest;
- b) is unable for any reason to perform the functions as such a member; or
- c) is absent for any reason.

One of the remaining nominees will be selected as a substitute representative of the Association and, in the event that it is necessary, will replace the appointed members.

Applications are invited from people who have knowledge and experience of Council operations and Councils are reminded that it is the Associations Policy to accept nominations from non-current serving officers or elected members only.

Nominations, together with contact details, Curriculum Vitae and the attached Statement in Support of the Nomination Form completed and returned to the Association no later than Monday 28th July 2014.

Human Resources & Financial Implications - Nil.

Community Consultation & Public Relations Implications - Nil.

Policy Implications – Nil.

Priority - Implementation Time Frame –Nomination Form needs to be completed and returned to the Association no later than Monday 28th July 2014.

RECOMMENDATION

THAT the information be received and consideration be given to a suitable nominee.

C/14/07/091/19776 DECISION

Moved by Clr A O Green, seconded by Clr J L Jones OAM

THAT the information be received.

CARRIED

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

18.2.4 Enterprise Bargaining Agreement – Number 9 of 2014

AUTHOR GENERAL MANAGER
DATE 17th JULY 2014

ATTACHMENT: Nil
ENCLOSURE: Nil

ISSUE

Council to consider and endorse the Enterprise Bargaining Agreement – Number 9 of 2014.

BACKGROUND

The existing Enterprise Agreement – No 8 of 2011 expired on 31st December 2013.

The Enterprise Bargaining / Award Consultative Committee has been meeting for a number of months to draft a new Agreement.

The Committee consists of Mayor A E Bisdee OAM, employer and employee representatives and a representative from the Australian Services Union.

DETAIL

The Committee has reached the stage of preparing a final draft which can now be referred through the necessary approval processes.

The following are the key provisions contained within the Agreement, noting that many existing provisions have been carried forward from the previous and are not detailed. Further comment will be provided at the meeting in respect to each:

2.1.4 Date and Period of Operation

This agreement will remain in force until 30th December, 2016.

2.1.10 Relationship to Awards and Earlier Agreements

This agreement contains clauses from:

- (a) The Southern Midlands Council Enterprise Agreement Number 8 of 2011 (incorporating relevant clauses from The Municipal Employees (Country Councils - Tasmania) Award 2003; The Municipal Officers (Tasmania) Award 2002; The National Training Wage Award);
- (b) The National Employment Standards;

(c) The Local Government Industry Award 2010;

and supersedes all previous agreements.

In the event of any inconsistency between the instruments listed above and this agreement, the Southern Midlands Council Enterprise Agreement Number 9 of 2014 will prevail to the extent of the inconsistency.

2.1.11 Retention of Existing Rights

The salary and conditions of employment of any employee covered by this agreement will not be reduced or prejudiced as a result of the operation of this agreement.

2.2.3 Casual Employment

- (a) A casual employee is an employee who is engaged by the hour on an irregular basis.
- (b) A casual employee will be paid the hourly ordinary time rate and rates payable for shift and weekend work for the class of work performed, plus an additional loading of 25 per cent.
- (c) A casual employee will not be entitled to any pro-rata annual leave, sick leave or public holidays.

2.2.4 Consultation regarding major workplace change

2.2.4.1 Employer to notify

- (a) Where an employer has made a definite decision to introduce major changes in production, program, organisation, structure or technology that are likely to have 'significant effects' on employees, the employer must notify the employees who may be affected by the proposed changes and their representatives, if any.
- (b) 'Significant effects' include termination of employment; major changes in the composition, operation or size of the employer's workforce or in the skills required; the elimination or diminution of job opportunities, promotion opportunities or job tenure; the alteration of hours of work; the need for retraining or transfer of employees to other work or locations; and the restructuring of jobs. Provided that where this agreement makes provision for alteration of any of these matters an alteration is deemed not to have significant effect.

2.2.4.2 Employer to discuss change

- (a) The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes referred to in clause 2.2.4.1, the effects the changes are likely to have on employees and measures to avert or mitigate the adverse effects of such changes on employees and must give prompt consideration to matters raised by the employees and/or their representatives in relation to the changes.
- (b) The discussions must commence as early as practicable after a definite decision has been made by the employer to make the changes referred to in the clause 'Employer to Notify' (above).
- (c) For the purposes of such discussion, the employer must provide in writing to the employees concerned and their representatives, if any, all relevant information about the changes including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees provided that no employer is required to disclose confidential information the disclosure of which would be contrary to the employer's interests.
- (d) As soon as a final decision has been made, the Employer must notify the employee representative and the employees affected, in writing, and explain the effects of the decision.
- (e) The Employer must act in 'good faith' in relation to the consultation process provided in this clause. 'Good faith' includes obligations to meet, disclose relevant information, genuinely consider proposals and respond with reasons, and to refrain from capricious or unfair conduct that undermines consultation.
- (f) While the consultation occurs, the parties will respect the status quo. However, the employer may direct an employee to perform different work at a different location, on full pay, if it is reasonable to do so to protect the safety, health or welfare of employees.

2.2.17 Overtime

The employer may request or require an employee to work reasonable overtime at the appropriate overtime rate.

