

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL
HELD ON TUESDAY 21ST JULY 2015 AT THE MUNICIPAL OFFICES, 71 HIGH
STREET, OATLANDS COMMENCING AT 10:05 A.M.**

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ENCLOSED

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

12.4.3 Reforming Tasmania’s Planning System – Position Paper for Consultation to Accompany the Draft Exposure Bill, Department of Justice.

Planning Reforms Factsheets No.s 1, 2, 3 & 4. Department of Justice

Tasmanian Planning Reform Taskforce – Briefing One.

13.2.2 Swanston Bridge Replacement Community Consultation Responses.
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**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL
HELD ON TUESDAY 21ST JULY 2015 AT THE MUNICIPAL OFFICES, 71 HIGH
STREET, OATLANDS COMMENCING AT 10:05 A.M.**

OPEN COUNCIL MINUTES

1. PRAYERS

Reverend Dennis Cousens conducted Prayers.

2. ATTENDANCE

Mayor A E Bisdee OAM, Deputy Mayor A O Green, Clr A R Bantick, Clr E Batt, Clr B Campbell, Clr D F Fish and Clr D Marshall.

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

3. APOLOGIES

Nil.

4. APPLICATION FOR LEAVE OF ABSENCE

Nil.

5. MINUTES

5.1 ORDINARY COUNCIL MINUTES

The Minutes of the previous meeting of Council held on the 24th June 2015, as circulated, are submitted for confirmation.

C/15/07/005/20086 DECISION

Moved by Clr D Marshall, seconded by Clr B Campbell

THAT the minutes of the previous meeting of Council held on the 24th June 2015, as circulated, be confirmed, subject to the following amendment:

Item 18.3.5 2015/16 Loan Borrowing

– **include reference to the interest rate being locked in for 10 years**

Amended Decision as follows:

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

THAT Council approve the borrowing of \$250,000 from the Tasmanian Public Finance Corporation. Repayments to be based on a twenty year term at the rate of 3.96% (interest rate to be reviewed after 10 years i.e. July 2025).

CARRIED.

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

5.3 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 13th July 2015**

RECOMMENDATION

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

C/15/07/006/20087 DECISION

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

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

CARRIED

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

5.3.2 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 13th July 2015**

RECOMMENDATION

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

C/15/07/007/20088 DECISION

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

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

CARRIED

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

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

5.4.1 Joint Authorities - Receipt of Minutes

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

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

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

RECOMMENDATION

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

DECISION NOT REQUIRED

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

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

36A. Annual reports of authorities

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

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

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

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

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

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

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

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

36B. Quarterly reports of authorities

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

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

(a) a statement of its general performance; and

(b) a statement of its financial performance.

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

- **Southern Tasmanian Councils Authority** – Nil
- **Southern Waste Strategy Authority** – Quarterly Report March 2015

RECOMMENDATION

THAT the report from the Joint Authority be received.

C/15/07/010/20089 DECISION

Moved by Deputy Mayor A O Green, 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	
√	Dep. Mayor A O Green	
√	Clr A R Bantick	
√	Clr E Batt	
√	Clr B Campbell	
√	Clr D F Fish	
√	Clr D Marshall	

6. NOTIFICATION OF COUNCIL WORKSHOPS

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

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

RECOMMENDATION

THAT the information be received.

C/15/07/011/20090 DECISION

Moved by Clr B Campbell, seconded by Clr E Batt

THAT the information be received.

CARRIED

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

The Manager – Development & Environmental Services (D Mackey) attended the meeting at 10.36 a.m.

7. QUESTIONS WITHOUT NOTICE

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

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

- 1.** Cllr Campbell – Feral cats - State Government has the *Cat Management Act 2009* (and associated Regulations) but Council has previously adopted a policy decision of not being actively involved in the management / control of feral cats.
- 2.** Stanley Street (Open roadside Drain) – vicinity of property owned by C Bennett

Cost estimate to be prepared for consideration by Council, noting the budget implications and the possible need to re-prioritise other works.
- 3.** Buddhist Cultural Park – the proponents have engaged a consultant(s) to prepare necessary documentation for rezoning / planning approvals. Issue of rating exemption (based on the provisions of the *Local Government Act 1993*) to be assessed.

8. DECLARATIONS OF PECUNIARY INTEREST

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

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

Nil.

9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

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:-

- Native Corners Road Campania – Illegal Tyre Dump (Item)
- Planning Scheme - Delegation Minor Amendments – subsequently withdrawn
- Volunteer Ambulance Officers – Paramedic services (Item)

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/15/07/014/20091 DECISION

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

THAT the Council resolve by absolute majority to deal with the above listed 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*.

CARRIED.

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

10. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)

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

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

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

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

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

No members of the public attended the meeting.

10.1 PERMISSION TO ADDRESS COUNCIL

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

- 12.00 noon Mr Graeme Lynch (Chief Executive Officer) and Mr Rob Nolan (Senior Policy Advisor – Planning) from the Heart Foundation Tasmania have requested permission to address Council.

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 Request for a Minor Amendment to a Planning Permit for a Level 1 Quarry at 1356 Tea Tree Road for Dr R Barnes obo C & S Williams

File Reference: **2941285 – DA 2014/64**

AUTHOR: MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (D MACKEY)

DATE: 15TH JULY 2015

ATTACHMENTS:

- 1. Planning Permit No. DA 2014/64, dated 22 July 2014.**
- 2. Request for 'Minor Amendment, dated 25 June 2015.**

BACKGROUND

In July 2014 Council approved an application for a Level 1 Quarry at 1356 Tea Tree Road. Council has now received an application for a minor amendment to the planning permit.

The amendment relates to conditions on the permit pertaining to the access onto Tea Tree Road. This is a State Government road and the original application was referred to the State Road Authority, the Department of State Growth, for advice.

The Department requested that Council apply conditions to the permit requiring that:

- The pavement of the access and Tea Tree Road be upgraded at the access point to the property, (refer **condition 5** on the permit, attached), and
- The access and roadworks be completed prior to the cartage of material from the quarry, (refer **condition 7** of the permit, attached).

The details of the required seal upgrade works were included under '*Advice to Accompany this Permit*', in the '*Access Works and Road Works Advice*' section, on the attached permit.

Essentially, the conditions required a 7 mm chip seal locking cover is required on a 20 metre section of the Tea Tree Road pavement and the access drive from the road pavement to the property boundary is to be sealed. Furthermore, these works were to be completed to the Department's satisfaction prior to the cartage of material from the quarry. It is this last aspect that the quarry owner wishes to change.

THE MINOR AMENDMENT APPLICATION

On 25 June 2015 Council received the attached request for a ‘minor amendment’ to the planning permit, asking for changes to the conditions relating to the upgrading works at the Tea Tree Road access.

Essentially, it is requested that cartage of material from the quarry be allowed before the access and road upgrading works are completed, and that the upgrading works be required to be completed by 3 December 2015 instead.

The reasons for the request are that, since the issue of the original permit in July 2014, the owners have not been able to arrange for the appropriate contractors to undertake the sealing works.

It is noted that in early June 2015, officers from Council and the Department of State Growth had already acceded to a request from the quarry owners to tolerate a one-off truck movement.

STATUTORY PROVISIONS

Under Section 56 (1) of the *Land Use Planning & Approvals Act 1993*, a request for a ‘minor amendment’ to a planning permit may be submitted to Planning Authority.

Under Section 56 (2), the Planning Authority may grant the request if it is satisfied that the amendment:

- (aa) is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
- (a) does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
- (b) will not cause an increase in detriment to any person; and*
- (c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.*

The decision to issue the original planning permit was not appealed, and therefore subsections (aa) and (a), above, are not relevant.

Council, acting as the Planning Authority, must therefore determine whether the proposed amendment:

- will not cause an increase in detriment to any person; and*
- does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.*

If the Planning Authority agrees to issue a minor amendment to the permit, Council must notify:

- the person who made the request / owner of the land,
- the owner or occupier of any property which adjoins the land; and
- any person who lodged a representation in relation to the original application for the permit.

Under Section 61 (3A) of the Act, such persons may lodge an appeal at the Planning Appeal Tribunal against the decision of the Planning Authority within 14 days.

POSITION OF THE ROAD AUTHORITY

The proposed amendment pertains specifically to the requirements of the State Road Authority, the Department of State Growth. The applicants liaised with the Department prior to lodging the amendment request with Council. On 24 June Council received the following advice from the Department:

Please be advised that the Department has agreed to provide applicant Craig Williams with an extension of time until 3 December 2015 for undertaking a 'locking seal'.

Any permit condition that includes this requirement will need to be amended by Council under Section 56 under the Land Use Planning and Approvals Act 1993.

Can you please confirm that Mr Williams as owner of the land or any person with consent of the owner, needs to make an application to Council to amend the permit? I have cc'd Mr Williams into this email so if you could reply to him with any advice regarding required process, it would be greatly appreciated.

Following queries from Council officers, the Department provide the following further clarification on 26 June 2015:

I can confirm that the Department of State Growth supports a minor amendment to Mr Williams Quarry planning permit to allow cartage from his Quarry to commence immediately, on the understanding that the locking seal requirement as per the original condition occur before 3 December 2015. Continuation of cartage from Mr Williams Quarry may only occur after 3 December 2015 if the locking seal is completed and certified by State Growth.

The Department don't require a bond or guarantee placed on the condition.

Planning condition "cartage of material may occur prior to the sealing upgrade until 3 December 2015. No cartage is to take place following that date until and unless the seal upgrade is completed." Seems acceptable to the Department.

To assist Council in their deliberations of this minor amendment. The Department considers the State Road Infrastructure will not be adversely affected by short term

cartage occurring without the sealing works. However, cartage beyond 3 December 2015 without the sealing works would lead to detriment to the State Road Infrastructure.

I trust this information is of assistance to Council in preparation of the minor amendment.

In summary, the Department of State Growth is in agreement with the proposed minor amendment.

ASSESSMENT

Council, acting as the Planning Authority, must determine whether the proposed minor amendment:

will not cause an increase in detriment to any person; and

does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.

In terms of the first point, it is considered that the only ‘person’ who might suffer detriment is the road authority – the Department of State Growth – through the potential need to repair and strengthening the pavement of Tea Tree Road to cater for heavy truck turning movements.

However, the Department has indicated its agreement with the proposed alterations and advised it considers that there will be no detriment to the road pavement in the short term – up until 3 December.

Furthermore, the Department is responsible for the safety of road users on State roads and has not raised any concerns in this regard. Council can therefore assume that the delay in sealing the access will have no negative impact on road safety.

It is therefore considered that the proposed amendment would not cause an increase in detriment to any person.

Given that the amendment relates only to a change in the respective timing between the start of cartage operations and the seal up-grade, it is also considered that it would not fundamentally change the use or development for which the permit was issued. Hence, it is considered that the proposed change meets the second point that the Planning Authority must consider.

CONCLUSION

It is concluded that Council, acting as the Planning Authority, should approve the minor amendment, (modified as set out below).

RECOMMENDATION

It is recommended that the permit No. DA 2014/64 for a Level 1 quarry at 1356 Tea Tree Road, Rekuna, be amended as follows:

- (a) **No change to Condition No.5.**

Explanation: This condition provides that the road at the access point is to be upgraded. It does not deal with timing.

- (b) **Amend Condition No. 7 as follows:**

7. Cartage of material may occur prior to the completion of the access and road works, until 3 December 2015. No cartage is to take place following that date until and unless these works are satisfactory completed. The access and road works must be completed to the satisfaction of the Department of State Growth in accordance with a works permit issued by the Department prior to commencement of the works. The developer must notify the Council upon the satisfactory completion of the works.

C/15/07/021/20092 DECISION

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

THAT the permit No. DA 2014/64 for a Level 1 quarry at 1356 Tea Tree Road, Rekuna, be amended as follows:

- (a) **No change to Condition No.5.**

Explanation: This condition provides that the road at the access point is to be upgraded. It does not deal with timing.

- (b) **Amend Condition No. 7 as follows:**

7. Cartage of material may occur prior to the completion of the access and road works, until 3 December 2015. No cartage is to take place following that date until and unless these works are satisfactory completed. The access and road works must be completed to the satisfaction of the Department of State Growth in accordance with a works permit issued by the Department prior to commencement of the works. The developer must notify the Council upon the satisfactory completion of the works.

CARRIED

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



Tuesday, 22 July 2014

Our ref: T2941285

C A & S M Williams
1356 Tea Tree Road
TEA TREE, TAS 7017

Dear Mr Williams

**DEVELOPMENT APPLICATION –DA 2014/64
'Level 1 Gravel Quarry' defined as an Industry (Extractive)
1356 Tea Tree Road Rekuna**

The above Application has been assessed and approval granted in accordance with the attached Planning Permit.

The Permit relates to the development and use of the land irrespective of the applicant or subsequent occupants and whoever acts on it shall comply with all conditions attached thereto.

As stated in the 'Advice to accompany this permit' section, of the enclosed Planning Permit, Council re-iterate that the '300m buffer' depicted and described in the *Environmental Effects Report* prepared by Van Diemen Consulting is not formalised by Council. The Development Application has justified the ability to vary any separation distances between current or future land use/development through appropriate environmental and operational practices.

Please be advised that, if you consider any of the conditions of approval unreasonable, you have the right to lodge an appeal with the Resource Management and Planning Appeal Tribunal. The Appeal Tribunal is located at 144-148 Macquarie Street, Hobart, telephone (03) 6165 6794. Any appeal must be lodged within fourteen days of this notice.

Should you wish to discuss the above further please contact me on 6259 3011.

Yours faithfully

A handwritten signature in blue ink, appearing to read "David Cundall", is written over the typed name.

David Cundall
Planning Officer
Obo Southern Midlands Council

Enc. Planning Permit DA 2014/64



Our Ref: T2941285

**PLANNING PERMIT N° DA 2014/64
'Level 1 Gravel Quarry' defined as an Industry (Extractive)
1356 Tea Tree Road Rekuna**

Council has issued this Permit, subject to the conditions set out below, for the development and use of a 'Level 1 Gravel Quarry' defined as an Industry (Extractive) at the land situated at 1356 Tea Tree Road and described on Certificate of Title 155147/1 and submitted by C A & S M Williams.

This Permit will lapse after a period of two (2) years from the date on which it was granted if the use or development in respect of which it was granted has not substantially commenced within that period.

CONDITIONS

1. The use or development must be carried out substantially in accordance with the application for planning approval, the *Quarry Code of Practice (1999)*, 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*.

Landscaping

3. The landscape planting across the eastern boundary of the site depicted in 'Figure 2: Quarry Layout' of the *Weed Management Plan* prepared by Van Diemen Consulting shall be completed within 6 months of the granting of a Mining Lease. Landscaping shall be to the satisfaction of the Manager of Development and Environmental Services.
4. The landscape planting, depicted in 'Figure 2: Quarry Layout' of the *Weed Management Plan*, shall be in accordance with a landscaping plan and species list submitted to Council prior to the plantings commencing. The plan shall be to the satisfaction of the Manager of Development and Environmental Services.

Address all correspondence to: The General Manager, PO Box 21, Oatlands, Tasmania 7120
Oatlands Office: 71 High Street, Oatlands Phone (03) 6254 5000 Fax (03) 6254 5014
Kempton Office: 85 Main Street, Kempton Phone (03) 6259 3011 Fax (03) 6259 1327
Email Address: mail@southernmidlands.tas.gov.au Web: www.southernmidlands.tas.gov.au
ABN 68 653 459 589

Access to State Roads

5. 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 Stategrowth (see the 'Advice to accompany this permit' below the conditions).
6. 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
7. The access works and road works, required by a permit issued by the Department of Stategrowth, 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

8. 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.

Blasting, crushing or screening

- c) Blasting, Crushing or Screening of quarried material will require further approvals by Council.

Access Works and Road Works Advice

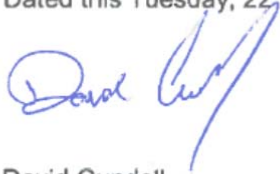
- d) The Department of Stategrowth provided the following advice regarding the likely conditions and construction standards for road and access works that would likely be included in a Permit issued by the Department:

- 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 in 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).

Dated this Tuesday, 22 July 2014



David Cundall
Planning Officer
Obo Southern Midlands Council

**REQUEST FOR A
MINOR AMENDMENT OF PLANNING PERMIT**

Pursuant to Section 56 of the *Land Use Planning and Approvals Act, 1993*, I (as the owner of the land or a person acting with the owner's consent) would like to amend the planning permit detailed below.

Application Address: 1356 Tea Tree Road, Rekuna TAS

Original Permit Number: DA2014/64

Was this Permit subject to a matter of Appeal heard by the Resource Management and Appeal Tribunal?

Yes

No X

Applicant's Name: Dr Richard Barnes

Applicant's Address: 32 Banticks Road, Mangalore

BH-0438 588 695 rwbarnes73@gmail.com

Applicant's Signature



DESCRIPTION OF PROPOSED AMENDMENT

To modify Condition 5 to be –

'Gravel cartage can occur from the existing access (1356 Tea Tree Road). The access and roadway 10m each side of the centre of the existing access onto Tea Tree Road must be upgraded by 3 December 2015 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)'

To modify Condition 7 to be –

'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. It is the responsibility of the developer to notify the Council upon the satisfactory completion of the works.'