An employee may refuse to work overtime in circumstances where the working of such overtime would result in the employee working hours which are unreasonable having regard to:

- (a) any risk to employee health and safety;
- (b) the employee's personal circumstances, including any family responsibilities;
- (c) the notice (if any) given by the employer of the need to work overtime;

- (d) the notice (if any) given by the employee of his or her intention to refuse to work the additional hours;
- (e) the needs of the workplace;
- (f) the nature of the employee's role, and the employee's level of responsibility;
- (g) whether the employee is entitled to receive overtime payments, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of, working additional hours; and
- (h) any other relevant matter.

An employee working overtime will be allowed a break of twenty minutes without deduction of pay after each four continuous hours of work, if the employee continues to work after such break.

2.2.17.1 Overtime Payment

- (a) This clause does not apply to time worked under the Flexible Approach to Working Hours clause.
- (b) Overtime will only be authorised by the relevant departmental manager and can be taken as payment or time (time for time).
- (c) Time worked before the time fixed for starting work or after the time fixed for finishing work, Monday to Friday inclusive, will be paid for or accrued at the rate of time and one-half for the first two hours and double time thereafter with each day's work to stand alone. For time in lieu it will be time for time.
- (d) Work performed on a Saturday will be paid at the rate of time and one-half for the first two hours and double time thereafter. For time in lieu it will be time for time.
- (e) Work performed on a Sunday will be paid at the rate of double time. For time in lieu it will be time for time.
- (f) Work performed on a gazetted public holiday will be paid at the rate of double time and one-half with a minimum payment of four hours. For time in lieu it will be time for time.

2.2.17.4 Standby

- (a) An employee directed by the employer to be available for duty outside of the employee's ordinary working hours will be on call. An employee on call must be able to be contacted and immediately respond to a request to attend work.

(b) On call allowance

Where the employee is on call, the employee will be paid an on call allowance each day equivalent to:

- i. one hour at the standard rate for an employee on call, Monday to Friday inclusive;
- ii. one and a half hours at the standard rate if required to be on call on Saturday;
- iii. two hours at the standard rate if required to be on call on a Sunday or a public holiday.

An employee who is on call and in receipt of an on call allowance will be paid at the appropriate overtime rate for time required to attend work. Actual time worked will be deemed to apply from the time the employee leaves home.

Where an employee has been paid for standing by in accordance with this clause a minimum of three (3) hours work at the appropriate rate for each time the employee is recalled will be paid.

2.2.28 Superannuation

The parties agree that the employer is to contribute the entire amount of superannuation contributions payable with respect to each of its employees, including eligible casuals, under the Superannuation Guarantee (Administration) Act 1992 to a complying superannuation fund or retirement savings account.

.....

However, should the SG exceed 9.5% during the period of this Agreement then the parties agree to renegotiate the impact of any changed circumstances.

2.3.6.5 Entitlement to paid personal / carer's leave

Personal/carer's leave is provided for in the NES, being ten days per annum uncapped.

2.3.7 Family Violence

2.3.7.1 General Principle

This council recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. Therefore, the council is committed to providing support to staff that

experience family violence.

2.3.7.4 Leave

An employee experiencing family violence will have access to 10 days per year of paid special leave for medical appointments, legal proceedings and other activities related to family violence. This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.

2.5 REMUNERATION

2.5.1 Wage/Salary Rates

Remuneration set out in this enterprise agreement will be indexed by CPI for the period ending March (Hobart area), or 1% whichever is the greater – to apply from the first pay period commencing on or after 1st July

- (a) CPI adjustment of 2.8%, payable from 14th July 2014 (less \$10.00 per week already payable (and backdated) to 1st January 2014, for full-time employees and pro-rata for part-time employees, excluding trainees.
- (b) CPI adjustment, or 1% whichever is the greater payable from 14th July 2015, for full-time employees and pro-rata for part-time employees, excluding trainees.
- (c) CPI adjustment, or 1% whichever is the greater payable from 14th July 2016, for full-time employees and pro-rata for part-time employees, excluding trainees.

Human Resources & Financial Implications – In relation to the remuneration, the 2.80% effective from July 2014 is factored into Council's Long-Term Financial Management Plan. For the remaining years, Council acknowledges that the Financial Plan is based on 1% increase per annum, which is the minimum that is offered under this Agreement.

Community Consultation & Public Relations Implications – N/A

Council Web Site Implications: N/A

Policy Implications – Policy position.

Priority - Implementation Time Frame – Immediate

RECOMMENDATION

THAT Council endorse the Enterprise Agreement Number 9 of 2014, noting that it has to be formally referred to all employees for majority consent and agreement, followed by approval through Fair Work Commission.

C/14/07/098/19777 DECISION

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

THAT Council endorse the Enterprise Agreement Number 9 of 2014, noting that it has to be formally referred to all employees for majority consent and agreement, followed by approval through Fair Work Commission.

CARRIED

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

18.2.5 Bothwell Spin In – Silhouette “Great Wheel”

File Ref: Financial Management

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)
DATE 16TH JULY 2014

ISSUE

Council to consider the attached correspondence received from the ‘Bothwell International Spin In and Fibre Festival’ Committee.

BACKGROUND

Nil

DETAIL

The committee would like to suggest to Council that a new installation be commissioned featuring a ‘great wheel’ attended by a lady spinning. There is a great (spinning) wheel of early Tasmanian colonial original held by the Tasmanian Museum and Art Gallery (see attached) and its simple outline could easily be achieved with an attendant standing figure at appropriate scale.

The wool industry, the historical aspect of hand spinning and its relationship to the region and the centring of the fine wool production in the Midlands area would seem to us to be a suitable subject to celebrate in this manner and would ‘fit’ with the theme of the other installations. If the installation was able to be located close to the Bothwell turnoff on the Midlands Highway at Melton Mowbray it could be seen as a celebratory promotion for not only the wool industry but also for the Spin In which brings visitors, revenue and tourism exposure to the region.

Human Resources & Financial Implications – The Committee understands that costs are usually shared between Council and Mr Kooper. The committee has some funds which could support the silhouettes commission.

Community Consultation & Public Relations Implications – To be considered.

Policy Implications – N/A

Priority - Implementation Time Frame -.Immediate

RECOMMENDATION

THAT Council consider the proposal which, if approved ‘in-principle’, would require an estimated cost to be obtained from Mr Kooper and confirm his availability.

Alternatively, Council may wish to decline the offer.

C/14/07/100/19778 DECISION

Moved by Clr D F Fish, seconded by Clr A O Green

THAT Council provide ‘in-principle’ approval to progress, acknowledging that the next stage will involve consultation with Mr Kooper in terms of determining his availability and obtaining an estimated cost for the installation.

CARRIED

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



A unique festival, the SpinIn is held every second year and celebrates fibre arts such as spinning, weaving, dyeing, felting, knitting and allied crafts.

The three day event consists of many activities including presentations, demonstrations, mini-workshops, parades, and competitions as well as a variety of interesting displays

International Highland SpinIn inc.

President: Maree Davey

Secretary: Karen Lawson

Liz Rapley

Treasurer: John Rapley

PO Box 394, Moonah. TAS
7009

Ph: 0414 901 787

Email:
bothwellspinin@gmail.com

www.bothwellspinin.com.au

Facebook:
Bothwell SpinIn and Fibre
Festival

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

2 July 2014

Dear Mr Kirkwood

The Bothwell International Highland SpinIn and Fibre Festival is a biennial event which has been conducted since the 1970s. It's purpose is to bring together in fellowship and sharing of cultures and skills, workers in textile arts from all over the world; and indeed this aim is achieved with practitioners and visitors attending from right around Australia and internationally.

The Committee in place for the 2015 SpinIn event would like to make a suggestion in respect of the popular and well-regarded series of silhouettes sponsored by the Southern Midlands Council and created by Mr Falko Kooper. The silhouettes in place celebrate the history and industry of the Midlands of Tasmania and the SpinIn Committee would like to suggest to Council that a new installation be commissioned featuring a "great wheel" attended by a lady spinning. There is a great (spinning) wheel of early Tasmanian colonial original held by the Tasmanian Museum and Art Gallery and its simple outline could easily be achieved with an attendant standing figure at appropriate scale. The wool industry, the historical aspect of hand spinning and its relationship to the region and the centring of fine wool production in the Midlands area would seem to us to be a suitable subject to celebrate in this manner and would 'fit' with the theme of the other installations. If the installation was able to be located close to the Bothwell turnoff on the Midlands Highway at Melton Mowbray it could be seen as a celebratory promotion for not only the wool industry but also for the SpinIn which brings visitors, revenue and tourism exposure to the region.

We understand that costs are usually shared between Council and Mr Kooper. The Committee has some funds which could support the silhouette's commission.

We welcome Council's opinion on this proposal and look forward to receiving, we hope, a favourable response.

Yours sincerely

On behalf of the Spin In Committee 2015

Encl : Image of Colonial 'Great Wheel' held by TMAG



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 (June 2014)*File Ref: 3/024*

AUTHOR FINANCE OFFICER (C Pennicott)

DATE 20th MARCH 2014

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1st July 2013 to 30th June 2014 (including Notes)
- b) Current Expenditure Estimates
- c) Capital Expenditure Estimates

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

- d) Rates & Charges Summary – Nil
- e) Cash Flow Statement - July 2013 to June 2014.

*Note: Expenditure figures provided are for the period 1st July to 30th June 2014 – 1007% of the period.***Comments****A. Current Expenditure Estimates (Operating Budget)****Strategic Theme – Growth**

- **Sub-Program – Business** - expenditure to date (\$79,219 – 119.58%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

Strategic Theme – Lifestyle

- **Sub-Program – Aged** – expenditure to date (\$2,408 – 160.50%). Expenditure includes annual costs associated with Seniors Week event. No further expenses to be incurred.

Strategic Theme – Community

- **Sub-Program – Consultation** - expenditure to date (\$14,774 –291.41%). Expenditure of \$8,270 relates to Aurora expenses associated with the operation of the Radio Station. Part-reimbursement from Management Committee.