- to reflect the advice received by Council from the Department of State Growth.

IF THE APPLICANT IS NOT THE OWNER

If the applicant is not the owner of the land, the applicant must include a declaration that he/she has obtained the owner's consent.

I hereby declare that I am the applicant for the minor amendment of a permit at the address detailed above, and that I have obtained the owner's consent to this application being made, in accordance with Section 56 of the *Land Use Planning and Approvals Act 1993*.

Signature of applicant

Name (please print)

Date



Richard Wayne Barnes

25 June 2015

Name/s of owner/s -

Craig and Sally Williams

NB. Please attach further details of proposed amendment (ie. plans/letter) if necessary.

DEFINITION OF OWNER
(SECTION 3 LUPAA)

“owner” means any one or more of the following:

- a in the case of a fee simple estate in land – the person in whom that estate is vested;
 - b in the case of land not registered under the Land Titles Act 1980 and subject to a mortgage – the person having, for the time being, the equity of redemption in that mortgage;
 - c in the case of land held under a tenancy for life – the person who is the life tenant;
 - d in the case of land held under a lease of a term not less than 99 years or for a term of not less than such other prescribed period – the person who is the lessee of the land;
 - e in the case of land held in respect of which a person has a prescribed interest – that person;
 - f in the case of Crown land within the meaning of the Crown Lands Act 1976, the Crown in right of the State of Tasmania.
-

12.2 SUBDIVISIONS

Nil.

12.3 MUNICIPAL SEAL (PLANNING AUTHORITY)

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

Nil.

12.4 PLANNING (OTHER)**12.4.1 Progression of the Draft Southern Midlands Interim Planning Scheme***File Ref:* 9/084**AUTHOR** MANAGER STRATEGIC PROJECTS (D MACKEY)
DATE 15TH JULY 2015**ISSUE**

Information Item: Progression of the Draft Southern Midlands Interim Planning Scheme to declared ‘Interim Planning Scheme’ status.

UPDATE

In early 2014 Council submitted its Draft Interim Planning Scheme 2014 to the Minister for Planning requesting that it be declared an Interim Planning Scheme, alongside the eleven other Southern Tasmanian Councils.

On 30 March 2015 the Minister issued a formal Directions Notice requesting that Council make certain changes to the draft scheme before it is declared. Council agreed to the requested changes at its April 2015 meeting. The changes related to both the ordinance and the maps. The amendments were completed by Council officers in June 2015 and the Minister was advised accordingly.

Informal advice has been received from the Tasmanian Planning Commission that it is intended that the Southern Midlands Scheme be declared in early August, as part of a group of five southern schemes.

RECOMMENDATION**THAT the information be received.****C/15/07/029/20093 DECISION**

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

THAT the information be received.

CARRIED

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

12.4.2 Consideration of Complaint: Notice of Suspected Contravention of the Planning Scheme Pursuant to Section 63B of the Land Use Planning & Approvals Act 1993: 60 Banticks Road, Mangalore.

File Reference: 2831318

AUTHOR: MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (D MACKEY)

DATE: 15TH JULY 2015

ATTACHMENTS:

1. Notice of Complaint
2. Evidence Provided by Complainant
3. Submission from Landowners, Received 6 March 2015
4. Submission from Landowners, Received 13 July 2015

NOTE

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

BACKGROUND

Council has received a formal notice of complaint against JC and TC Beamish at 60 Banticks Road, Mangalore from a person who lives in the local area.

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

Prior to lodging the formal notice on 1 April 2015 the complainant lodged an informal complaint. This was investigated by Council officers and found to be unsubstantiated. In March 2015 the complainant was advised accordingly:

Further to your complaint regarding the use of land at 60 Banticks Road I advise that we have further investigated the matter. The owners of the land, Mr and Mrs Beamish, have explained that the use of the machinery for works other than their own farming (such as those described in the advertisement you sent us) is a minor part of their usage. As explained below, Council does not intend to require the owners to lodge a discretionary planning permit application. Council officers accept that many farmers use machinery for farming purposes and may also hire this machinery to others on occasion. I provide you with the following information about the use of your neighbours' property:

- *The machinery in question is used predominantly for agricultural activity on the owners' property and other properties in the area that they run.*
- *The machinery is hired out on occasion to others, but this is an ancillary use of the equipment.*
- *The machinery is sometimes garaged at 60 Banticks Road, but sometimes stored on the other properties the owners run.*
- *When hired out, it might be taken to the job from any of these properties and returned to any of the properties.*

- *At 60 Banticks Road there is nothing to indicate to the public that a hire business operates from there. There is no signage or commercial office. No clients attend the property. All engagement with customers is via phone or email, or in person on site (of the job).*
- *The business is not advertised as being at 60 Banticks Road. In fact no address is publicly advertised. (The google map yellow pages link does generate an approximate location.*
- *All work (except for office work) occurs off-site at the location of the jobs.*
- *The operation of the truck or excavator at 60 Banticks Road is for the owners' own personal / farm use.*
- *The machinery does not create any more emissions than would normally occur on a farm.*
- *There is no servicing of the machinery at 60 Banticks Road.*

Therefore the use and storage of machinery at 60 Banticks road is predominately for the agricultural activities of the owners. We note many farms store this type of machinery and use it on their own land or occasionally on other farming properties. This is considered ordinary day to day land usage in the farming sector.

For many farmers the occasional hiring of such equipment is indeed integral to owning such equipment – given the significant capital therein tied up. Council has processed many applications in the Southern Midlands for 'farm machinery sheds' or the like, which we have consistently classified as an agricultural development / use.

The imposition by Council of the need for many farmers to attempt to seek discretionary planning permits for something that is part and parcel of many farms' operation would, in my view, be a heavy-handed interpretation of the planning scheme resulting in an unnecessary imposition or 'red tape' on the farming sector.

This prompted the lodging of the formal notice.

THE COMPLAINT

The essence of the complaint is that Mr and Mrs Beamish run an 'excavation – machinery hire company' and therefore must apply for a discretionary planning permit, (refer Attachment 1).

The complainant has not asserted that there are any actual negative impacts from the activity on the property. Instead, the issue appears to have been identified by the complainant via an internet search of the yellow pages. (Refer Attachment 2).

PROVISIONS OF THE ACT

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

Under new Section 63B, a person who suspects that another person has contravened a planning scheme may give notice in writing to the planning authority requesting that the planning authority advise whether it intends to lay charges in relation to the alleged contravention, issue an

infringement notice or issue an enforcement notice. The planning authority must determine the matter within 120 days.

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

ASSESSMENT

The subject property at 60 Banticks Road is a 14.6 ha title under pasture and used for agriculture. A dwelling and a shed are located approximately 130 metres from the front boundary and around 110 metres from either side boundary.

The notice of complaint does not suggest a planning scheme use classification for the alleged use but previous correspondence from the complainant has variously put forward “Industry (limited Impact)”, ‘Transport Depot’ and ‘Commercial Garage’ as possible use classifications for the activity – all discretionary uses in the rural zone.

Council officers corresponded with Mr and Mrs Beamish, seeking an explanation of the situation and/or the lodging of a development application to seek to legitimise the situation. A site inspection has also been undertaken as part of an investigation into the matter.

Mr and Mrs Beamish have provided two submissions in regard to the situation – refer Attachments 3 and 4. In summary, they state that:

- They are primarily farmers and are directly responsible for farming four properties in the area, plus regular farming activities on a number of others.
- Their equipment includes an excavator and two trucks (one being sold), which is occasionally hired out for profit or used to assist family and friends on their properties.
- They own the equipment because of their farming activity and its occasional hiring out is incidental to the primary purpose of the machinery.
- At the Banticks Road property there are no signs, no office and generally no indication whatsoever of the hiring of machinery.
- They do not service the machinery on site.
- The machinery is never hired out for others to use. Mr Beamish always operates the machinery.
- Their yellow pages internet advertisement does not refer to any specific location for the business, (although the google map feature pins Mangalore as the general location).
- The machinery is sometimes parked overnight at 60 Banticks Road, but is often parked on any of the other farms they manage.

It is not uncommon for farmers to own machinery and for them to occasionally hire such equipment to assist in covering the cost of ownership. Anecdotally, it may be more common than not.

It is considered that the key planning issue is whether the hiring of the machinery is the primary purpose and land use or whether this aspect is merely incidental to the machinery's primary purpose of farming activities undertaken by the owners. The owners state they have not kept records that could be used to determine the percentage of the time the equipment is used for their own farming activities (on the Bantick's Road property or one of the other properties they manage), the percentage of the time it is used as a favour on the properties of family or friends, or the percentage of the time it is hired. However, from the statements provided from the owners and the evidenced that there is no indication whatsoever on the property that a 'hire business' exists there (such as signage or an office) it can be reasonably concluded that the hiring of the equipment is indeed merely incidental.

A secondary issue is the location of the use. The machinery is sometimes parked on the property overnight, but sometimes it is left on one of the other farms the owners manage and on which the machinery is regularly used.

In summary, Council officers are satisfied that the hiring of machinery at 60 Banticks Road is incidental to the primary purpose of that machinery, being the undertaking of farming activity by the owners, and does not constitute a 'change of use' warranting a new planning permit.

PRECEDENT

Another aspect that needs to be considered is precedent. Many farmers occasionally hire out their equipment that is predominantly used for their own farming purposes. If the occasional hiring of farm equipment constitutes a formal change of use, many farmers in Southern Midlands would need to apply for new planning permits. This would absorb considerable Council and private sector resources – for no real gain in practice (noting that in the case at hand the complainant has not identified any actual adverse impacts either in the formal notice or in previous correspondence). Indeed, such an approach would likely be perceived by the community as unnecessarily heavy handed and bureaucratic, and potentially tarnish the image of the planning system and/or Council.

Council should also consider that, since the declaration of the Southern Midlands Planning Scheme in 2003, electronic records indicate that Council has received over 230 applications for rural sheds – most of which are in the Rural Zone. These rural type sheds include, machinery sheds, hayshed's and general agricultural sheds on farms. This number does not include, "garages" ordinarily associated with a dwelling or "animal stables" and "workshops" for small businesses. These rural type sheds (and their associated usage) are considered by Council as a permitted land use/development in the Rural Zone.

During this same period, electronic records indicate, that Council has received very few applications for a "Transport Depot", "Commercial Garage" or "Industry (Limited Impact)". Records indicate, Council has received 1 application for a "Transport Depot", 2 applications for a "Commercial Garage" and approximately 6 applications for "Industry (Limited Impact)".

The significance of these statistics, in considering this compliance matter, is that sheds and more specifically sheds for storing farm machinery (on farms) are treated as a "Permitted" use/development in the Rural Zones. The incidental usage of some machinery for hire is considered normal practice in the Rural Zone.

RECOMMENDATION

THAT, in response to the Notice of suspected contravention of the Planning Scheme pursuant to Section 63B of the *Land Use Planning & Approvals Act 1993* pertaining to an alleged ‘machinery hire company’ at 60 Banticks Road, Mangalore:

- (a) It be determined that there is no contravention of the Planning Scheme;**
- (b) No charges be brought against the owners of 60 Banticks Road;**
- (c) No planning infringement notice or planning enforcement notice be issued to the owners of 60 Banticks Road;**
- (d) The complainant be advised of the above and of their right to commence civil enforcement proceedings at the Resource Management & Planning Appeals Tribunal under Section 64 of the Act if they wish to take the matter further.**

C/15/07/034/20094 DECISION

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

THAT, in response to the Notice of suspected contravention of the Planning Scheme pursuant to Section 63B of the *Land Use Planning & Approvals Act 1993* pertaining to an alleged ‘machinery hire company’ at 60 Banticks Road, Mangalore:

- (a) It be determined that there is no contravention of the Planning Scheme;
- (b) No charges be brought against the owners of 60 Banticks Road;
- (c) No planning infringement notice or planning enforcement notice be issued to the owners of 60 Banticks Road;
- (d) The complainant be advised of the above and of their right to commence civil enforcement proceedings at the Resource Management & Planning Appeals Tribunal under Section 64 of the Act if they wish to take the matter further.

CARRIED

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

Damian Mackey

From:
Sent: Wednesday, 1 April 2015 9:40 AM
To: Damian Mackey; Timothy Kirkwood
Cc: RMPAT (DoJ); David Cundall; P and J Loney
Subject:

Dear Mr Kirkwood

As General Manager of the Southern Midlands Council I write to give Notice to Council, as the planning authority, pursuant to s63B of the *Land Use Planning and Approvals Act 1993*.

Pursuant to s63B(2)(a) of the Act, the contravention is the use of land at 60 Banticks Road Mangalore Tas 7030 for which a Planning Permit must be sought due to the discretionary nature of the activity occurring on said land, namely an excavation - machinery hire company. The contravention is specifically the conducting of a use/development that requires the assessment of a development application by the planning authority and subsequent issuing or refusal to issue of a planning permit.

I request that the Council, acting as the planning authority and pursuant to s63B(2)(b), advise me if it is intended that -

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

I further request of Council, acting as the planning authority and pursuant to s63B(2)(c), to advise me if, within 120 days of this Notice, that –

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

Given this matter has been the subject of a complaint since June 2014, and that Council has already provided a relevant determination in relation to my complaint, I trust that Council can provide a response to this Notice in a timely manner.

I look forward to your earliest response to my requests above.

regards

10/02/2015

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Business type or name

All States



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Established	2011

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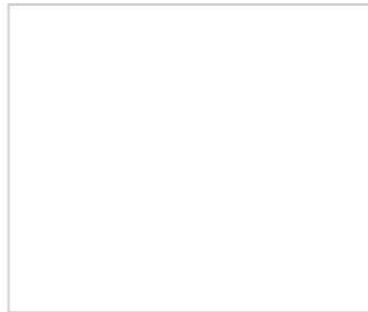
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10/02/2015

Beamish Excavations - Mangalore, TAS 7030

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 / Mangalore (<http://ibizprofile-au.com/local/tas/mangalore-tas/1>)
 / Earth Moving / Excavating Contractors (<http://ibizprofile-au.com/c/tas/mangalore-tas/earth-moving--excavating-contractors/1>)
 / Beamish Excavations

Beamish Excavations

Earth Moving / Excavating Contractors



0 review(s)

Add a review (<http://ibizprofile-au.com/write-review/beamish-excavations-aa9dm6lcn>)

Edit Business Info (<http://ibizprofile-au.com/edit/biz/beamish-excavations-aa9dm6lcn>)



Company Profile

Beamish Excavations

📍 Mangalore, TAS 7030

Mobile:

☎ 0407 680 091



0%


recommend this business!

Total: 0 vote(s)

10/02/2015

Beamish Excavations - Mangalore, TAS 7030

Business Location on Map

 (<http://ibizprofile-au.com/edit/biz/beamish-excavations-aa9dm6lcn#location>)

You can see Beamish Excavations company location on Google Map as well as getting the direction from your place to this business in the following:



Start From

Destination


[GET DIRECTIONS](#)

Images

We found **no** photo for Beamish Excavations business. Add an image for this company.

10/02/2015


Beamish Excavations - Mangalore, TAS 7030

 Add Photos of the Business (<http://ibizprofile-au.com/add-image/beamish-excavations-aa9dm6lcn>)

Business Details

Business Information

Related Information

 (<http://ibizprofile-au.com/edit/biz/beamish-excavations-aa9dm6lcn#biz-description>)
About Beamish Excavations

Beamish Excavations is a company that is located in , Mangalore, Tasmania 7030, Australia. This business is categoried in earth moving / excavating contractors, earth moving / excavating contractors.

Business Profile

Address:

City / Locality: Mangalore

State: Tasmania (TAS)

Country: Australia

Postcode: 7030

Phone: N/A

Mobile: 0407 680 091

Free Call: N/A

Fax: N/A

Website: N/A

Category: Earth Moving / Excavating Contractors (</c/tas/mangalore-tas/earth-moving--excavating-contractors/1>)

Business Hours


<http://ibizprofile-au.com/biz/beamish-excavations-aa9dm6lcn>

3/8

10/02/2015

Beamish Excavations - Mangalore, TAS 7030

We found **no** specific operation hours have been set for Beamish Excavations.

 Add operation hours (<http://ibizprofile-au.com/edit/biz/beamish-excavations-aa9dm6lcn#operation-hours>)


Default business operation hours:

Monday	9:00 AM - 5:00 PM
Tuesday	9:00 AM - 5:00 PM
Wednesday	9:00 AM - 5:00 PM
Thursday	9:00 AM - 5:00 PM
Friday	9:00 AM - 5:00 PM
Saturday	closed
Sunday	closed

\$ Payment Options

There are **no** specific payment options have been added for Beamish Excavations.

All payment options can be added:

Option	Accept  (http://ibizprofile-au.com/edit/biz/beamish-excavations-aa9dm6lcn#payment-options)
Cash	NO
Check	NO
Gift Cards	NO
Invoice	NO
Financing	NO
Wire Transfer	NO
American Express	NO

10/02/2015

Beamish Excavations - Mangalore, TAS 7030

Visa	NO
Discover	NO
MasterCard	NO
Diners Club	NO
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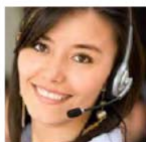
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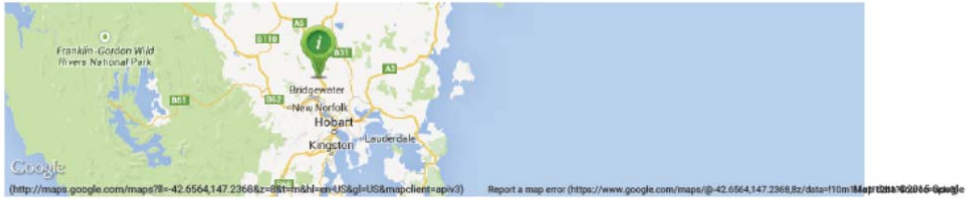


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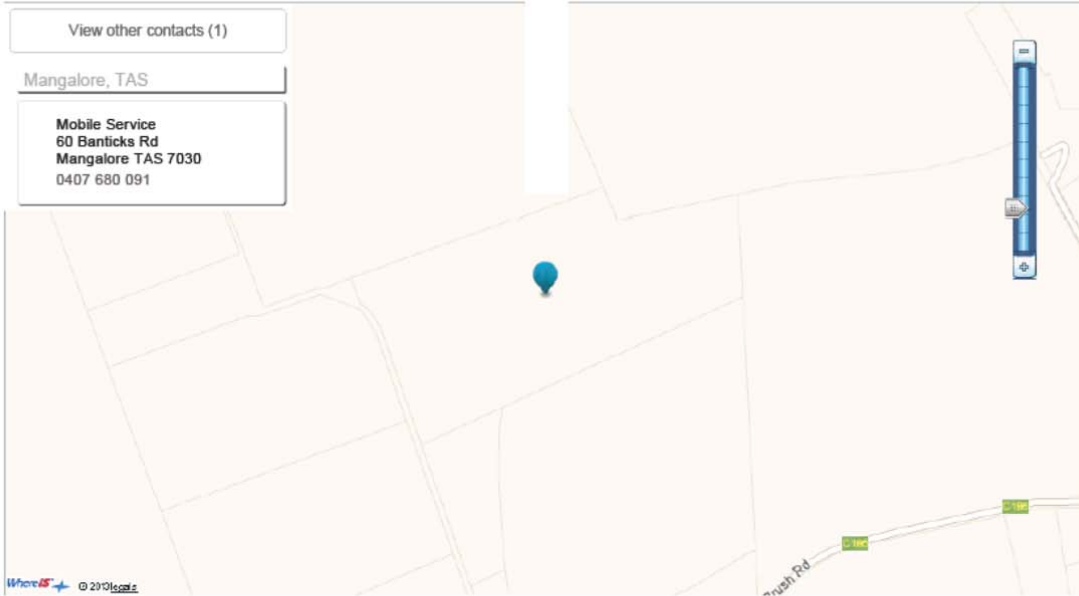
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Rec. 6 March 2015

Dear Damian,

Thank you for your email dated 18 February 2015.

THE COMPLAINT

Your request is that we respond to a complaint you have received, namely that our family is operating a business without a permit. We understand that the Southern Midlands Council must keep the identity of the complainant anonymous but due to a long history of harassment similar to this, we believe the identity of the complainant to be blindingly obvious. We believe this further allegation against us to be nothing but vindictive and vexatious. This is nothing, but a mere attempt to harass our family by making frivolous complaints to the Council which we are then required to respond to. Its proximity to the date that the decision on costs was handed down by the Resource Management & Planning Appeals Tribunal isn't lost on the locals, and it is simply a retributive complaint.

NO PERMIT IS REQUIRED

With all due respect, we can assure you that we are firmly of the opinion that we do not require a permit, and although we own an excavation business, that it exists as a sideline to our farming. We run our own 36 acres, and farm on three other significantly larger properties in which we crop and run sheep. As a consequence, we have a Property Identification Code, a stock crate (for the truck) and all the necessary machinery and equipment that are required to farm. The trucks we own are also used for carting sheep, hay and to cart tractors and machinery between the farms.

In relation to our excavation business and the 'evidence' which has been supplied to you, I can assure you that our address on the ASIC website is merely a mailing address. As you will well know ASIC requires a physical address for any business name holders. It's merely an ASIC requirement.

THE EXTENT OF OUR BUSINESS

No business is conducted at our home and any engagement with customers is via phone, email or in person on site (but not on our property). We post our invoices out, or send them via email. We do not have customers at our home and with two small children you can understand why we wouldn't have people dropping in.

Our excavation business currently consists of one excavator and two trucks (one of which is for sale). All of these items are used for our own personal farming, along with our tractors which are parked at home when convenient. We have no signage advertising the business nor do we sell stock or goods from our home.

THE POTENTIAL FOR IMPACT ON SURROUNDING PROPERTIES

We've lived at this site for 7 years and given that we have 36 acres of land, there is a considerable distance to neighbouring dwellings. The area is zoned as rural agricultural and considering we are conducting farming activities (with our equipment) we fail to see this as unreasonable.

1 of 4

I can see where the complainant may have become confused after searching for evidence to make his complaint. In particular, our yellow pages advertisement, as although it doesn't list our address, it has displayed our approximate location on google maps. No business is conducted at home and again, there has been no impact and we do not foresee any impact upon surrounding areas in the future. It's simply our home where our own private farming equipment and other personal vehicles may be intermittently parked and this is consistent with the expected zoned use of the land.

ALLEGATIONS

In your email there was mention of two allegations made by the complainant namely, that my husband and I:

1. Have been 'infilling of a watercourse' and
2. Have made a flat pad behind our shed

The complainant's allegations and assumptions are incorrect yet again. We have provided Council with our verbal response and I believe they were satisfied with our answers.

RESPONSE TO INDUSTRY (LIMITED IMPACT)

A complaint has been made alleging that our business requires a permit within the requirements of those required for an Industry (Limited Impact). It is our firm opinion that we do not fall within this definition for the following reasons:

- a) We have no adverse impact on other uses. All of the buildings on our property are for residential or personal use. With the exception of this complainant, we have been on site for 7 years and have never been contacted about any issues. There is no intended design of the farm that would breach the parameters of our neighbours nor if we decided to alter the footprint would it be related to the business;
- b) Our business does not create any more emissions than any other normal farm would in a rural area, in fact it would be far less as the operator works long hours away from our home;
- c) Our business creates no liquid or solid waste at our property. All servicing and refueling of our vehicles is carried out off our property at sites specific to these needs. There are no refueling facilities or fuel stored at our property;
- d) There is no electro-magnetic radiation or potentially damaging vibration;
- e) Our business comprises of only one operator who goes to work in the morning and returns home at the end of the day. I generate more traffic in my personal vehicle conducting personal tasks on a daily basis.
- f) Addressing the 'Hours of operation' is unnecessary as there is no business conducted at home. I don't know how the complainant believes that money could be generated by making improvements at our home/farm to fund the excavation business and this comment is simply frivolous and vexatious; and
- g) Any operation of a truck or excavator at our home is either for farming or personal use and would not come within the definition of an industrial accident.

2 of 4

TRANSPORT DEPOT

Our home does not qualify as a 'Transport Depot' as defined under the Planning Scheme as we do not use our property for the 'temporary accommodation of passengers or goods in transit' and we do not 'transfer any goods between vehicles'. Yes, our machinery may be parked at our home when not in use, but this is not always the case. It is also parked at any one of the properties where it is needed at the time. This includes our tractors, mowers and baling machinery and equipment but this would be no different to any other farm within the municipality. Obviously, the equipment can end up at our home at the end of the day as this is where my husband concludes his hours. As previously stated, no servicing of any motor vehicle is conducted at our home, as this activity is out sourced.

COMMERCIAL GARAGE

The vehicles parked on our land are used by us for our farming purposes and often parked elsewhere on the other farms. There are occasions where it is simply unnecessary to bring the equipment home, and the fuel to do so outweighs the benefit. Use of our vehicles for our own farming endeavors is certainly not within the ambit of Commercial Garage but well within that consistent with the expected zoned use of the land. Again, we do not park or garage the vehicles on our land simply for hire or reward. My husband may simply drive his vehicle home to conclude for the day. The vehicle may then stay there until we need to move a large bale of hay for example on our property. That's certainly not hiring or renting a vehicle out for consideration.

There is in our opinion no similarity between one truck and tractor/excavator and a commercial business such as a taxi depot, a courier company and the like. Most of those enterprises include a shop front, a reception area, prominent signage, advertising material, an address, a PO BOX number, a washing bay or a service site, and include an actual street frontage address for the purposes of public liability cover (for clients/customers entering onto land). Our business has neither of those at our address. All vehicle maintenance is conducted off site, and there is no potential for contaminants entering onto our land, and again given that we run stock here and feed our animals from the land this is a deliberate decision. We simply don't have the time especially with having two young children. It's our home on 36 acres, and we happen to use that equipment to stay afloat with the demands of running sheep, and crops.

GENERALLY

Of concern to us is the unusual interest that the complainant appears to have taken in our family. We perceive this behaviour as seriously disconcerting and bordering on harassment/stalking, the latter indicating a persistent pursuit of a person and given that the identity of the complainant is obvious, this is not the first of his claims. Stalking is intended (and expected) to arouse another person's apprehension or fear of physical or mental harm, and the fact that we have two small children and that we are being watched so closely is alarming. It beggars belief that the complainant could find our family so interesting and to the extent that he can name the dates we have visitors without his desire to arouse our apprehension of physical or mental harm. We believe that this in itself is evidence of his lack of good faith as to this allegation.

3 of 4

The fact that this complainant is not impacted by our business, leads us to the conclusion that it is simply a claim made in vexation and motivated by an intention to cause vexation as opposed to a primary purpose of concern for the community. In our opinion the complaint has not been made in genuine good faith, and we propose that this complaint be dismissed.

We are simply, a hard working family, conducting agricultural activities in a rural agricultural zoned area and bear no difference to the vast majority of others in the Southern Midlands Municipality.

4 of 4

Rec. 13 July 2015

Dear Damian,

I am writing to provide you with further information and to answer your additional questions in the hope that this shall assist the Council and each of the Councillors;

- A. To make an informed; and
- B. Appropriate finding with respect to the allegations made that we are operating a business without the required Council permit.

You have not identified the complainant to us. As a small and close knit community, however, it is obvious as to who has made the allegations, and we believe it has been made out of spite.

To the allegations

We do not 'hire' our machinery, trucks or tractors for others to use. There is no signage, labelling, or insignia to suggest our business is operated from our home, because it is not. We do not have any refueling facilities on our property nor do we service any of our vehicles at our home. This is despite the fact that it is a permitted and common practice for farmers to so. We are not a company, but a simple partnership combining farming and an excavation business to earn a living.

Council needs to understand that our business is not necessarily separate to farming as they often work hand in hand. My husband, Jason, transports our machinery to a property, where he operates it himself, and then he transports it away. When the machinery is not required on one of the farming properties, it may be brought home, simply because this is where Jason lives. It's then that we use it for personal and/or agricultural purposes. It is not parked or garaged for any length of time, as we are always using it, in one way or another. As any farmer will understand, farming consists of long hours and there is always something that needs to be done. We do not have the luxury of allowing it to sit idle.

We are not a wealthy family by any means, and in order to keep this farming equipment, it is necessary like so many others in the Southern Midlands farming community, to use it to help us stay afloat. This is carried out, however possible, by way of business and/or agricultural activities. We also help family and close friends with their business/agricultural activities. This is, in our opinion one of the strengths of the local community, ie helping out one another when required. For example, if we move hay bales for someone, we might receive wood for our fire. If we clean out their dam, then they might help us with another activity such as fencing. I don't know how we would survive without this exchange of services.

To this end, we don't hold records which define the percentage of machinery use between agricultural, business and personal purposes. You have specifically asked for a breakdown of machinery use, but we will not mislead Council by estimating. This is simply because it has never been an issue, and we are not comfortable trying to calculate a figure without the appropriate records. To do so will be simply inaccurate and records of this nature are of no use to us as the equipment is our own, and we didn't know that we were nor have we ever had to be accountable to anyone. This is especially given that we chose to live in a rural agricultural zoned area (and always have) to conduct agricultural activities with this equipment.

As I'm sure the Council can appreciate, the very nature of earth works and farming is determined by weather and the changing seasons. Jason may have no work for the excavators for one or two weeks and will use it on one or more of the farms to conduct productive and proactive farming activities. On other occasions, he may have work for the machines, but will then use the trucks and/or machinery after traditional working hours and on weekends to maintain production on the farms. When the machines, trucks and tractors are on our property they are used purely for farming or personal use. Using it for business purposes would at the very most, be described as incidental ie after personal use Jason loads an excavator to take it away.

My husband is an extremely hard worker, usually working 7 days a week, and will use every opportunity to achieve his goals. Like many in our situation, it's because he is resourceful with the equipment we already own.

We built our house approximately 6 to 7 years ago. Due to our busy lifestyle and availability (or lack thereof) of funds we are still completing projects around our home. This includes landscaping, gardening, additional fencing and hopefully one day, a horse arena and round yard. We use our machinery as often as possible for these projects or for simple everyday activities such as moving or lifting an item such as a large round bale of hay to feed our horses. It beggars belief that a reasonable person will consider this use of equipment to be anything other than what would be expected within the agricultural rural zoning area within which we live.

For the vast majority of time, and again this is weather dependent, the machinery is on other properties, conducting agricultural activities such as clearing fence lines/noxious weeds, fencing, cleaning dams, construction of irrigation lines etc. If we are forced to apply for a DA, will we need to have a permit for each property we farm on?

The application of the local laws

The legislation and definition of Commercial Garage, Transport Hub and Industry (Limited Impact) is broad and ambiguous and may arguably relate to any number of properties in the Southern Midlands Municipality. When will these definitions be given strict parameters?

Council is entrusted with the ability to consider the application of its local laws for the benefit of the community as a whole and not to appease one. The trust exercised by Council is to be used to better the municipality, and exercising the local laws is not to be used as a mechanism to protect Council (as a stand- alone entity) from the hypothetical threat of action from others. In this case, one complainant. We don't know if this has occurred, but we can only surmise that it may be a possibility, having dealt with similar complaints on many occasions.

In our opinion, any consideration into the requirement for us to have a DA needs to be made with transparency and consistency. Anything less is open to argument.

If the Council decides to set a precedent by requesting a DA for this type of activity, then prior to doing so we'd also expect Council to engage with the community and be clear on what it's requiring and the reasons behind it.

Council will need to address issues such as exactly what is being permitted in this situation, whether the permit is or was ever contemplated to be within the Southern Midlands Council jurisdiction (in these circumstances), what conditions are likely to be required and why it fits with the strategic objectives of Council. What does Council expect to achieve?

Not only will it be grossly unfair, but we would expect that all ratepayers living in the vicinity (and in similar situations) be required to obtain a permit for each property they may farm on. This is likely to be the majority, given that most have chosen to live in this zoning for these purposes.

It is our argument that the Council process and assessment in relation to this DA needs to reflect a consistent 'whole of council' approach. We ask that you use your discretion in this regard in a manner that is consistent, just and predictable and not to appease one complainant who may never be satisfied with your response. We ask that the decision be based upon what the locals in our community will consider reasonable.

We further ask that Council be clear about what it is trying to achieve if it intends to insist upon us applying for a DA. Is the DA permit to be used as a mechanism to achieve an outcome that both parties, being Council and us cannot clearly yet define and by this we mean as a reactive response to this complaint only?

If this is not a knee jerk reaction to this complainant, then we have a number of queries that we'd like Council to consider, such as whether;

1. The assessment and monitoring of equipment used for personal farming activities was an area that was identified by Council well before receipt of this complaint?
2. If we are forced to apply for a DA, will we be the first ratepayers in this municipality requested to do so (in these circumstances)?
3. Had Council actually contemplated the drafting of any new by-laws to specifically target equipment used for personal farming, and if so, when was it going to commence engagement with the community about this?

We live in a rural agricultural area, and the presence of a tractor, excavator or truck is common.

In the event Council deems a DA to be necessary, and breaches of its conditions are alleged, then there exists the possibility that they will also be baseless, and that they shall continue for as long as Council has a duty to entertain them.

Except for the likelihood of further administrative congestion for Council, and confused (and potentially upset) ratepayers, what will this achieve? If we are forced to apply for a permit, then the precedent set for all other farmers or residents using any machinery like ours, is likely to apply to all those in the area.

3/4

Historical matters of significance

We don't know who made this complaint, and we are only assuming that it's the same person who has previously made complaints with Council. If we are correct, and it is the same person then our previous experiences lead us to believe that insisting on a DA for families in our situation may simply encourage further complaints and that any future issues/complaints (like so many previously) will be baseless, or trivial.

There is also the likelihood that any future complaints may include allegations about Council's administration of DA conditions, and that it will extend to many DA permit holders. If Council is seriously contemplating the imposition of a DA requirement on us as a family because of this complaint, then we will take independent advice to defend this further.

We trust that Council is not approaching this complaint, and the insistence of a DA as an easier solution as to relieve itself of a fear of any actual or expected threats of legal action made by any other ratepayer. Our interactions with Council previously haven't indicated this, and we trust it will continue to remain as a body representing the community as a whole. If a DA was necessary, then we have the utmost faith that the Councillors would've introduced that requirement years ago. It has never been an issue, because it is simply not warranted.