Strategic Theme – Organisation

- **Strategic Theme – Improvement** – expenditure to date (\$22,241– 304.67%). This includes an amount of \$16,728 which relates to the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The \$16,728 is the total cost and is to be shared between the six (6) Councils with revenue coming back to Southern Midlands.
- **Sub-Program – Sustainability** - expenditure to date (\$2,023,007 – 105.04%). A review of actual expenditure indicates that the overspend is an accumulation of a number of activities that form part of the Sustainability Program. These will be monitored in the forthcoming financial year where necessary.
- **Sub-Program – Finances** – expenditure to date (\$225,021 – 100.79%). Expenditure includes annual costs related to the Fire Service Levy.

B. Capital Expenditure Estimates (Capital Budget)

Nil.

RECOMMENDATION

THAT the information be received.

C/14/07/104/19779 DECISION

Moved by Clr A O Green, seconded by Clr D F Fish

THAT the information be received.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	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 30TH JUNE 2014				
	Annual Budget	Year to Date as at 30TH JUNE	% To Date	Comments
Income				
General rates	\$ 4,192,243	\$ 4,225,981	100.8%	Budget includes Interest & Penalties to be imposed to end of June 2014
User Fees (refer Note 1)	\$ 699,354	\$ 708,953	101.4%	
Interest	\$ 260,000	\$ 243,996	93.8%	
Government Subsidies	\$ 31,700	\$ 15,750	49.7%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ -	\$ -	0.0%	
Other (refer Note 2)	\$ 235,188	\$ 292,428	124.3%	
Sub-Total	\$ 5,418,485	\$ 5,487,108	101.3%	
Grants - Operating	\$ 3,570,800	\$ 2,318,299	64.9%	FAGS Grant \$1,643K; \$651K - Biodiversity Grant \$5K Levendale School Grant; \$5K Campania Plan; \$14,291 School Holiday/Youth
Total Income	\$ 8,989,285	\$ 7,805,407	86.8%	
Expenses				
Employee benefits	\$ 3,703,066	\$ 3,246,728	87.7%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ 3,046,484	\$ 3,122,556	102.5%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ 2,496,000	\$ 2,496,000	100.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ 58,741	\$ 58,638	99.8%	
Contributions	\$ 169,088	\$ 169,088	100.0%	Fire Service Levies
Other	\$ 240,004	\$ 205,860	85.8%	
Total expenses	\$ 9,713,383	\$ 9,298,869	95.7%	
Surplus (deficit) from operations	-\$ 724,098	\$ 1,493,463	206.3%	
Grants - Capital (refer Note 3)	\$ 606,153	\$ 485,667	80.1%	
Donations	\$ 3,500	\$ 1,500	42.9%	
Sale Proceeds (Plant & Machinery)	\$ -	\$ 167,289	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ 160,000	\$ -	0.0%	Budget Amount - Sale of Lots - Kandara Court
Surplus / (Deficit)	\$ 45,555	\$ 839,007	-1841.7%	

NOTES

1. Income - User Fees (Budget \$728,389) includes:

- All other Programs	\$ 259,854	\$	420,651	161.9%
- Callington Mill	\$ 439,500	\$	288,301	65.6% Actual Income Received (i.e. excluding Debtors)
	\$ 699,354	\$	708,953	

2. Income - Other (Budget \$85,188) includes:

- Income (Private Works)	\$ 76,188	\$	97,028	127.4%
- Tas Water Distributions	\$ 155,000	\$	155,076	100.0%
- Public Open Space Contributions	\$ 4,000	\$	-	0.0%
- Other	\$ -	\$	40,324	0.0%
	\$ 235,188	\$	292,428	

3. Grant - Capital (Budget \$619,292) includes:

- Roads To Recovery Grant	\$ 445,213	\$	445,234	100.0% To be claimed in March 2014
- KABC - Solar Bins	\$ -	\$	8,364	
- Climate Change Grant	\$ -	\$	13,926	
- Otlands Court House	\$ -	\$	32	
- Grant RDA Round 5	\$ 151,629	\$	-	0.0%
- DEDTA Economic Development Plan	\$ -	\$	5,000	
- Station Park Kempton	\$ -	\$	688	
- Mens Shed	\$ -	\$	418	
- Healthy Communities Initiative	\$ -	\$	17,005	
- Community Centre (Interest Grant)	\$ 9,311	\$	-	0.0% To be claimed in June 2014
	\$ 606,153	\$	485,667	80.1%