We live a simple and hard working life, contributing to this community in the best way we can. We are and remain for all intents and purposes a hard working young family, who made a deliberate choice to live in an area zoned rural agricultural.

We ask that Councillors also consider this allegation in light of the other complaints and unfounded allegations that remain within your Council records.

I hope this information assists in a better understanding of our position.

Kind regards

4/4

12.4.3 Proposed Amendments to the Land Use Planning & Approvals Act 1993 to enable the Single Statewide Planning Scheme.

File Ref: 9/084

AUTHOR MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (D
MACKEY)

DATE 15TH JULY 2015

- ENCLOSURES**
- 1. Reforming Tasmania’s Planning System – Position Paper for Consultation to Accompany the Draft Exposure Bill, Department of Justice.**
 - 2. Planning Reforms Factsheets No.s 1, 2, 3 & 4. Department of Justice**
 - 3. Tasmanian Planning Reform Taskforce – Briefing One.**

1. ISSUE

Input into the State Government’s proposed reforms to the planning system to facilitate the statewide single planning scheme.

2. BACKGROUND

The State Government has released a draft bill to amend the *Land Use Planning and Approvals Act 1993* to facilitate the creation of the single statewide planning scheme: the *Land Use Planning and Approvals (Tasmanian Planning Scheme) Amendment Bill 2015*.

Enclosed with the agenda are the four Fact Sheets and the Position Paper released by the Government to accompany the consultation on the draft bill, along with ‘Briefing One’ from the Tasmanian Planning Reform Taskforce.

The draft bill itself has not been enclosed due to its size. It can be accessed over the web at the Department of Justice’s website at:

<http://www.justice.tas.gov.au/community-consultation/new-tasmanian-planning-scheme>

The Government is seeking comment by 10 August. Council could provide comment individually in its own right or collectively through the Local Government Association of Tasmania, (LGAT), or both.

The proposed amendments constitute the second phase of the Government’s reforms. The first phase, undertaken in late 2014 to early 2015, focussed on what the Government considered to be “urgent amendments that were required to support the finalisation of the interim planning schemes and address a number of the Government’s commitments and recommendations from the Planning Taskforce on urgent matters.

This second phase is intended to pave the way, legislatively, for the introduction of the single statewide planning scheme.

3. OFFICER COMMENTS

The draft bill appears to be a rearrangement of the existing provisions which arguably could have been used to create the statewide planning scheme. Tasmania has had a state-wide planning scheme *template* for a number of years which provides standard definitions, mechanical provisions and the ‘skeleton’ for standard zones. Potentially, this template – which was created using the existing Planning Directive provision of the act could simply have been filled-in and re-issued.

Under the proposed new sections of the act there will be ‘State Planning Provisions’, which will replace “common provisions” under the existing system. They will be created by a similar process to the current Planning Directive mechanism, and the new system therefore is not a radical change from the existing.

There will also be ‘Local Planning Provisions’, which will replace “local provisions” in the existing system. As the name indicates, these provisions will be drafted by the local Council (local planning authority). Under the current region-based system, the majority of provisions in the new interim planning schemes are regional, a lesser amount local and statewide. The proposed new state-wide system will essentially eliminate the regional provisions replacing them with more state-wide provisions. There will still be room for some local provisions however it is understood the amount of local provisions will be reduced.

The biggest difference between what has been and what will be is not captured in the act provisions at all; *intent*. Under previous State Governments there has been no intent to take political ownership of, and responsibility for, most provisions in planning schemes whereas now there is. The proposed new provisions of the act appear, on first reading, to be capable of meeting the State’s intention and the new process, whilst broadly similar to the existing, appears a little more straightforward and less confusing.

The real issues around the creation of the single statewide planning scheme will likely not arise in considering the enabling legislative provisions, but the planning scheme provisions themselves. These are currently being drafted by the Planning Reform Taskforce and it is expected that a draft of these provisions will be released for statutory consultation in the first half of 2016. An important part of the planning scheme provision development process that is not clear in the enclosed documents is the setting of the policy positions that inform the provisions. The drafting of planning scheme provisions should not commence until and unless these policies have been set. To attempt to do so will likely result in the process becoming bogged down in public controversy when the draft planning scheme provisions are put out for statutory public consultation. Such policy provisions include fundamental questions such as:

- What aspects of use and development should planning schemes address?
- What will the scheme provisions try to achieve?

The answers to these questions range from minor policy settings to major policy issues that deserve the attention of the Minister for Planning or even Cabinet and ought not be set without some form of public consultation. The enclosed documents state that the formulation of new State Planning Policies will occur after the single statewide planning scheme is in place. This seems to be the wrong way round.

In addition to the amendments to facilitate the statewide planning scheme, the new provisions make a number of other changes. One is to reduce the period Councils have to deal with permitted planning applications to 21 days. This should not generally be a problem at Southern Midlands as we currently deal with permitted applications usually within two weeks. However, for applications requiring referral to TasWater, meeting this timeframe will be dependent on TasWater reacting promptly.

4. RECOMMENDATION

(Subject to input from Councillors)

THAT the Manager Development & Environmental Services provide comments consistent with those outlined in the ‘Officer Comment’ sections of the above report to the Local Government Association of Tasmania, for its submission to the State Government on the Government’s proposed planning reforms.

C/15/07/069/20095 DECISION

Moved by Deputy Mayor A O Green, seconded by Clr D Marshall

THAT the Manager Development & Environmental Services provide comments consistent with those outlined in the ‘Officer Comment’ sections of the above report to the Local Government Association of Tasmania, for its submission to the State Government on the Government’s proposed planning reforms.

CARRIED

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

The meeting was suspended at 11.29 a.m. for a short break and resumed at 11.47 a.m.

RECOMMENDATION

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

C/15/07/070/20096 DECISION

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

THAT the information be received.

CARRIED

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

CLOSED COUNCIL MINUTES

22. BUSINESS IN “CLOSED SESSION “

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

**T F KIRKWOOD
GENERAL MANAGER**

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

**T F KIRKWOOD
GENERAL MANAGER**

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

**T F KIRKWOOD
GENERAL MANAGER**

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

**T F KIRKWOOD
GENERAL MANAGER**

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

**T F KIRKWOOD
GENERAL MANAGER**

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

**T F KIRKWOOD
GENERAL MANAGER**

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

**T F KIRKWOOD
GENERAL MANAGER**

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

**T F KIRKWOOD
GENERAL MANAGER**

C/15/07/078/20098 DECISION

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

THAT the meeting be suspended at 12.25 p.m.

CARRIED

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

PERMISSION TO ADDRESS COUNCIL

- Mr Graeme Lynch (Chief Executive Officer) and Mr Rob Nolan (Senior Policy Advisor – Planning) from the Heart Foundation Tasmania entered the meeting at 12.25 p.m.

The presentation concluded at 1.20 p.m.

The meeting reconvened at 1.20 p.m. 'In-Committee'

C/15/07/078/20099 DECISION

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

THAT the meeting be reconvened.

CARRIED

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

Clr E Batt was not in attendance when the meeting reconvened

Clr E Batt returned to the meeting at 1.31 p.m.

22.2 Appeal against Council Decision to Refuse to Grant a Permit for “Williams Quarry” DA 2014/16 – ‘Level 2 Gravel Quarry’ Defined as Industry (Extractive) at 1356 Tea Tree Road, Rekuna

AUTHOR: MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (D
MACKEY)

DATE: 15TH JULY 2015

ATTACHMENTS: 1. Advice and Cost Estimate: Noise
2. Advice and Quote: Dust

BACKGROUND

Councillors are aware of the appeal lodged against the decision to refuse to grant a permit for a Level 2 Gravel Quarry at 1356 Tea Tree Road, Rekuna.

The matter was discussed at the last Council meeting and participation in mediation was endorsed.

MEDIATION CANCELLED

The mediation session was scheduled for the 23rd of June. As discussed at the last Council meeting, it was mooted that a crusher noise trial might be agreed by the parties and be held as part of the mediation process.

Unfortunately, the mediation session did not occur. It is understood from the Appeal Tribunal that the applicant/appellant withdrew from the mediation process. There has therefore been no crusher trial.

The matter, therefore, will proceed to a full hearing, which is scheduled to occur at the end of August.

PREPARING FOR A FULL HEARING

Council’s solicitors have recommended that Council engage a noise expert and a dust expert. They have found appropriately qualified and experienced people who, after reviewing case, are prepared to support Council’s case. Attached are copies of emails in which the experts provide a preliminary assessment of these issues and an estimation of costs.

The cost estimates include monitoring and analysing a crusher trial, preparing proofs of evidence, reviewing and responding to proofs of evidence from the other side and giving evidence at the hearing.

The estimates are \$10,000 - \$15,000 for noise and approximately \$10,740 for dust. Council’s solicitor’s fees would be a further addition.

It is considered essential that Council engage a noise expert, if Council is to properly defend its decision at a full hearing.

A POSSIBLE TRIAL

Although the mediation process did not proceed and the chance to arrange a crusher trial via mediation was lost, there may well be an opportunity for a trial before the full hearing. This would provide valuable information.

The opportunity has arisen following the lodging of a number of noise complaints by nearby residents in regard to the Williams quarry. The first two, in June, related to operations at the quarry, the second two in July, related to ‘noisy machinery’ that the owner later said was machinery used for a farming activity and not for quarrying activity.

The owner’s consultant has now proposed that a noise trial of the machinery subject to the latest complaints be undertaken. Council has advised that it agrees with such a trial and has further proposed that the trial include the machinery working the quarry – both Level 1 machinery and Level 2 machinery including the crusher. This would greatly assist the appeal process and would inform later consideration by Council in creating an appropriate attenuation area overlay on the future planning scheme maps.

It is proposed that the trial be monitored by both Council’s and the owner’s experts. Agreement would be needed with the other parties to the appeal as noise measurement equipment would need to be set up on their land.

As of the date of writing this report it was unknown whether the trial would be agreed to by all relevant parties.

RECOMMENDATION

THAT the information be received.

C/15/07/080/20100 DECISION

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

THAT Council:

- a) Be prepared to expend a maximum of \$15,000 on the necessary experts (i.e. noise & dust) to properly defend its decision at a full hearing of the Appeal tribunal; and
- b) Seek a contribution from the other parties that join the Appeal in order to minimise the overall cost.

CARRIED

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

NOISE

Damian Mackey

From: Nicole Sommer <Nicole.Sommer@doma.com.au>
Sent: Friday, 10 July 2015 4:31 PM
To: Damian Mackey; David Cundall
Cc: Andrew Walker
Subject: FW: Quarry at Tea Tree Road, Rekuna - preliminary view

See below from the Victorian noise experts – Renzo Tonin & Associates. This is a promising appraisal.

Darren Tardio's view is that noise looks like it's worth pursuing. His view, based on Pearu Terts' report, is that the proposal does not comply with the Code of Practice noise standards. He also thinks that the report is "light on" in various respects.

I have talked to him about costs, and he says that they may be willing to come down to a cost estimate of \$10,000-\$15,000 but that they can't do it for less than \$10,000. There's a lot of work involved.

Regards

Nicole Sommer
 Senior Associate
 Commercial Litigation
 Planning & Environment

Dobson Mitchell & Allport Lawyers
 59 Harrington Street, Hobart Tasmania 7000
 Direct dial: +61 3 6210 0054 | Fax: 6210 0099
nicole.sommer@doma.com.au | www.doma.com.au

From: Darren Tardio [mailto:DTardio@renzotonin.com.au]
Sent: Friday, 10 July 2015 4:07 PM
To: Nicole Sommer
Cc: Rob Brown
Subject: RE: Quarry at Tea Tree Road, Rekuna - preliminary view

Hi Nicole,

I've finished my brief review of the applicant's documents and the summary of my preliminary position is as follows:

- The applicant's acoustic report is not detailed enough for this matter and there is ambiguity in the results presented
- The acoustic report and EPA response also suggests some conveniences such as L_{max} being 60 and L_{eq} being 45 outside residential dwellings, which are the two requirements in accordance with WHO recommendations, referenced in the EPA Tas regulations. There isn't a lot of detail regarding how these noise levels were obtained however. The acoustic report appears to be silent on trucks
- The report mentions L₉₀ ambient noise of 30dBA was measured, then states that up to 45dBA L_{eq} noise can be expected. Under the provisions of the Quarry Code, the noise limit should be 40dBA. Admittedly, the Code is ambiguous regarding what noise metric constitutes 'ambient' however it is normal practice to use L₉₀ +5 or L₉₀ +10 as appropriate noise criteria. The applicant's noise report appears to be using 39dBA as the ambient but this is L_{eq} and wouldn't be normal procedure (I could not find anywhere in EPA Tas documents saying this is appropriate but I may have missed something)
- The applicant's noise report appears to be considering train noise in the 'ambient' measurements. This does not make sense to me unless there are trains operating constantly along that route every 10 minutes (I could be surprised!). This might also explain the difference between the Applicant's 'ambient L₉₀' vs 'ambient L_{eq}'
- The noise report doesn't state what time ambient was recorded other than "day". The code would allow operation up to 7pm but I wouldn't expect much lower than 30dBA anyway.
- The noise report has not made any adjustments for noise character. It is possible that the proposal could generate impulsive noise on occasion and this would make the overall noise emission higher

- EPA recommends slowing trucks will alleviate residual noise issue however this could actually make things worse if trucks are constantly down-gearing and/or using compression brakes. We would need to review topography of access roads to have a better understanding about truck related noise
- EPA finds that truck noise is said to be ok because the event last for <1 minute. The noise would need to last for less than 25seconds in any 10 minute period by their definition. Compliance appears marginal to me, in particular if there were more than one truck in any 10 minute period
- There is no blasting proposed so objections to vibration impacts are likely unfounded
- Re: Buddhist Centre, my interpretation is that it can be considered a sensitive use, however without an application pending approval, Council should take the view that only one of the facilities can exist (quarry or Buddhist Centre) and therefore if the quarry is approved, the adjacent land use may need re-zoning to avoid any future proposals for sensitive uses ending up back in RMPAT (I'm not 100% on how the agent-of-change principle is applied in Tasmania but onus is always on the noise emitter here so I see future land use conflicts if the quarry is approved). The initial site visits would also indicate if current use from the quarry would already present a non-compliance scenario should the Buddhist Centre be approved in-lieu of the quarry

I will have Rob formalise the scope of work for you, however I understand that time is critical so the following is what I see being carried out:

- Visit site and confirm ambient noise levels
- Measure existing noise emissions from the quarry
- Measure mobile crusher at another site for comparison and data to implement into modelling (this and the above two items could be carried out in the same trip over a couple of days). Some co-ordination with another site may be difficult.
- Model the noise in 3D noise modelling software including meteorological conditions (we would need highly detailed land topography data to address the applicant's response that the topography is an effective noise screen)
- Calibrate the model using site measurement data
- Provide final position on noise compliance
- Provide a statement of evidence

There is quite a lot of work to undertake in a relatively short amount of time. I suggest that we would need to complete site work within the next 2 weeks. Approximate timeline would be something like:

- Site work completed by 29th July
- Modelling, results and final position by 5th of August
- Final statement by 11th of August

Rob may wish to adjust these slightly if engaged.

Total cost is estimated at \$15-20k once travel is factored in.

Feel free to call to discuss, otherwise Rob is back in on Monday.

Regards,

Darren Tardio
Senior Engineer
RENZO TONIN & ASSOCIATES
P +61 3 9690 6005 M +61 417 40 6760

DUST

Damian Mackey

From: Nicole Sommer <Nicole.Sommer@doma.com.au>
Sent: Monday, 6 July 2015 3:26 PM
To: David Cundall
Cc: Andrew Walker; Damian Mackey
Subject: FW: SEMF proposal
Attachments: SEMF Offer 2285-003 - RMPAT Williams Quarry.pdf; Complete - Feb 2015.pdf

David

Attached is a cost estimate from Fiona Keserue-Ponte from SEMF for dust control evidence. It is a reasonable estimate. Note that it includes an estimate of costs for data collection and analysis for a crushing trial, if any.

Council will need this evidence if we proceed to hearing.

Regards

Nicole Sommer
Senior Associate
Commercial Litigation
Planning & Environment

Dobson Mitchell & Allport lawyers
59 Harrington Street, Hobart Tasmania 7000
Direct dial: +61 3 6210 0054 | Fax: 6210 0099
nicole.sommer@doma.com.au | www.doma.com.au

From: Fiona Keserue-Ponte [<mailto:Fiona.Keserue-Ponte@semf.com.au>]
Sent: Monday, 06 July 2015 3:06 PM
To: Nicole Sommer
Subject: SEMF proposal

Hello Nicole,
Please find my proposal attached.
Please let me know if you would like me to amend anything.
Thank you and warm regards,
Fiona

Fiona Keserue-Ponte
Sector Leader



Level 2, 162 Macquarie Street, Hobart TAS 7000
T 03 6212 4400 **D** 03 6212 4414
F 03 6212 4475 **E** KeseF@semf.com.au
M 0417 523 625 **W** www.semf.com.au

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FKP

Project #: 2285.003

6 July 2015

Southern Midlands Council
PO Box 21
OATLANDS TAS 7120

Attention: Ms Nicole Sommer – Dobson Mitchell & Allport

Dear Nicole,

RE: RMPAT DUST EVIDENCE - WILLIAMS QUARRY, 1356 TEA TREE ROAD, CAMPANIA TAS
OFFER OF SEMF SERVICES

Thank you for your invitation to offer our professional services for the above project.

1 APPRECIATION OF THE PROJECT

CA & SM Williams have submitted a Development Application for a Level 2 Quarry expansion to an already permitted Level 1 Quarry at their premises at 1356 Tea Tree Road Campania. The Level 2 Quarry expansion will include an increase in excavated material as well as the use of a crusher on site.

The Southern Midlands Council (SMC) has rejected the application. The SMC's chief concern is the proximity of the quarry to neighbouring properties. Specifically, the quarry is 10 m from the boundary of one property and the extent of coverage of the 750 m standard recommended attenuation distance (SRAD) on both adjoining properties. SMC is also concerned that dust from the quarry and access road cannot be adequately contained or treated within the boundary of the land, which is relevant under cl. 11.10.1(xvii) of the Southern Midlands Planning Scheme.

The Proponents, have appealed this decision, and the case will be brought to the Resource Management and Planning Appeals Tribunal (RMPAT).

In order to support SMC with this appeal, Dobson Mitchell & Allport (DOMA) has been requested to compile the evidence and has sought expert advice from SEMF.

On review of the information listed in Section 2, below, and I consider that I can support SMC's position with regards its concerns for the potential for dust to be emitted from the Level 2 quarry operations.

Although dust management and mitigation measures are well known and generally effective, I would agree that the proximity to the property boundary of:

- the quarry;
- the proposed crushing plant;
- the likely stockpile areas; and

SEMF PTY LTD

Level 2, 162 Macquarie Street, Hobart 7000 TAS Australia

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ACN 117 492 814 ABN 24 117 492 814 | FFIN20103. Revision 37, 6 November 2014



- the unsealed road,

means that dust suppression would need to be totally effective for dust to not cross any boundary (west or east) of the proponent's land. This will be very difficult to achieve successfully, and is the main dust emissions performance requirement.

DOMA and SMC are considering asking the proponent to trial crusher operation on the site in July, which would provide an opportunity to monitor visually and quantitatively what dust may be emitted by the crushing and associated handling operations.

2 REFERENCE DOCUMENTS

This proposal is based on our discussions and emails of 22 and 24 June 2015 and 1 July 2015 and information as follows:

- Environmental Effects and Planning Report, Williams Quarry, Rekuna, Van Diemen Consulting;
- Supplement Environmental Effects and Planning Report, Williams Quarry, Rekuna, Van Diemen Consulting;
- Environmental Assessment Report, Williams Quarry, EPA Tasmania, May 2015; and
- Extract from Public Copy of Council Meeting Agenda, 27th May 2015.

3 SCOPE OF WORKS

SEMF proposes the following scope of work to assist SMC in presenting its evidence to RMPAT, related to potential dust emissions from the proposed Level 2 operations:

- review all available background information to the proposal and site;
- site inspection and walkover;
- taking video footage and total particulate matter measurements during the trial operation of a crusher on site;
- download and process data;
- preparation of a statement of evidence;
- preparation of a reply statement of evidence (if necessary);
- conferral with expert witnesses for the other parties and preparing or reviewing a statement of agreed facts;
- conferral time with lawyers/clients; and
- appearance at RMPAT.

No modelling is currently planned unless otherwise required by SCM.



4 DELIVERABLES & STAGING

It is proposed that the scope of the professional services be limited to the scope of works mentioned in the above and may include some or all of the following deliverables:

- statement of evidence;
- reply statement of evidence (if necessary); and
- statement of agreed facts (if necessary).

5 SAFETY

A Job Safety and Environmental Analysis (JSEA) and/or Take 5 risk analysis will be undertaken prior to the site visit and crusher monitoring event(s).

6 OUR TEAM

We propose the following staff for this project:

Fiona Keserue-Ponte – SEMF Sector Leader Environment, Principal Environmental Scientist; Fiona will prepare the statements and will attend any meetings and hearings. (Current CV is attached).

Anthony Williams – SEMF Senior Environmental Scientist; Anthony will provide advice on dust monitoring equipment and may be required to attend site to take real-time dust measurements.

The proposed team is not absolute and subject to your approval.

7 BENEFITS OF OUR OFFER

SEMF has assisted a number of Tasmanian clients to manage the environmental aspects of their quarry and mining operations and other industrial uses, where dust emissions have required active management.

These have included:

- Dolerite quarries;
- Coal mine open cuts;
- Timber milling with boiler operations; and
- Several mining operations.

Fiona has also assisted several clients in presenting evidence and acting as expert witness to the Tasmanian Planning Commission and the Resource Planning and Appeals Tribunal.

Fiona has a background in geology, and has worked in Environmental Consultancy for 15 years. Her range of experience spans development approvals documentation; environmental regulatory reporting; environmental management and monitoring programs for operations; as well as contaminated sites experience, and a strong background in mining.

8 TIMING

We understand there are a number of dates set thus far:



- Trial crushing may occur during the week or two following 8 July 2015; I will be available between 21 and 24 July to carry out a site visit and crusher dust emissions monitoring;
- No modelling is currently planned unless otherwise required by Council;
- Preparation of statement of evidence: first 2 weeks of August (starting 3rd and 10th August);
- Preparation of reply statement of evidence (if required): 3rd week of August (starting 17th August);
- Attend conferral meeting with other expert witnesses (late week of 17th August or early week 24th August);
- Issue / review statement of agreed facts: 24th August; and
- Attend hearing set for 25th and 26th August 2015.

9 FEE PROPOSAL

A breakdown of the estimated costs associated with this scope of work is provided in the table below.

Please note that this is a "best guess" estimate and SEMF will only charge hours and costs (disbursements) that have been incurred as part of the requirements. Note that unless otherwise specified, all figures are exclusive of GST.

Table: Fee and disbursements estimate (ex GST)

Task	Fiona	Anthony	Admin	Fee (ex GST)
project management	4			\$ 740
review all available background information to the proposal and site	6			\$ 1,110
site inspection and walkover	4			\$ 740
taking video footage and total particulate matter measurements during the trial operation of a crusher on site (estimate; will depend on site logistics)	2			\$ 370
organise equipment; download and process data	3	2		\$ 885
preparation of a statement of evidence (estimate)	16			\$ 2,960
preparation of a reply statement of evidence (if necessary) (estimate)	8			\$ 1,480
conferral with expert witnesses for the other parties and preparing or reviewing a statement of agreed facts (estimate)	3			\$ 555
conferral time with lawyers/clients (estimate)	3			\$ 555
appearance at RMPAT (estimate)	3		1	\$ 645
total hours (estimated)	52	2	1	
Hourly rates (ex GST)	\$ 185	\$ 165	\$ 90	
total fee (estimated)				\$ 10,040
disbursements (at cost plus 10%) - estimate				\$ 700
total estimated cost (ex GST)				\$ 10,740



10 TIME-BASED ACTIVITIES

We provide below an indication of our hourly rates for any time-based fee activities. Note that hourly rates are fixed until the following 30 June from the date of this letter, and then subject to variation using CPI as a guide. (All amounts shown below are exclusive of GST).

Classification Seniority	Professional <i>(Engineer/Scientist/Practitioner)</i>	Para-Professional <i>(Drafter/Technical Officer)</i>
Administrator	\$90	
Graduate	\$125	\$105
Experienced	\$145	\$125
Senior	\$165	\$135
Principal	\$185	\$150
Director/Manager	\$250	
Travel	\$0.80 per kilometre	
Disbursements	Cost of disbursement plus 10%	

11 SUB-CONSULTANTS/SUPPLIERS

Engagement and payment of sub-consultants/suppliers is not included in this offer. It is expected that the client will directly engage and make all required payments to sub-consultants.

12 QUALIFICATIONS

In addition to SEMF's Terms and Conditions of Business appended to this Offer, the following qualifications should be noted:

- No modelling has been costed into this proposal;
- A number of items are based on hourly rates (e.g. time required for hearing); and
- Disbursements for equipment (real-time dust monitoring & video camera) will be charged at cost plus 10%.

13 INTEGRATED MANAGEMENT SYSTEMS

SEMF performs all its services through an Integrated Management System (IMS) that complies with the requirements of the following standards:

AS/NZS ISO 9001:2008	Quality Management Systems - Requirements.
AS/NZS ISO 14001:2004	Environmental Management Systems – Specification with Guidance for use.
AS/NZS 4801:2001	Occupational Health & Safety Management Systems – Specification with Guidance for use.

Unless stated otherwise, it is proposed that this project will be subject to SEMF's own IMS.



14 TERMS AND CONDITIONS

The terms and conditions associated with this proposal are contained within the attached SEMF Terms and Conditions of Business. These Terms and Conditions, together with this Letter of Offer (called the "Agreement") will apply for all work SEMF undertakes for you in respect to this Offer. Please read the Agreement carefully.

We trust this proposal is of interest to you and look forward to your further instructions. Please sign and return a copy of the following page to confirm receipt and acceptance of this offer.

Yours faithfully,



FIONA KESERUE-PONTE
ENVIRONMENT SECTOR LEADER
Principal Environmental Scientist



ACCEPTANCE OF SEMF OFFER

This is to confirm that we, the undersigned, accept the Terms and Conditions as outlined in the SEMF Pty Ltd Offer, Ref 2285.003, RMPAT Evidence Williams Quarry.

I/We agree to pay to you on an indemnity basis, the totality of costs and expenses you incur or become liable to pay to any collection agent and/or lawyer in respect to the recovery, or attempted recovery of overdue monies payable by me/us to you in connection with the Project contained within this offer.

The undersigned will be responsible for all approved payments of accounts with SEMF Pty Ltd and in accordance with the trading terms contained within this offer.

Signed:

Print Name:

Position:

Company Name: Southern Midlands Council

Billing Address:
(If different than shown on this letter)

ABN:

Date:

Purchase Order (if applicable):

Please note that Work cannot proceed without receipt of this completed and signed form

Please send this signed section to the address shown (or scan/email back or via facsimile message) on the bottom of the first page, attention to: **Fiona Keserue-Ponte**.

For EFT payments, our bank details are as follows:

DIRECT DEPOSIT DETAILS - NAB HOBART – BSB 087-007 ACCOUNT 57123-6690

Please forward all payments by mail to SEMF Pty Ltd, Level 3, 3 Acacia Place Notting Hill 3168 Victoria.



SEMF
TERMS AND CONDITIONS OF BUSINESS
PROFESSIONAL SERVICES

THE AGREEMENT

Introduction
SEMF Pty Ltd ("SEMF") has set out in this document its basic terms and conditions of business (the "Terms"), which together with our Letter of Offer (the "Offer") will apply for all work SEMF undertakes for you set out in the Offer. The Terms and the Offer are collectively the "Agreement". In these Terms: "You" means the person to whom the Offer was made.

No Reliance
By entering into the Agreement, You warrant that you have not relied upon any matter not set out in the Agreement or the contract documents specified below in entering into the Agreement.

Variations to the Agreement
No variation of the Agreement will be valid unless confirmed in writing by authorised signatories of both parties on or after the date of signature on the Offer.

Offer Validity
SEMF's Offer is valid for a period of 30 days from the date the Offer, after which the Offer may be re-priced, re-negotiated or rescinded at SEMF's sole discretion.

Engagement of Sub-Consultants and/or Suppliers
Unless otherwise explicitly stated within our Offer no allowance has been made for the engagement and/or payment of Sub consultants and/or Suppliers. You will directly engage and make all required payments to Sub consultants and/or Suppliers.

Rate review
Unless otherwise explicitly stated within the Offer, hourly rates for time based activities are fixed until 30 June post the date of the Offer, and are then subject to adjustment at SEMF's discretion by applying any increase in the Wage Price Index (WPI), Private Category. The adjusted rates shall then be subject to further adjustment in each year on the 30 June for which the Agreement continues. All rates quoted are exclusive of GST.

Nature of Services to be Provided
Where the Offer is based upon other than hourly rate work, any change in the work to be carried out under the Offer (whether in the nature, scope, duration of the work or in order to reduce the cost of construction work, unless explicitly included within the Offer) will entitle SEMF to additional remuneration at its standard hourly rates for the change.

Where the remuneration payable to SEMF in the Offer is based in whole or part on a percentage of the construction cost, SEMF is entitled to an increase in the remuneration payable if the construction cost increases (unless otherwise specified in the Offer) equal to the increased construction cost multiplied by the percentage upon which SEMF's fees are based. If both this paragraph and the preceding paragraph apply to the work, SEMF will be entitled at its sole discretion to select the cost adjustment method.

Unless expressly stated in writing within the Offer, all design services provided under this Agreement are based on the Deemed to Satisfy provisions of the National Code of Construction (NCC) (where relevant). Should SEMF be instructed or otherwise required to undertake design services under the Performance Based provisions of the NCC, SEMF will be entitled to additional remuneration at its standard hourly rates for any additional time expended as reasonably determined by SEMF.

Goods and Services Tax
The fees payable for any supply made or to be made under this Agreement are exclusive of any Goods and Services Tax (GST). If GST is payable on any supply made or to be made under this Agreement, You agree that the sum payable for any such supply shall be increased by an amount equal to the amount of GST payable by SEMF in respect of that supply.

Conflict
Where any conflict exists between our Terms and the Offer, the Offer takes precedence.

CONDITIONS OF CONTRACT

Conditions of Engagement
Our terms of engagement are AS4122-2010 General Conditions of Engagement of Consultants (the "Standard"), together with Annexure Parts A & B to those conditions contained within these Terms. Although not reproduced herein, the Standard is taken to be incorporated into these terms by reference. In the event of any inconsistency between the provisions of the Standard and the Agreement, the Agreement shall prevail.

Contract Annexure Part A to AS4122-2010

Item	Heading and Clause Reference	SEMF Standard Condition
1	The Client is; (Clause 1.1)	You, to whom the Offer was made
2	The Consultant is; (Clause 1.1)	SEMF Pty Ltd, ABN 24 117 492 814
3	The Contract Documents are; (Clause 1.1)	a) General Conditions of Contract for Consultants AS4122-2010 b) These Terms c) The Consultant's Offer d) The Client's Information
4	The Scope is described in the following Documents; (Clause 1.1)	As stated in the Consultant's Offer
5	The purpose(s) for which the Services will be suitable is/are; (Clause 5.1)	As stated in the Consultant's Offer
7	The Consultant's representative is; (Clause 6.2)	As stated in the Consultant's Offer
8	Claims for payment must be made on the following basis; (Clause 10.1)	As stated in the Consultant's Offer
9	Disbursements for which the Consultant may claim payment; (Clause 10.2)	All disbursements such as photocopying, car rental, travel, accommodation and the like unless otherwise explicitly stated within the Consultant's Offer will be reimbursable at the cost of the disbursement plus a 20% handling fee
10	Time to claim payment is no later than; (Clause 10.3)	On the 7 th day of each month

Contract Annexure Part A to AS4122-2010 Cont ...

Item	Clause Reference	SEMF Standard Condition
11	The time for payment is no later than; (Clause 10.6)	15 calendar days after the date of submission of a claim for payment
12	The rate of interest for overdue payments is; (Clause 10.9)	1.25% per month (compounding monthly)
13	The date or the period after commencement of the Contract, by which the Services must be completed is; (Clause 12.1)	Alternative 1: As stated in the Consultant's Offer
14	Other causes of delay for which the Consultant may claim an extension of time; (Clause 12.3 (c))	As stated in these Terms
15	The Approvals to be obtained by the Consultant are; (Clause 13.2)	Unless otherwise explicitly stated within the Consultant's Offer, the Consultant will not obtain any Approvals
16	The key personnel are; (Clause 18)	As stated in the Consultant's Offer
18	Copyright and other Intellectual Property Rights, the Alternative that applies is; (Clause 21.3)	Alternative 1
21	Does clause 22 (Moral Rights) apply? (Clause 22.1)	Yes. The author is the Consultant
22	The following Documents are confidential; (Clause 23.1)	a) The Contract Documents b) The Deliverables c) Fee Information d) Intellectual Property Rights
23	Maximum period for which the Client may suspend Services at any one time, after which the Consultant may terminate; (Clause 24.4)	6 months after the date the Services must be completed or as stated in the Consultant's Offer
24	The Consultant's liability is limited to; (Clause 29.1)	The reasonable cost of carrying out necessary re-design or \$1,000 whichever is the lesser.
25	The amount of public liability insurance is; (Clause 30.2)	\$20 million dollars per claim and in the aggregate
26	The amount of the professional indemnity insurance is; (Clause 30.4)	\$10 million any one claim and \$20 million in the aggregate
27	The professional indemnity insurance must be maintained for the following period; (Clause 30.4)	6 years
29	The address for the service of notice is; (Clause 33.1)	Level 3, 100 Melville Street, Hobart Tasmania 7000
30	The law governing this Contract is; (Clause 35)	The State or Territory where the Services are to be substantially performed.
31	Has this Contract been amended from its original form?	Yes, as per these Terms

Contract Annexure Part B to AS4122-2010

Item	Clause Reference	SEMF Standard Condition
2	Clauses Amended Termination without cause - (Clause 26.1 (b))	Add the words, "which shall not be less than 30 days or such lesser period to which the Consultant agrees" after the word Consultant at the end of the clause.
	Clauses Added Copyright - (Clause 21.7)	No document provided by the Consultant in any form shall be copied, re-transmitted or otherwise reproduced wholly or in part other than with the express written consent of the Consultant
3	Recovery of overdue Payments - (Clause 10.11)	In addition to its entitlements under Clause 10.3 herein, the Consultant shall be entitled to recover all costs and expenses incurred by the Consultant and/or its Agents in recovering the overdue monies
	Duration of Liability - (Clause 29.3)	The Consultant's liability to the Client arising out of the performance or non-performance of the Services shall end three months from the hand over of the final completed Deliverables described in the Consultant's Offer.
	Secondment of the Consultant's employees - (Clause 37)	In the event that the Client engages any employee of the Consultant on secondment, assignment or on any other basis as part of the Deliverables, the Client agrees to the following: If the Client employs or exclusively contracts for the services of the Consultant's employee within 6 calendar months after the last day of the secondment, assignment or other engagement with the employee, the Consultant will be entitled to a commission as set out below. The Client agrees to notify the Consultant immediately following such employment or exclusive contracting and to pay the commission set out below to the Consultant within 14 days of the employment or exclusive contracting. The commission payable to the Consultant by the Client is \$40,000.00+GST.
4	Images, Quotes and Sound Recordings - (Clause 38)	The Consultant will participate in public relations, advertising and other publicity that may be accessed and viewed by the general public. As a result, the Consultant is granted permission by the Client to take images (still and/or otherwise), quotes and sound recordings of any physical space and/or location affected by the Services, and that these may be reproduced in the public domain
	Provision of Electronic Source Documents - (Clause 39)	Any documentation issued by the Consultant in other than hard copy form cannot be relied upon other than for any purpose expressly identified in writing by the Consultant. It is the responsibility of the recipient and any future recipient to check the accuracy of all electronic information.
5	Research and Development Tax Concession Application - (Clause 40)	The Consultant reserves the sole right to utilise the Services as part of the Consultant's Research and Development Tax Concession Activities Application.