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2013/14

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT JUNE 2014 100%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3484103	3484103	3384057	100046	97.13%
Bridges	428807	428807	405597	23210	94.59%
Walkways	175603	175603	168147	7456	95.75%
Lighting	89544	89544	66117	23427	73.84%
Irrigation	2450	2450	2303	147	94.01%
Drainage	81322	81322	75795	5527	93.20%
Waste	548480	548480	512273	36207	93.40%
Public Toilets	55726	55726	48955	6771	87.85%
Communications	0	0	636	-636	0.00%
Signage	12300	12300	10755	1545	87.44%
INFRASTRUCTURE TOTAL:	4878335	4878335	4674635	203700	95.82%
GROWTH					
Residential	2900	2900	0	2900	0.00%
Mill Operations	610120	610120	504823	105297	82.74%
Tourism	188853	188853	183053	5800	96.93%
Business	66250	66250	79219	-12969	119.58%
Agriculture	5370	5370	0	5370	0.00%
Integration	27600	27600	10249	17351	37.13%
GROWTH TOTAL:	901093	901093	777344	123749	86.27%
LANDSCAPES					
Heritage	291385	291385	262197	29188	89.98%
Natural	477908	477908	372748	105160	78.00%
Cultural	0	0	0	0	0.00%
Regulatory	789303	789303	795907	-6604	100.84%
Climate Change	40376	40376	10868	29508	26.92%
LANDSCAPES TOTAL:	1598972	1598972	1441721	157251	90.17%
LIFESTYLE					
Youth	160905	160905	108867	52038	67.66%
Aged	1500	1500	2408	-908	160.50%
Childcare	10000	10000	9750	250	97.50%
Volunteers	32000	32000	25061	6939	78.32%
Access	6405	6405	0	6405	0.00%
Public Health	7706	7706	5856	1850	75.99%
Recreation	402126	402126	396291	5835	98.55%
Animals	70029	70029	56828	13201	81.15%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	690671	690671	605060	85611	87.60%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	35025	35025	21345	13680	60.94%
Safety	56650	56650	44235	12415	78.08%
Consultation	5070	5070	14774	-9704	291.41%
Communication	15125	15125	5133	9992	33.94%
COMMUNITY TOTAL:	111870	111870	85487	26383	76.42%
ORGANISATION					
Improvement	7300	7300	22241	-14941	304.67%
Sustainability	1925878	1925878	2023007	-97129	105.04%
Finances	223263	223263	225021	-1758	100.79%
ORGANISATION TOTAL:	2156441	2156441	2270269	-113828	105.28%
TOTALS	10337382	10337382	9854516	482866	95.33%

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 JUNE 2014

INFRASTRUCTURE	ROAD ASSETS		BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	Resealing Program	Roads Resealing (40.00 kims x 5.5 x 150mm x \$20 m/s)	\$ 600,000	\$ 385,562	\$ 214,438	
		Lovely Banks Rd Rerouting 349		\$ 70,626		
		Harbicks Road		\$ 21,705		
		Dares Road		\$ 3,748		
		Lower Marshes		\$ 5,659		
		Tin Pot Marsh Road		\$ 4,462		
	Reseal Program	Roads Resealing (as per agreed program)	\$ 350,000	\$ -	\$ 350,000	
	Reconstruct & Seal	Bagdad				
		Nil				
		Colebrook				
		Eldon / Rhydaston Road (500 metres)	\$ 68,750	\$ 37,980	\$ 30,770	
		Dysart				
		Nil				
		Mangalore				
		Nil				
		Oatlands				
		Inglewood Road (1 km - Nala Rd to Viaduct)	\$ 137,500	\$ 95,189	\$ 42,311	
		Stonor Road (1km- From Midland Highway)	\$ 137,500	\$ 135,792	\$ 1,708	
		Whiteford / Woodsdale				
		Junction with Stonehenge Road (250 metres)	\$ 37,500	\$ 25,215	\$ 12,285	
		Woodsdale Road (Baden Straight - 200 metres)	\$ 30,000	\$ 21,394	\$ 8,616	
		Cliffonvale Road		\$ 2,432	\$ (2,432)	
		Woodsdale Road - Biden End Reconnect	\$ -	\$ 21,751	\$ (21,751)	
		Rhydaston Road	\$ -	\$ 19,842	\$ (19,842)	
		Williams Road - Option 1 (Junction to Bridge -250 metres)	\$ 39,375	\$ -	\$ 39,375	
	Construct & Seal (Unsealed Roads)	Williams Road - Option 1 (Junction to Bridge -250 metres)	\$ 39,375	\$ -	\$ 39,375	
		Church Road	\$ 7,000	\$ -	\$ 7,000	
		Church Road	\$ 10,000	\$ -	\$ 10,000	
		Hasting Street Junction	\$ 15,000	\$ -	\$ 15,000	
		Palham Road (end of Elderslie Rd)	\$ 10,000	\$ -	\$ 10,000	
		Rhydaston Road (vicinity of Bevers) - Stage 2	\$ 29,349	\$ 33,359	\$ (4,010)	
		Yarrington Road - Realignment	\$ 20,000	\$ 11,023	\$ 8,977	
		Church Road (Corner widening)	\$ 20,000	\$ -	\$ 20,000	
		Estate Road (Survey Investigation Only - \$5,000)	\$ 15,000	\$ -	\$ 15,000	
		Green Valley Road - Vicinity of Erosion Gully (Survey Investigation)	\$ 5,000	\$ -	\$ 5,000	
		Hall Lane, Bagdad - widening	\$ 15,000	\$ -	\$ 15,000	
		Chauncy Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000	
		Other:				
		Inglewood Road - Sight Improvements	\$ 8,000	\$ -	\$ 8,000	
		Bartonvale Road (900 dia pipes - vicinity of Pooley Property) - was \$27K	\$ 27,000	\$ -	\$ 27,000	
		Church Road (Intersection with Elderslie Road) - Survey & Acquisition	\$ 21,000	\$ 16,044	\$ 4,956	
		Intraken Road- Corner Realignment (Rockliff)	\$ 32,000	\$ 54,864	\$ (22,864)	
		Green Valley Road - Widening	\$ 83,000	\$ -	\$ 83,000	
		Campania - Reeve St / Clime Street	\$ 25,600	\$ 2,113	\$ 23,487	
		Campania - Reeve St / Hill Street	\$ 5,000	\$ -	\$ 5,000	
		Huntington Tier (Road to Tip - Guard Rail)	\$ 8,000	\$ -	\$ 8,000	
		Woodsdale Road - Landslip Area (vicinity Scotts Quarry)	\$ 15,000	\$ -	\$ 15,000	
		Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700	
			\$ 1,801,274	\$ 966,760	\$ 834,514	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 JUNE 2014