SEMF TOB -	©SEMF Pty Ltd ACN 117 492 814	ABN 24 117 492 814
Professional Services FFIN20213	Approved: MD	Page 8 of 8
Revision: 14 (7 January 2015)	Responsible Officer: IMSL	
<i>Hard copies of documents are uncontrolled</i>		

RECOMMENDATION

THAT Council move out of “Closed Session”.

C/15/07/092/20101 DECISION

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

THAT Council move out of “Closed Session”.

CARRIED

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

RECOMMENDATION

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

C/15/07/092/20102 DECISION

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

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

CARRIED

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

The meeting was suspended for lunch at 2.00 p.m. and resumed at 2.29 p.m.

Deputy Mayor A O Green was not in attendance when the meeting resumed.

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

13.1 ROADS

Strategic Plan Reference – Page 13

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

Nil.

13.2 BRIDGES**Strategic Plan Reference – Page 14**

1.2.1	Maintenance and improvement of the standard and safety of bridges in the municipality.
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13.2.1 Tender – Bridge Re-establishment at Jones Road (entrance to Sydney Cottage) off Elderslie Road, Elderslie**AUTHOR** DEPUTY GENERAL MANAGER (A BENSON) AND ACTING MANAGER WORKS & TECHNICAL SERVICES (C WHATLEY)**DATE** 15TH JULY 2015

ATTACHMENTS 1. Request for Tender (RFT)
 2. Six Tenders Submitted
 (because of the bulk of this these attachments, one package will be available at the meeting for Councillors to peruse – a copy can be made available prior to the meeting if required – contact Andrew Benson):

ISSUE

Consideration of Tender submissions for the re-establishment of the bridge that was washed away by the flooding of the Jordan River, at Jones Road at the entrance to Sydney Cottage off Elderslie Road, Elderslie.

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 of the tender documentation in partnership with Council's Deputy General Manager and Council's Manager Works & Technical Services.

The Request for Tender was processed through Council's newly established E Procurement Portal, via Tenderlink. The process was seamless and very efficient to operate/manage. An online forum was established as part of the Tender process with the Superintendent being available via email up until three days before the Tender closed for questions in respect of the Tender documents and/or site conditions. With it being undertaken through the E Procurement Portal, all organisations registered receive a copy of the information and the responses, in a transparent manner. A Site Meeting was held and minutes of that meeting were lodged on E Procurement Portal, along with an addendum to the RFT requesting unit rates for a variation, if required in the depth of the piles and splicing of the pile if required. The variation was necessary as no Geotechnical boring was undertaken prior to the Tender being called and therefore the final depth of the bearing sub-surface level was unknown. The cost of the Geotech boring and report was considered more expensive to undertake than a variation to the contract on the unit rates for additional pile length and splicing.

When the Tender closes the Nominated Officer (in this case Deputy General Manager – Andrew Benson) receives an e-mail through the portal to advise that Tender has closed and the “keys to the Tender Box” are available through a coded number access (this number is only available to the Nominated Officer). There is a Tender Opening Committee of two people, including the Nominated Officer who then are at the computer to witness the downloading of the zip file with all of the Tenders and then the opening of the zip file. A Summary of the Tenders is then printed off and the two members of the Tender Opening Committee sign that they were present and witnessed the opening of the Tenders on the Summary. The complete Tender documents along with the signed Tender Opening Committee Summary are then forwarded to the Tender Assessment Committee plus the Superintendent for consideration. A copy of all documents are also sent to Council’s Records Management Office for lodgement in Council’s Records Management system as a permanent record of the Tender submissions.

The initial Tender Assessment Panel meeting was held on Tuesday 7th July 2015, where the Project Superintendent, Phil Gee provided a draft Engineer’s Report for consideration of the Panel. A rigorous analysis was undertaken and a range of options as provided in the documentation were considered on their respective merits.

ENGINEER’S REPORT

The following Report is provided by Sugden & Gee

[COMMENCEMENT OF ENGINEER’S REPORT]

Sydney Cottage Bridge Contract No. 04/2015

Report on Tenders

Prepared for Southern Midlands Council
6 July 2015



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Prepared by: Phil Gee

Date: 7 July 2015

Report Revision History					
<i>Rev No.</i>	<i>Description</i>	<i>Prepared by</i>	<i>Reviewed by</i>	<i>Authorised by</i>	<i>Date</i>
<i>DRAFT A</i>	<i>Draft for Tender Assessment panel</i>	<i>PG</i>	<i>PG</i>	<i>PG</i>	<i>6/7/15</i>
<i>00</i>	<i>Original</i>	<i>PG</i>	<i>AB</i>	<i>PG</i>	<i>7/7/15</i>

Introduction

The Southern Midlands Council (SMC) advertised a Request for Tenders (RFT) for the Bridge Works to reconstruct the Sydney Cottage Bridge, Contract No. 04/2015 in the Mercury newspaper on 6 June 2015. A copy of the Request for Tenders is contained in Appendix A.

Flooding a few years ago undermined abutments of the Sydney Cottage Bridge and, to prevent loss and damage, the bridge was dismantled and stored in an adjacent paddock. A temporary culvert was installed to provide access. The scope of this project was to design and reconstruct the bridge with new piles and abutments. Civil works including earthworks, roadworks and removal of the temporary culvert are to be carried out by the SMC's workforce.

Tenders for the Contract closed at 4 pm on Monday 29 June 2015.

This report provides an assessment of Tenders received for Contract No. 04/2015.

Code for Tenders & Contracts

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

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

The Tender process was undertaken in accordance with the Southern Midlands Council's Code for Tenders and Contracts.

Whilst the Contract price was expected to be in the range of \$60k to \$73k (excl. GST) (which is below the \$100k value which requires public tender by the Council's Tenders and Contracts Code) the RFT was advertised in the Mercury newspaper to ensure competitive proposals and potential innovation.

The Tenders were assessed by a Tender Review Panel who will make a recommendation to Council.

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

Tenders Received

The following six conforming Tenders were received:

Tenderer	Amount (\$), Excl. GST	Comments
BridgePro Engineering P/L	57,400.00	Wing walls additional \$4,500
TasSpan P/L	62,821.00	
Tas Marine Construction P/L	80,240.00	
Venarchie Contracting P/L	109,019.91	
VEC Civil Engineering P/L	124,647.00	
NEO Infrastructure	297,400.00	

Required Documentation

Tenderers were required to submit the following documentation:

- Form of Tender and schedules completed and signed by the Tenderer
- Insurance Certificates of Currency
- 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 issue of the Final Certificate.
- Relevant project experience of the Tenderer in bridge construction and design and construct contracts
- Relevant qualifications and experience of key staff that the Tenderer will use to deliver this Contract.
- Relevant qualifications and experience of the Professional Engineers who will be responsible for the design and certification of the bridge.
- Projected Cash Flow
- Proposed methodology and sketch plans for the proposed bridge re-establishment solution
- Proposed systems for risk management including workplace health and safety, quality of product and environmental management.
- A statement of the Tenderer's current capability and capacity to deliver the contract on time
- A statement of the Tenderer's financial capacity to carry out the Contract
- Any supporting documentation which the Tenderer considers relevant to the Tender
- Information to support the selection criteria of the Tender assessment

All Tenderers provided a signed Tender Form and schedules, however, the following Tenders are considered to be invalid:

- *The Tender from Venarchie Contracting Pty Ltd because they did not include a Tender Lump Sum Price on the Tender Form.*

- *The Tender from Tas Marine Construction Pty Ltd because it was not submitted on the correct form Schedules (Addenda #1) as specified in Addenda #1.*

Assessment

The Tender assessment criteria were clearly outlined in Request for Tender.

A schedule summarising the Tender assessment of all Tenders against the assessment criteria is contained in Appendix B. The following is a discussion of Tenders against each of the assessment criteria.

PRICES AND RATES

A design and construct Contract method was adopted so as to capture innovation in design methodology and to optimise cost. An estimate based on previous Tenders was \$60k to \$73k (excl. GST).

All submitted Tender Schedules were checked and are consistent with the Lump Sum Tender.

The Tender amounts are summarised in Section 3 and the lowest Tender is from BridgePro Pty Ltd for \$57,400.00 excl. GST and the second lowest Tender is from TasSpan Pty Ltd at \$62,821.00 excl. GST. All other Tenders were not considered further as their price is significantly higher than that of both BridgePro and TasSpan who are reputable and experienced bridge contractors.

The Tender from TasSpan includes wing walls, whereas the Tender from BridgePro proposes wing walls as an option for an additional \$4,500. However, when this is added to their Tender price their comparative price of \$61,900.00 is still the lowest Tender price.

Tendered rates are used to price variations should they be required due to latent conditions or unforeseen circumstances. The Tendered rates are within acceptable range:

	BridgePro	TasSpan
Average Schedule Rate (\$/hr excl. GST)	\$77.27	\$77.78
Additional Piling (\$/m excl. GST)	\$350	\$500
Pile splice (\$ each excl. GST)	\$400	\$500

PROPOSED BRIDGE DECK SOLUTION

The Tenders from BridgePro and TasSpan are very similar in that they propose piled abutments with wing walls and compliance with the specification. Both Tenderers propose to work closely with the SMC's workforce to coordinate the bridgeworks with the associated civil works. Both Tenderers have worked closely with SMC on previous bridge projects.

BridgePro have offered two options:

1. To including wing walls for additional costs which have been assessed in Section 5.1. Wing walls are recommended to stabilise and help prevent erosion in the vicinity of the abutments.
2. Installation of the bridge deck by SMC for a cost saving of \$10,000 plus GST. This option has been considered by the SMC Works Department and it is recommended that the Contractor install the bridge deck and take full responsibility for all bridge structure works.

COMPANY EXPERIENCE & CAPABILITY

Both BridgePro and TasSpan are experienced and capable bridge construction contractors with appropriate insurance and third party certified management systems.

PERSONNEL EXPERIENCE & CAPABILITY

Both BridgePro and TasSpan have suitably experienced and capable personnel in bridge design and construction.

Conclusion

The lowest price Tenderer, BridgePro, is experienced in design and construction of similar bridges to the Sydney Cottage Bridge and their proposed solution complies with the specification. They have certified quality management systems and carry appropriate levels of insurance.

The inclusion of wing walls is recommended to improve stability of the embankment around the abutment.

Based on assessment the Tenders received for SMC Contract 04/2015 for the Sydney Cottage Bridge:

1. The Tender process was conducted in accordance with the SMC Code of Tenders and Contracts
2. The best value for money Tender is that received from BridgePro Pty Ltd including the option of wing walls for the sum of \$61,900.00 excl. GST.



Phil Gee, MBA, BE, CPEng, FIEAust, RPEQ
Managing Director
Sugden & Gee Pty Ltd

Appendix A
Request for Tenders

Available at the meeting or before if required

Appendix B
Tender Assessment Schedule

Sydney Cottage Bridge
SOUTHERN MIDLANDS COUNCIL CONTRACT NO. 04/2015

The following is an assessment of the submitted Tenders against the Selection Criteria:

Criteria	BridgePro	TasSpan	TMC	Venarchie	VEC	NEO
Prices & Rates – Tender Sum	\$57,400.00	\$62,821.00	\$80,240.00	\$109,019.91	\$124,647.00	\$297,400.00
Prices & Rates – Rates (Ave with then without PE)	Within an acceptable range – Ave \$85.00/hr	Within an acceptable range – Ave \$85.60/hr	Within an acceptable range – Ave \$96.25/hr	Within an acceptable range – Ave \$63.75/hr	Within an acceptable range – Ave \$95.56/hr	Within an acceptable range – Ave \$90.75/hr
Piling (m)/Splice rate (for variation purposes)	\$385/\$440	\$550/\$550	Not submitted	\$462/\$880	\$385/\$495	\$550/\$660
Proposed bridge deck solution	Pile, abutment, optional wing walls, option for SMC to install superstructure	Pile, abutment, wing walls.	Pile, abutment, wing wall with piles at the end to prevent movement in flood	Pile, abutment	Pile, abutment, wing walls	
Relevant company experience	Strong	Strong	Some bridge, strong marine experience	Not a lot of history in bridges	Strong	Some bridge experience
Experience and qualifications of key personnel	Strong	Strong.	Good	Not a lot of history in bridges	Strong	Some bridge experience

[END OF ENGINEER’S REPORT]

The Engineer's Report included in this Agenda Report includes the minor clarification changes sought by the Tender Assessment Panel and has been endorsed by the Tender Assessment Panel. It is confirmed that this process has been undertaken in accordance with Council's Code for Tenders & Contracts, January 2015 version.

RECOMMENDATION

THAT Council:

1. Receive and note the report;
2. Accept the tender received from BridgePro Pty Ltd for the sum of \$61,900.00 excl. GST, which includes the option to supply and install four wing walls; and
3. Sign and seal the Formal Instrument of Agreement with BridgePro Pty Ltd for the contractual requirements detailed in the Request For Tender and provided in their Tender submission, for the total sum of \$61,900.00 excl. GST;

C/15/07/103/20103 DECISION

Moved by Clr A R Bantick, seconded by Clr B Campbell

THAT Council:

1. Receive and note the report;
2. Accept the tender received from BridgePro Pty Ltd for the sum of \$61,900.00 excl. GST, which includes the option to supply and install four wing walls; and
3. Sign and seal the Formal Instrument of Agreement with BridgePro Pty Ltd for the contractual requirements detailed in the Request For Tender and provided in their Tender submission, for the total sum of \$61,900.00 excl. GST;

CARRIED

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

13.2.2 Swanston Bridge Replacement – Design Considerations

AUTHORS DEPUTY GENERAL MANAGER (A BENSON) & ACTING
MANAGER WORKS & TECHNICAL SERVICE (C
WHATLEY)

DATE 15TH JULY 2015

ENCLOSURE

1. Swanston Bridge Replacement Community Consultation Responses.
2. SES Risk Register & Risk Treatment Plan as their Response
3. Original Engineering Report.

ISSUE

The replacement of the Swanston Bridge at Swanston in a cost effective and practical manner that provides access to the Eastern side of the Little Swanport River for the residents within agreed service levels.

BACKGROUND

[EXTRACT FROM THE MAY 2015 COUNCIL MEETING]

The following Research Brief was issued to Council’s Consulting Engineer, Phil Gee from Sugden & Gee.

***Research Brief
For the Replacement of the Swanston Bridge Over the Little Swanport River***

Background

The Swanston bridge is located over the Little Swanport River at Swanston (refer to the attached location plan). There are three to four families that permanently reside on the eastern side of the river. There is a four wheel drive track to the east coast which is in quite poor condition; otherwise the families live on virtually a “no through road”. The existing timber bridge is in very poor condition and has a 5t load limit. In recent years Council constructed a ford using 1200mm x 1200mm RC box culverts. The ford is sometimes impassable and on some occasions the box culverts and associated roadway have been washed aside by the flood waters. According to local knowledge, the flood waters have been known to lap at the underside of the existing timber bridge. Refer to the attached images of the existing bridge. Council have had a detailed survey undertaken by Surveyor Tony Woolford (attached). The bridge is a single lane width and any new structure should be a single lane width.

The dilemma is, does Council spend \$500,000 on a new bridge that can withstand the flood waters and provide 365 days a year access for three to four families, or does it provide a modified approach to the situation. If a modified approach is considered what would the parameters be?

Council would like to test the assumptions and an estimate for a full bridge replacement should be considered as well as a structure that will allow a service level to the residents that provides less than full 365 day a year service, but a service that will be for no greater isolation period than 2.5 to 3 days.

This research project is broken down into three components, Stage 1, Stage 2 and Stage 3.

Stage 1 – Catchment Analysis

A detailed catchment analysis is required to determine the flow volumes. Whilst upstream of the bridge is key to the calculations, a short distance downstream from the bridge the Eastern Marshes Rivulet provides a confluence with the Little Swanport River.

At maximum flow this downstream confluence does frustrate the effective waterway condition for a speedy dispersement of the outfall.

Calculations should be at least on a one in one hundred year frequency.

Stage 2 – Design Options

The determination of structures based on the analysis required, namely;

- A. Full bridge construction to provide for 365 day pa access for the families on the eastern side of the river;*
- B. A structure to accommodate a maximum of 2.5 to 3 day isolation once a year;*
- C. A structure to accommodate a maximum of 2.5 to 3 day isolation twice a year.*

The new structure should be located on the alignment as surveyed by Tony Woolford, (star pins showing centreline) which is parallel to the existing structure.

The consideration of riverbed/riverbank treatment as a transition from the catchment to the structure to increase the desired flow characteristics should be undertaken.

During the site visit I suggested that an alternative design comprising three 3m x 3m side by side be investigated as an alternative to a new structure of pier and beam construction.

For consideration at the detailed design stage, Jack Lyall suggested

- that at the upstream side of the structure that a “tree rack” be constructed in an attempt to arrest, plus allow for easy removal of any trees or logs that could restrict the water flow through the structure;*

- *that a dry weather flow pipeline be installed under the any culvert floor to facilitate Platypus migration.*

Stage 3 - Report

A report is to be provided covering a range of construction concepts/options including an estimate of those options.

Timeline

The report shall be provided by 18th May 2015 to ensure that the financial considerations are included in the Council budget workshop for the 2015/2016 financial year.

*Andrew Benson
Deputy General Manager
6th April 2015*

CURRENT

The Research Brief was addressed by Council’s Consulting Engineer, with his report and associated documents being attached to this Agenda Item. The documents provide an analysis of the catchment characteristics and the effective options available for Council to consider in the replacement of the current structure.

These construction works will be required to be undertaken during the 2015/2016 financial year

RECOMMENDATION

For discussion and a decision on the way forward.

C/15/05/061/20042 DECISION

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

THAT Council

- 1. note the Report;**
- 2. write to all property owners that would be required to use the bridge**
 - a. advising of the progress on the replacement of the bridge,**
 - b. sharing Council’s desire to implement a 5 year Annual Recurrent Interval (5 year flood frequency) design parameter on the new structure,**

- c. seeking property owner’s input on the 5 year Annual Recurrent Interval (5 year flood frequency)
 - d. seeking property owner’s input on any other relevant issues that may be impacted on by the replacement structure
3. receive a report from Council Officers in respect of the feedback from the Community consultation.

CARRIED.

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

[END OF EXTRACT FROM THE MAY 2015 COUNCIL MEETING]

The following letter was sent to the property owners identified on Council Land Information System as well as all Emergency Management Services as well as Glamorgan Spring Bay Council.

[COMMUNITY CONSULTATION LETTER]

19th June 2015
PID

Dear

**SWANSTON BRIDGE REPLACEMENT
PRELIMINARY CONSIDERATIONS & COMMUNITY CONSULTATION**

As a local property owner who may use the Swanston Bridge I write to advise you of Council’s progress on the investigation and preliminary considerations in preparation for the Request for Tender for the replacement of the Swanston Bridge over the Little Swanport River at Swanston.

I was asked to undertake the preliminary work for the replacement of the Swanston Bridge ensuring that the end product is a cost effective and practical solution that provides access to the Eastern side of the Little Swanport River for the residents and property owners, within acceptable service levels.

As you know the existing timber bridge is in very poor condition and has a 5t load limit. In recent years Council constructed a ford using 1200mm x 1200mm Reinforced

Concrete box culverts to enable heavy vehicles to traverse the crossing. The ford is sometimes impassable and on some occasions the box culverts and associated roadway have been washed aside by the flood waters. The bridge is a single lane width and any new structure should be a single lane width as well. Council have had a detailed survey undertaken by Surveyor Tony Woolford.

The dilemma is, does Council spend \$750,000 on a new bridge that can withstand the flood waters (100 year flood frequency) and provide 365 days a year access for a small number of residents, or does it provide a modified approach to the situation. If a modified approach is considered what would the parameters be?

Council were very keen to test the assumptions, as such an estimate for a full bridge replacement should be considered as well as a structure that will allow a service level to the residents that provides less than full 365 day a year service, but a service that will be for no greater isolation period than 2.5 to 3 days.

Council commissioned an Engineering Report from Consulting Engineers, Sudgen & Gee Pty Ltd. In the Report the Engineers were asked to provide a “Catchment Analysis” and “Design Options”. The Design Options were required to take into account a one year, five year, ten year, twenty year, fifty year and one hundred year rainfall, Annual Recurrent Interval (ARI – flood frequency) design options along with some preliminary estimates of design responses.

The Report covered the Existing Bridge, Traffic Usage, Water Catchment, Flood Analysis (including the fact that the Eastern Marshes Rivulet joins the Little Swanport River just 110m downstream from the existing bridge), Geology, as well as Waterway Requirements, Bridge and Culvert Options & Comparison Costs of Options.

In Section 7 of the Bridge Code, Australian Standard 5100.1-2004 it states that the waterway requirements shall be determined by the local authority in consultation with other relevant authorities. In this case the local authority is Southern Midlands Council.

It is common for a bridge to be designed for a 100yr ARI rainfall event. However, where there are low traffic volumes and few properties it is reasonable to construct a bridge or culvert for a lower rainfall event at a cost that is commensurate with the properties and vehicles serviced. It is therefore also common for authorities to adopt a solution that may avoid flooding with say a 5yr or 10yr ARI rainfall event and accept that the structure will be flooded in higher rainfall intensities. In these cases the structure must be designed to cope with the overtopping of the flood waters.

From the range of comparisons considered in the Report, the optimum solution appears to be to have a 5yr ARI rainfall flood capacity provided by 4 box culverts side by side (each 2.4m high x 4.2m wide) at a cost range from \$295,000 to \$355,000.

From the flow capacity analysis it shows that at an average of every five years flood waters coming down the catchment through the culverts will lap at the underside (soffit) of the top of the culverts

The table below is for various ARI rainfall events showing the soffit and the top of the culvert for 200mm or 300mm thick culvert roof slabs (the deck). The culvert roof slabs will be the running surface for the traffic:

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<i>ARI Rainfall (Flood Frequency)</i>	<i>Approx. Flood Level above soffit of the culvert (mm)</i>	<i>U/stream surface less 200mm (m)</i>	<i>U/stream surface less 300mm (mm)</i>
<i>5 years</i>	<i>0</i>	<i>-200</i>	<i>-300</i>
<i>10 years</i>	<i>400</i>	<i>200</i>	<i>100</i>
<i>20 years</i>	<i>700</i>	<i>500</i>	<i>400</i>
<i>50 years</i>	<i>1100</i>	<i>900</i>	<i>800</i>
<i>100 years</i>	<i>1400</i>	<i>1200</i>	<i>1100</i>

For example this table shows that during a 10 years flood frequency event and if the deck of the slabs is 300mm thick, the flood waters will be running 100mm (or 4 inches) above the deck surface of the culverts.

Based on this information Council is keen to understand property owner's response to Council considering the approval of a river crossing design solution based on a 5 year ARI.

If there is agreement on the 5 year ARI, that will mean the Southern Midlands Emergency Management Plan will need to document all emergency management responses if the river is in flood and impassable.

I have enclosed a Response Form along with a stamped return addressed envelope for you to complete so that Council can consider your views in respect of this matter. It would be appreciated if you would be able to return the Response Form duly completed so that we receive it no later than the 13th July 2015, therein allowing me to provide a report to the July Council meeting that includes the views of property owners that traverse the river crossing. If Council does not receive a completed form by the return date we will make the assumption that you have no issue with Council utilising a 5 year ARI as a benchmark in the criteria.

The existing bridge is quickly coming to the end of its useful life and the cost of maintenance will mean that it will not be able to be part of any new arrangements, unfortunately not even as a foot bridge.

In conclusion, Council are very keen to provide an efficient and effective engineering solution to the new river crossing at Swanston in a financially responsible manner. Your input to that decision making process would be greatly appreciated.

Please give me a call or email me if you require any more information or clarification in relation to any of these matters.

Yours sincerely

*Andrew Benson
Deputy General Manager*

*ph 03 6259 3011 fax 03 6259 1327 mob 0429 852730
email abenson@southernmidlands.tas.gov.au*

Encl. *Community Consultation Response Form*

**COMMUNITY CONSULTATION RESPONSE FORM
DESIGN OPTIONS FOR THE SWANSTON BRIDGE
OVER THE LITTLE SWANPORT RIVER AT SWANSTON**

*Andrew Benson
Southern Midlands Council
PO Box 21
OATLANDS TAS 7120*

Dear Andrew

We have read your letter dated 19th June 2015 and note that you would like us to comment on Council using a 5 year ARI design criteria for the replacement of the Swanston Bridge.

<p><i>Please cross out the statement that does not represent your view in relation to this matter</i></p> <p><i>I/We agree with Council using a 5 year ARI for the design criteria for the new structure</i></p> <p><i>I/We disagree with Council using a 5 year ARI for the design criteria for the new structure</i></p> <p><i>If you disagree with Council using the 5 year ARI would you please state your reason(s) why you disagree so that we understand your thoughts in relation to this matter;</i></p> <p>.....</p> <p>.....</p>

If there are any other matters that you would like to share with Council we would be pleased to consider them, please document them below;

.....

.....

.....

Council appreciates you taking to time to respond - thankyou

Signature:

Date:

[END OF COMMUNITY CONSULTATION LETTER]

[DISTRIBUTION LIST OF COMMUNITY CONSULTATION LETTER]

PID	Name	Address	Suburb	State	Post Code
5837803	MR & PP Hazelwood	622 Swanston Road	SWANSTON	TAS	7120
7567595	MR Hazelwood & Sons Pty Ltd	PO Box 30	OATLANDS	TAS	7120
1885154	DJ & RA Tribolet	91 Daniels Road	SWANSTON	TAS	7120
1885138	EA Daley	Post Office	BUCKLAND	TAS	7190
3314347	C J Palmer, J M Whitehead	24 Poplar Grove	LANGWARRIN	VIC	3910
3314339	Tas Land Conservancy Inc	PO Box 2112	SANDY BAY	TAS	7005
7239823	Wiggins & Dean Logging Pty Ltd	RMB 662	WOODSDALE	TAS	7120
1567279	Stonehouse Grazing Pty Ltd	PO Box 638	LAUNCESTON	TAS	7250
5837790	R W & M G McShane	C/-1114 Stonehenge Rd	STONEHENGE	TAS	7120
5837870	SE & RG Ransley	P O Box 59	CAMPANIA	TAS	7026
1774585	CM Crawford, GJ Edgar, JR & PR Last, JS & RB Mawbey	5 Mt Stuart Road	MT STUART	TAS	7000
1871166	JE Dunbabin	107 Beach Road	MARGATE	TAS	7054
3192351	JA Tanner	PO Box 556	MOONAH	TAS	7009
3226160	IK Cerveri	1 / 61 King Parade	KNOXFIELD	VIC	3180
3226152	SR Gibson & CE Paine	4 Grebe Street	PRIMROSE SANDS	TAS	7173
5837774	Gunns Ltd C/- Korda Mentha	GPO Box 2985	MELBOURNE	VIC	3001
5837774	Forico Pty Ltd	PO Box 5316	LAUNCESTON	TAS	7250
2527594	Forestry Tasmania - L & P Branch	GPO Box 207	HOBART	TAS	7001
5837782	Stonehenge Holdings Pty Ltd	C/- 1114 Stonehenge Road	STONEHENGE	TAS	7120
	Crown Land Services	GPO Box 44	HOBART	TAS	7001
	General	Crn Vicary and Henry Street	TRIABUNNA	TAS	7190

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	<i>Manager - Glamorgan / Spring Bay Council</i>				
	<i>State Director, SES</i>	ses@ses.tas.gov.au			
	<i>Commissioner Tasmania Police</i>	tasmania.police@police.tas.gov.au			
	<i>Chief Fire Officer, TFS</i>	fire@fire.tas.gov.au			
	<i>Chief Officer, Tas Ambulance</i>	duty.manager.comms@ambulance.tas.gov.au			
	<i>Mr J & Mrs E Tribolet</i>	<i>Swanston Road</i>	<i>SWANSTON</i>	<i>TAS</i>	<i>7120</i>

[END OF DISTRIBUTION LIST OF COMMUNITY CONSULTATION LETTER]

From these twenty six letters that were sent out Council received five responses, two of those responses from a property owner who owns two titles in the area. Whilst it was the same response, it is only fair to treat it as two responses. All of the responses are attached; however there is a summary of the responses included in the body of this Report. The writer was contacted by the State Emergency Services (SES) who were recipients of the letter and they wished to explore the matter further and as such requested a copy of the Engineering Report, which was duly provided. A late response from SES has been received and is included in the attachments as a Risk Register along with a Risk Treatment Plan. This will be analysed and a further briefing to Council during the meeting will be required.

Councillors will note that the Community Consultation letter did request feedback on or before 13th July 2015. At the time of writing this Report, that time has passed.

Summary of Five Community Consultation Letter Responses – Swanston Bridge Replacement

<p>Property Owner</p>	<p>Input questions in the consultation letter</p>		
<p>MR Hazelwood & Sons Pty Ltd, PO Box 30 OATLANDS</p> <p><i>plus</i></p> <p>MR & PP Hazelwood, 622 Swanston Road, SWANSTON</p>	<p><i>Please cross out the statement that does not represent your view in relation to this matter</i></p> <p>I/We agree with Council using a 5 year ARI for the design criteria for the new structure</p> <p>I/We disagree with Council using a 5 year ARI for the design criteria for the new structure</p> <p><i>If you disagree with Council using the 5 year ARI would you please state your reason(s) why you disagree so that we understand your thoughts in relation to this matter;</i></p> <p><i>2 pages of reasons attached</i></p> <p>.....</p> <p><i>If there are any other matters that you would like to share with Council we would be pleased to consider them, please document them below;</i></p> <p>.....</p>		
	<p>Issue Raised</p>	<p>Response to Issue</p>	<p>Determination</p>
	<p><i>I a. We totally disagree with replacing the Swanston Bridge with four box culverts in place of replacing the bridge. When the river floods the culverts will not be able to take the massive amount of flood water,</i></p> <p><i>I b. the culverts will be blocked by the flood debris, particularly fallen trees and logs washed downstream by the large volume of flood water</i></p>	<p>Ia. The catchment analysis has shown that the four, 4.2 x 2.4 culverts will be sufficient for withstanding a 5 year flood frequency. The letter referred to, for example the table which showed that during a 10 years flood frequency event and if the deck of the slabs is 300mm thick, the flood waters will be running 100mm (or 4 inches) above the deck surface of the culverts.</p> <p>Ib. It is acknowledged that there is considerable debris upstream from the proposed site. The design parameters in the</p>	

		Request For Tender (RFT) will state that a “debris rack” will required to be installed upstream from the culverts with the proviso that it be constructed in a manner that it could be easily serviced and maintained	
	<i>2. There is no flood warning scheme on the Little Swanport River and no notification system of dam water being released.</i>	2. The total catchment upstream from the Swanston crossing is 20,482Ha. It is acknowledged that there are no warning systems in place in the catchment. This is an issue that could be addressed through the SM Emergency Management Plan	
	<i>3. Ongoing costly repairs in the event of flood to bridge approaches.</i>	3. The design parameters will require that the bridge approaches shall be appropriately designed to withstand flood frequencies greater than 5 years, with minimum repair work to be undertaken.	
	<i>4. In this day and age we should be going forward. The first bridge over the Little Swanport River at Swanston was built around 1900 and looked on as an asset to the area. The area has continued to be developed ever since and has potential for numerous further development.</i> <i>If the area is made to be isolate, contracts on certain commodities won't be able to be obtained.</i>	4. Helpful historical perspective The term <i>isolate</i> is to make a place unreachable from the surrounding area. Whilst this would be a true statement for say a maximum of two to three days every say eight to ten years. It is difficult to see the impact that this may have on commodities and their respect contracts. Any significant precipitation events will by their nature halt to some degree agricultural activities.	