	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
BRIDGE ASSETS				
C1030003	\$ 557,000	\$ 117,002	\$ 439,998	Brown Mountain Road (Coal River B637)
C1030013	\$ -	\$ 2,750	\$ (2,750)	Shene Road (B4636)
C1030023	\$ 678,000	\$ 3,225	\$ 674,775	Swanston Road - Little Swarport Rv (B 1716)
C1030028	\$ 57,000	\$ 11,078	\$ 45,922	Rotherwood Road Bridge (No. 1137)
C1030030	\$ -	\$ 648	\$ (648)	Jones Rd (B5083)
C1030041	\$ 142,600	\$ 79,200	\$ 63,400	Shene Road (Birmalee Creek B5175)
C1030043	\$ 166,000	\$ 62,692	\$ 103,308	Lyllis Road - Burns Creek (Total Replace B365)
C1030044	\$ 817,000	\$ 1,304	\$ 803,696	Grahams Creek Road (Grahams Creek B2510) Elderslie Road
C1030045	\$ 25,440	\$ -	\$ 26,440	Daniels Road - Marshalls Crk
	\$ -	\$ 1,469	\$ (1,469)	Fields Road Bridge (B1851)
	\$ 1,151,740	\$ 279,369	\$ 888,373	
WALKWAYS				
	\$ 18,674	\$ -	\$ 18,674	Footpaths - General (Program to be confirmed)
				Part Budget reallocated to Grange Rd
				Campania Township
				- Reeve Street (Vicinity of Store)
				- Reeve Street (500 metres)
				- Review Management Plan (Slits Plan) / Walking Tracks (Bush Reserve)
				Mangalore Township
				- Black Brush
				Collebrook Township
				- East Bagdad Road (Le Compte to Highway)
				Oatlands Township
				- Kerb & Gutter / Footpath improvements
				- High Street (Keans / School area)
				Kempson Township
				- Grange Road Kerb & Gutter
				Turnuck Township
				- Various (to be confirmed)
	\$ 225,000	\$ 96,286	\$ 128,715	
	\$ -	\$ -	\$ -	Nil Projects
	\$ -	\$ -	\$ -	
LIGHTING				
				Bagdad
				- Swan Street - Kerb & Gutter (eastern side - 250 metres)
				- Swan Street - Kerb & Gutter (western side - 360 metres)
				- Swan Street - Kerb & Gutter (western side - 160 metres)
				- North of Le Compte Place Subdivision
				- Highland Crescent
				Collebrook
				- Collebrook Main Rd / Yarrington Rd (Junction to Rail)
				- Franklin Street - Kerb & Gutter
				- Macdonochie Street - Kerb & Gutter
				Kempson
				- Nil
				Oatlands
				- High SWWellington Street Junction
				- Stanley Street / Lake Duverton - Extension
				- Wellington Street (150 metres - kerb replacement)
				Turnbridge
				- Main Road (Vicinity of Community Club)
				- Main Road (Junction with Allison Street)
	\$ 21,882	\$ 77,177	\$ (55,295)	Includes construction of Bus Stop Area
	\$ 75,000	\$ 4,527	\$ 70,473	
	\$ 145,000	\$ 2,687	\$ 142,313	
	\$ 10,000	\$ -	\$ 10,000	
	\$ -	\$ 169	\$ (169)	
	\$ 12,000	\$ 1,007	\$ 10,994	
	\$ -	\$ 4,948	\$ (4,948)	
	\$ -	\$ 5,474	\$ (5,474)	
	\$ -	\$ -	\$ -	
	\$ 5,000	\$ -	\$ 5,000	
	\$ 13,000	\$ -	\$ 13,000	
	\$ 12,000	\$ 57	\$ 11,943	
	\$ 20,000	\$ 5,246	\$ 14,754	
	\$ 6,000	\$ 3,727	\$ 2,273	
	\$ 319,882	\$ 105,018	\$ 225,286	
DRAINAGE				

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 JUNE 2014

		BUDGET	EXPENDITURE	VARIANCE	COMMENTS
WASTE	C110001	\$ 5,000	\$ 10,629	\$ (5,629)	
	C110002	\$ 10,000	\$ -	\$ 10,000	
		\$ 15,000	\$ 10,629	\$ 4,171	
PUBLIC TOILETS	C1110001	\$ 5,000	\$ -	\$ 5,000	
		\$ 5,000	\$ -	\$ 5,000	
SIGNAGE	C113001	\$ 10,000	\$ 8,522	\$ 1,478	
		\$ 10,000	\$ 8,522	\$ 1,478	
RESIDENTIAL		\$ -	\$ -	\$ -	
		\$ -	\$ -	\$ -	
GROWTH		\$ -	\$ -	\$ -	
TOURISM GROWTH		\$ -	\$ -	\$ -	
		\$ -	\$ 15,707	\$ (15,707)	
		\$ -	\$ 15,707	\$ (15,707)	
HERITAGE	C3010002	\$ 7,500	\$ -	\$ 7,500	Grant Funded
	C3010003	\$ 20,000	\$ 5,120	\$ 14,880	
	C3010004	\$ 59,900	\$ 59,232	\$ 668	\$35,900 TCF Grant, \$23K Council
		\$ 4,000	\$ -	\$ 4,000	
		\$ -	\$ 16,736	\$ (16,736)	
		\$ 96,000	\$ 89,534	\$ 6,466	
		\$ 67,500	\$ 3,423	\$ 64,077	Loan Funded
		\$ 7,500	\$ 96	\$ 7,404	
		\$ -	\$ 125,054	\$ (125,054)	
		\$ -	\$ -	\$ -	
		\$ 233,900	\$ 288,195	\$ (59,175)	
LANDSCAPES					
NATURAL	C3020004	\$ 5,240	\$ 4,680	\$ 560	
		\$ 2,100	\$ -	\$ 2,100	
		\$ -	\$ 1,852	\$ (1,852)	
		\$ 7,340	\$ 6,532	\$ 808	
REGULATORY	C3040001	\$ 20,000	\$ 11,046	\$ 8,954	
		\$ 3,500	\$ 655	\$ 2,845	
		\$ 5,000	\$ -	\$ 5,000	
		\$ 2,500	\$ -	\$ 2,500	
		\$ 31,000	\$ 11,701	\$ 19,299	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 JUNE 2014

		BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	CLIMATE CHANGE	\$ -	\$ 4,513	\$ (4,513)	Grant Funded - CEEP
G3050002	Window Inserts, Repairs (CEEP)	\$ -	\$ 24,642	\$ (24,642)	Grant Funded - CEEP
G3050003	Supply and Installation 2 Heat Pumps HW	\$ -	\$ 28,155	\$ (28,155)	
	LIFESTYLE	\$ -	\$ -	\$ -	
	SENIORS	\$ -	\$ 10,113	\$ (10,113)	Grant Funded - Health Communities Program
G4020002	Medicine Balls, Various Weights	\$ -	\$ -	\$ -	
	RECREATION	\$ 2,600	\$ -	\$ 2,600	
C4070001	Paratran Recreation Ground	\$ -	\$ 34,800	\$ (34,800)	
C4070003	Campania Recreation Ground	\$ 7,500	\$ 3,744	\$ 3,756	TBC
C4070004	Playground Equipment	\$ 30,000	\$ 15,055	\$ 14,945	TBC
C4070005	Recreation Committee	\$ -	\$ 8,482	\$ (8,482)	TBC
C4070006	Midlands Aquatic & Recreation Centre	\$ -	\$ 2,835	\$ (2,835)	
C4070008	Campania Hall	\$ 16,367	\$ 18,828	\$ (2,461)	
C4070016	Colebrook Recreation Ground (Amenities)	\$ 10,000	\$ -	\$ 10,000	
C4070017	Kempston Memorial Hall	\$ 2,500	\$ 2,560	\$ (60)	
C4070020	Colebrook Online Access Centre (Repainting)	\$ 5,000	\$ 2,006	\$ 2,994	
C4070021	Oatlands - BMX Track	\$ 25,000	\$ -	\$ -	
C4070022	Playspace Strategy - Alexander Circle & Lyndon Road	\$ -	\$ 295	\$ (295)	
C4070023	Campania Recreation Ground (Amenities)	\$ -	\$ 9,812	\$ (9,812)	
C4070024	Lyndon Road Barbecue Shelter	\$ -	\$ 420	\$ (420)	
C4070028	Turnbridge Park - BBQ Shelter	\$ -	\$ 4,438	\$ (4,438)	
G4070016	Convict Watchhouse Restoration	\$ -	\$ 224	\$ (224)	
G4070020	Campania Cricket Nets	\$ 96,367	\$ 113,611	\$ (17,244)	
	COMMUNITY	\$ 3,000	\$ 685	\$ 2,315	
C5030001	Road Accident Rescue Unit	\$ 3,000	\$ 685	\$ 2,315	
	ORGANISATION	\$ 7,500	\$ -	\$ 7,500	
C6020007	Council Chambers - Building Improvements (\$ for \$)	\$ 7,400	\$ -	\$ 7,400	
C6020007	Council Chambers - Concrete Paths (Forecourt)	\$ 3,500	\$ -	\$ 3,500	
C6020007	Photo Reframing	\$ 15,000	\$ 11,081	\$ 3,919	
C6020007	Council Chambers - Damp Issues & Stonemasonry (C4070011)	\$ 10,000	\$ 20,280	\$ (10,280)	
C6020007	Council Chambers (External Windows - Repair)	\$ 23,000	\$ 18,552	\$ 4,448	
C6020007	Computer System (Hardware / Software)	\$ 5,000	\$ -	\$ 5,000	
C6020007	Town Hall (Chairs)	\$ 8,286	\$ 6,334	\$ 1,952	
C6020007	Town Hall (General) - Incls. Office Equip/Furniture	\$ 5,000	\$ -	\$ 5,000	
C6020008	Town Hall (Upstairs) - Rewiring	\$ 2,000	\$ 2,969	\$ (969)	
	WORKS	\$ 6,000	\$ 11,354	\$ (5,354)	
C9960002	Minor Plant Purchases	\$ 662,536	\$ 519,625	\$ 142,911	
	SUSTAINABILITY	\$ 144,000	\$ 149,177	\$ (5,177)	
C9960002	Plant Replacement Program	\$ -	\$ -	\$ -	
	ADMINISTRATION	\$ 60,000	\$ 70,394	\$ (10,394)	
C9960002	Refer separate Schedule (Net Changeover)	\$ 7,000	\$ -	\$ 7,000	
		\$ 7,000	\$ -	\$ 7,000	
		\$ 35,000	\$ -	\$ 35,000	
	WORKS	\$ 1,009,222	\$ 809,765	\$ 199,457	
	GRAND TOTALS	\$ 4,908,725	\$ 2,764,136	\$ 2,144,589	

19. INFORMATION BULLETINS

Refer enclosed Bulletin dated 16th July 2014.

Information Bulletin dated 4th July 2014 circulated since previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 4th July 2014 and 16th July 2014 be received and the contents noted.

C/14/07/112/19780 DECISION

Moved by Clr A O Green, seconded by Clr J L Jones OAM

THAT the Information Bulletins dated 4th July 2014 and 16th July 2014 be received and the contents noted.

CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	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.

21.1 LEVENDALE PRIMARY SCHOOL - UPDATE

The General Manager confirmed that correspondence has been sent through to the Education Department / Crown confirming Council's decision taken at the previous meeting.

In addition, Clr A O Green informed the meeting that representatives of the Edmund Rice Foundation will be visiting the School to determine whether it may be suitable for that organisation to conduct camps etc. This would ensure a sustainable use for the property.

The Levendale Cricket Club has also shown interest in relocating which would require modifications to the oval. An onsite meeting to be arranged following confirmation of the transfer of ownership.

DECISION

RESOLVED THAT the information be received.

21.2 TRAFFIC ACT 1925 - DELEGATION

Background:

The following is an extract of Section 43 of the *Traffic Act 1925*:

“43. Removal of things obstructing public streets

(1) In this section –

article includes rubbish and goods, but does not include a vehicle;

authorised person means –

(a) in the case of a public street anywhere in the State, a police officer; or

(b) in the case of a public street in a municipal area, a person who is an employee or agent of the responsible council and has the approval of that council to exercise power under this section within that area;

relevant authority means –

(a) in relation to an authorised person who is a police officer, the Commissioner of Police; or

(b) in relation to an authorised person who is an employee or agent of a council, that council.

(2) If an article is placed or left in a public street to the obstruction, annoyance or danger of road users, nearby residents or other persons, an authorised person may –

- (a) remove the article or cause it to be removed; and*
- (b) take the article, or cause it to be taken, to a place of safety; and*
- (c) detain the article, or cause it to be detained, until the expenses of removing, taking and detaining it are paid to the relevant authority.*

(3) The relevant authority must, as soon as practicable after the removal, take reasonable steps to inform the article's owner of the action taken and the terms of this section.

(4) If –

(a) reasonable steps to inform the owner within 30 days after the date of removal prove unsuccessful; or

(b) the owner is informed of the removal within those 30 days but does not pay the required expenses within 14 days after the date of being so informed – the relevant authority may cause the article to be disposed of in such manner as the authority sees fit and use the proceeds, if any, to defray those expenses.

(5) If the proceeds of disposal exceed the amount of the expenses, the relevant authority must hold those balance proceeds for a period of 3 months from the date of disposal and, if not claimed by the owner during that period –

(a) pay the balance into the Consolidated Fund if the relevant authority is the Commissioner of Police; or

(b) dispose of the balance as the relevant authority sees fit if it is a council.

Discussion:

To enable appropriate action to be taken, as and when required, approval is sought from Council to exercise the necessary powers in accordance with this Section of the *Traffic Act 1925*.

C/14/07/114/19781 DECISION

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

THAT the General Manager and the Manager - Development and Environmental Services, or persons acting in those positions, be given authority to exercise the necessary powers in accordance with Section 43 of the *Traffic Act 1925*.

CARRIED

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

RECOMMENDATION

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

C/14/07/115/19782 DECISION

Moved by Clr D F Fish, seconded by Clr J L 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	
√	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**

RECOMMENDATION

THAT Council move out of “Closed Session”.

C/14/07/127/19786 DECISION

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

THAT Council move out of “Closed Session”.

CARRIED

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

RECOMMENDATION

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

C/14/07/127/19787 DECISION

Moved by Clr J L Jones OAM, seconded by Clr A O Green

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

CARRIED

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

23. CLOSURE 2.52 P.M.