	<p><i>5. The isolation prospect of the Swanston area will cause devaluation in the land.</i></p>	<p>5. A preliminary comment in respect of this matter was sought from the Office of the Valuer General. Advice was received that stated, based on the information provided of possible isolation for two to three days every eight to ten years, then the valuation of property in the area would not be adversely impacted on at all.</p>	
	<p><i>6. Will be unable to attend to livestock, will create RSPCA issues</i></p>	<p>6. There is high ground on the eastern side of the Little Swanport River where stock can be safe from any flood event and it is assumed that when flood events happen in the area, as there have been since settlement, contingencies are put in place</p>	
	<p><i>7a. Seniors will feel unsafe to reside in the area</i></p> <p><i>7b. Employees won't know when to leave the area or return, as there is no mobile phone services in the area.</i></p>	<p>7a. Agreed, they may feel unsafe</p> <p>7b. It is acknowledged that there is no mobile phone coverage in the area. The Bureau of Meteorology has very good forecasting and reporting systems in place either via satellite internet connection or via the ABC. Given the upstream terrain, the catchment would take some time to reach a breach point and therefore it would not be an event that would accelerate at a dramatic pace. It is noted that other parts of the Swanston Road on the western side of the Little Swanport River do become inundated during significant precipitation events.</p>	

	<p><i>8. And there are numerous other issues if you wish to contact me.</i></p>	<p>8. Contact has been made however Mr Hazelwood was not available at the time – an update on discussions with Mr Hazelwood will be provided at the time of the Council meeting</p>	

<p>SE & RG Ransley, PO Box 59, CAMPANIA</p>	<p>Input questions in the consultation letter</p> <p><i>Please cross out the statement that does not represent your view in relation to this matter</i></p> <p>I/We agree with Council using a 5 year ARI for the design criteria for the new structure</p> <p>I/We disagree with Council using a 5 year ARI for the design criteria for the new structure</p> <p><i>If you disagree with Council using the 5 year ARI would you please state your reason(s) why you disagree so that we understand your thoughts in relation to this matter;</i></p> <p><i>I disagree for the purpose of being flooded in and I need access to my land.</i></p> <p>.....</p> <p><i>If there are any other matters that you would like to share with Council we would be pleased to consider them, please document them below;</i></p> <p><i>Do it once and do it properly and you never have to touch it again</i></p> <p>.....</p>		
	Issue Raised	Response to Issue	Determination
	No other issues raised		

<p>Forestry Tasmania, GPO Box 207, HOBART</p>	<p>Input questions in the consultation letter</p> <p><i>Please cross out the statement that does not represent your view in relation to this matter</i></p> <p>I/We agree with Council using a 5 year ARI for the design criteria for the new structure</p> <p>I/We disagree with Council using a 5 year ARI for the design criteria for the new structure</p> <p><i>If you disagree with Council using the 5 year ARI would you please state your reason(s) why you disagree so that we understand your thoughts in relation to this matter;</i></p> <p>.....</p> <p><i>If there are any other matters that you would like to share with Council we would be pleased to consider them, please document them below;</i></p> <p>.....</p>		
	Issue Raised	Response to Issue	Determination
	No other issues raised		

<p>DJ & RA Tribolet, 91 Daniels Road, SWANSTON</p>	<p>Input questions in the consultation letter</p> <p><i>Please cross out the statement that does not represent your view in relation to this matter</i></p> <p>I/We agree with Council using a 5 year ARI for the design criteria for the new structure</p> <p>I/We disagree with Council using a 5 year ARI for the design criteria for the new structure</p> <p><i>If you disagree with Council using the 5 year ARI would you please state your reason(s) why you disagree so that we understand your thoughts in relation to this matter;</i></p> <p><i>Emergency issues with life threatening or treatment requiring Doctors attention could be handled by Westpac Rescue Helicopter</i></p> <p><i>If there are any other matters that you would like to share with Council we would be pleased to consider them, please document them below;</i></p> <p><i>If road is blocked greater than three days, perhaps consideration of a food drop for those resident effected</i></p>		

	Issue Raised	Response to Issue	Determination
	No other issues raised		

CONCLUSION

A rigorous hydraulic/engineering analysis along with a subsequent Report on the Little Swanport River catchment was developed and some concept costs were compiled providing relevant details to assist in the development of a decision in relation to the type and cost of structure to replace the deteriorating Swanston Bridge.

A comprehensive letter outlining the details of the Engineering Report and Council's thinking as a consequence to that Report, was sent to all property owners that would need to use the Swanston Bridge to access their respective properties.

Emergency Services organisations and Glamorgan Spring Bay Council received a copy of the letter requesting feedback.

Twenty one letters went to property owners and five responses were received back, two responses were supportive of the 5 year ARI (flood frequency) Criteria, three responses (two from the same person, albeit the owner of two properties) were not in agreement with the 5 year ARI (flood frequency) Criteria.

There is a balance for Council to consider between the cost of a 100 year ARI (flood frequency) structure which would be in the order of \$750,000 to cater for say four permanent resident families and up to twenty absentee owners, along with associated agricultural uses with 365 days a year access. Against the cost of a 5 year ARI (flood frequency) structure which would be in the order of \$350,000, that will require some maintenance works to accommodate the over topping of the structure and not be accessible for two to three days every, say eight to ten years.

Human Resources & Financial Implications - From a financial perspective there would be some savings in initial construction costs depending on the final design criteria if a criteria less than 100 year ARI is adopted.

Community Consultation & Public Relations Implications - Initial Community Consultation has been undertaken; depending on Council's decision further Consultation may be required.

Web site Implications - Not applicable at this point in time.

Policy Implications - Inclusion of details in the Municipal Emergency Management Plan.

Priority - Implementation Time Frame - Construction of replacement structure within 2015/2016 financial year.

Following Andrew Benson's introduction of the this Item to the Council meeting he picked up on two matters flagged in the report,

1. Follow-up phone with Mr Hazelwood
2. A briefing for Council on the State Emergency Service (SES) submission.

1. Andrew Benson advised the meeting that he was able to contact Mr Hazelwood as per Mr Hazelwood's request in his Consultation letter response. During the conversation Mr Hazelwood raised the matter of School Bus access if the river was impassable he also stated that Shooters and Wood Hookers could be trapped if the river came up and access was block. Mr Hazelwood also reiterated the matters raised in his response form, as attached.

These additional matters were discussed by the meeting.

2. Andrew Benson then referred to the SES submission. He provided an A3 size of both the Risk Register as well as the Risk Treatment Plan documents. As there were no other documents provided by SES, Andrew Benson then proceeded to provide a detailed explanation of the two documents.

He started by providing each Councillor with a copy of a document titled "*Southern Midlands Council Risk Management Framework*", a document that he had produced in 2013" covering an introduction to the principles and structure of Risk Management in accordance with ISO 31000:2009. He worked through, amongst other things within the document, Identification of Risks, Likelihood and Consequences as well as Risk Ratings and Risk Treatment Plans. This provided a basis for Councillors to understand the SES document.

Andrew Benson advised the meeting that the SES documents used the National Emergency Risk Assessment Guidelines 2015, which have not yet been released. The National Emergency Risk Assessment Guidelines provide a contextualised emergency risk assessment methodology consistent with the Australian/New Zealand Standard [AS/NZS ISO 31000:2009 Risk management – Principles and guidelines](#).

In effect he advised that the documents showed that if a 5 year Annual Recurrent Interval (ARI) (flood frequency) were used, then some mitigating risk treatment options would be required to be established to ensure that a satisfactory "Social Setting" framework is in place. The term Annual Exceedance Probability (AEP) was used in the SES documents and is defined in the following manner "*the likelihood of occurrence of a flood of given size or larger, occurring in any one year. AEP is expressed as a percentage (%) and may be expressed as the reciprocal of ARI (Average Recurrence Interval). For example, if a peak flood discharge of 500 m³/s has an AEP of 5%, it means that there is a 5% risk (ie, a risk of one-in-20) of a peak flood discharge of 500 m³/s or larger occurring in any one year.* The SES documents stated that for a 5 year ARI, a 20% AEP is determined, ie there is a 20% chance of the structure being "overtopped" in any one year.

Andrew Benson advised the meeting that by the same analysis a 10 year ARI criteria provides a 10% AEP, ie there is a 10% chance of the structure being "overtopped" in any one year. He further explained that with a 10% AEP there were no mitigating

risk treatment options required by the National Emergency Risk Assessment Guidelines 2015, used by the SES.

RECOMMENDATION

For discussion, along with further analysis of the SES documents being provided at the meeting, then for consideration / decision.

C/15/07/121/20104 DECISION

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

THAT:

1. the report be received and noted;
2. the Community consultation process be endorsed;
3. a Request for Tender be developed and advertised for the replacement structure of the Swanston Bridge at Swanston, to provide for design and construction options of a 5 year ARI (flood frequency) criteria as well as a 10 year ARI (flood frequency) criteria.

CARRIED

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

13.3 WALKWAYS, CYCLE WAYS AND TRAILS

Strategic Plan Reference – Page 14

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

Nil.

13.4 LIGHTING

Strategic Plan Reference – Page 14

- | | |
|--------|--|
| 1.4.1a | Ensure Adequate lighting based on demonstrated need. |
| 1.4.1b | Contestability of energy supply. |

Nil.

13.5 BUILDINGS

Strategic Plan Reference – Page 15

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

Nil.

13.6 SEWERS

Strategic Plan Reference – Page 15

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

Nil.

13.7 WATER

Strategic Plan Reference – Page 15

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

Nil.

13.8 IRRIGATION

Strategic Plan Reference – Page 15

- | | |
|-------|--|
| 1.8.1 | Increase access to irrigation water within the municipality. |
|-------|--|

Nil.

13.9 DRAINAGE

Strategic Plan Reference – Page 16

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

Nil.

13.10 WASTE

Strategic Plan Reference – Page 17

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

Nil.

13.11 INFORMATION, COMMUNICATION TECHNOLOGY

Strategic Plan Reference – Page 17

1.11.1 Improve access to modern communications infrastructure.

Nil.

The meeting was suspended at 3.04 p.m. and resumed at 3.26 p.m.

13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)

13.12.1 Manager - Works & Technical Services Report

File Ref: 3/075

AUTHOR ACTING MANAGER – WORKS & SERVICES (C WHATLEY)
DATE 15TH JULY 2015

ROADS PROGRAM

Maintenance Grading is being undertaken in the Lovely Banks, Kempton, Stonehenge and Woodsdale areas.

Drainage works are near completing at Church Road Broadmarsh.

General potholing being undertaken on sealed and unsealed roads.

BRIDGE PROGRAM

Bypass currently being installed at Old Tier Road Woodbury, due to load limit restriction being applied to bridge structure. Engineering works to commence shortly.

WASTE MANAGEMENT PROGRAM

All operating well, still requiring extra cartage for removal of waste.

TOWN FACILITIES PROGRAM

Council has recently undertaken drainage and footpath improvements outside 112 High Street, Oatlands. This included the installation of an air drain to address damp issues within that property. At the time of excavation, it was evident that tree roots from the birch tree planted in the adjoining road pavement had the potential to impact on the building in the short to medium term. The property owner has requested that the tree be removed to eliminate the problem of root infiltration.

Recognising the sensitivity of removing trees, this matter is raised with Council for discussion prior to removal.

Oatlands Racecourse – removal of pine trees on fence line, due to safety issues.

Other general maintenance as required.

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

Council Meeting Minutes – 21st July 2015

- Oatlands High School – reinstatement works – High Street;
- Brown Mountain Road (as an example) – priority roads - use of self-propelled roller as opposed to ‘free-roller’ on rear of Grader

RECOMMENDATION

THAT the information be received.

C/15/07/125/20105 DECISION

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

THAT the information be received.

CARRIED

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

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 RESIDENTIAL

Strategic Plan Reference – Page 18

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

Nil.

14.2 TOURISM

Strategic Plan Reference – Page 19

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

Nil.

14.3 BUSINESS

Strategic Plan Reference – Page 20

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

Nil.

14.4 INDUSTRY

Strategic Plan Reference – Page 21

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

Nil.

14.5 INTEGRATION

Strategic Plan Reference – Page 21

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

Nil.

15 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

15.1 HERITAGE

Strategic Plan Reference – Page 22

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

15.1.1 Heritage Project Officer's Report

File Ref: 3/097

AUTHOR MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

DATE 16TH JULY 2015

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects

DETAIL

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

- Work on the preparation of a grant application for the Oatlands Commissariat Project through the *National Stronger Regions Fund*.
- The *Back to Pawtella Day* on 21st June was a great success, with over 40 people attending and an interpretation panel is currently being designed.
- Preliminary work is being undertaken on a convict sites trail (complimentary to the current SMC trail) with Northern Midlands Council.

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

- Continuation of the Premaydena Officers Quarters project.
- Input into several heritage projects as part of HBS QA processes.
- Planning for a public open day and heritage trades skills display in conjunction with the Royal Tasmanian Botanical Gardens.
- Scoping a full restoration project on the *Frescati* building (1833) at New Norfolk in conjunction with Derwent Valley Council.

Heritage Projects program staff has been involved in the following Heritage Education and Skills Centre activities.

- Commencement of the second project module of the Brighton component of the 5x5x5 project.
- Completion of the Community Blitz training program at the Brighton Army Camp.
- The Tasman part of the 5x5x5 project is continuing in conjunction with Tasman Council.
- Final planning of the Glamorgan/Spring Bay component of the 5x5x5 project, which will undertake stabilisation and track building works at the Paradise Probation Station (Orford).
- Working with several partner organisations on scoping models for larger work for the dole projects which would incorporate 5x5x5 and other heritage skills training projects.

RECOMMENDATION

THAT the information be received.

C/15/07/128/20106 DECISION

Moved by Clr B Campbell, seconded by Clr A R Bantick

THAT the information be received.

CARRIED

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

15.2 NATURAL

Strategic Plan Reference – Page 23/24

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

15.2.1 Landcare Unit & Climate Change – General Report

AUTHOR NRM PROGRAMS MANAGER – M WEEDING
DATE 14TH JULY 2015

ISSUE

Southern Midlands Landcare Unit and GIS Monthly Report

DETAIL

- Helen Geard and Graham Green have been in the field doing planting works as a follow on from the Biodiversity project sites.
- Graham Green has been doing spatial analysis work for the proposed Southern Midlands Landcare plan.
- M Weeding continues to liaise with Chris Wisniewski from Inland Fisheries Service (IFS). IFS wish to commit to assist with reinstating the water back into Lake Dulverton through purchasing water from the Midlands Water Scheme. An initial purchase of 215 Ml is proposed. A Memorandum of Understanding between SMC and IFS is to be developed.
- The funding application to the Tasmanian Sport and Recreation Funding Grant round relating to underground irrigation for the Mt Pleasant ground was successful. \$10,000 has been secured to purchase materials. Irrigation Tasmania will provide the materials and assist with the installation of the equipment. M Weeding will work with the club members and Irrigation Tasmania to progress the works – which are expected to occur sometime in late September / early October.
- Lake Dulverton and Callington Park matters continue progress – see minutes from 13th July.

RECOMMENDATION

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

C/15/07/130/20107 DECISION

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

THAT the information be received.

CARRIED

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

15.3 CULTURAL

Strategic Plan Reference – Page 24

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

Nil.

15.4 REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS)

Strategic Plan Reference – Page 25

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

Nil.

15.5 CLIMATE CHANGE

Strategic Plan Reference – Page 25

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

Nil.

16 OPERATIONAL MATTERS ARISING LIFESTYLE

16.1 COMMUNITY HEALTH AND WELLBEING

Strategic Plan Reference – Page 26

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

Nil.

16.2 YOUTH

Strategic Plan Reference – Page 26

4.2.1 Increase the retention of young people in the municipality.

Nil.

16.3 SENIORS

Strategic Plan Reference – Page 27

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

Nil.

16.4 CHILDREN AND FAMILIES

Strategic Plan Reference – Page 27

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

Nil.

16.5 VOLUNTEERS

Strategic Plan Reference – Page 27

4.5.1 Encourage community members to volunteer.

Nil.

16.6 ACCESS

Strategic Plan Reference – Page 28

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

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

Nil.

16.7 PUBLIC HEALTH

Strategic Plan Reference – Page 28

4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

16.8 RECREATION

Strategic Plan Reference – Page 29

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

Nil.

16.9 ANIMALS

Strategic Plan Reference – Page 29

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

16.9.1 Animal Control Report

AUTHOR ANIMAL CONTROL OFFICER (G DENNE)

DATE 16TH JULY 2015

ISSUE

Consideration of Animal Control Officer's monthly report.

DETAIL

Refer Monthly Statement on Animal Control for period ending 30th June 2015.

DOG ATTACKS

Mangalore: On the 13th June 19 sheep were killed/ injured over five different properties. I was in the area investigating the first attack when a call came through that two German Shepherds were chasing sheep on a nearby property. Upon arrival I saw several mauled sheep, and a dead dog (which had been shot by one of the property owners), the other dog was chased up into the bush however we lost sight of it. Following enquires resulted in me locating the dog's owners who cooperated and agreed to compensate the owners of the sheep. At that point in time the remaining dog had not returned home. Sometime later on I received a call from Mangalore Kennels (Sylvia Banovich) who advised that the dog had been surrendered to her, and she had rehomed it to a suburban house at Old Beach. I contacted the dog's owners and notified them that the dog could never return to our Municipality under any circumstances.

Bagdad: On the 23rd June 8 sheep were killed and 2 others mauled as a result of a dog attack in East Bagdad Road. I attended and spoke with the owner of the sheep, but she could not give any description of the dog(s) involved. During a door knock of the area I came across a collie dog that had fresh blood on its face and neck, its owner was at first reluctant to accept that her dog could have been involved, but given the evidence at hand she surrendered the animal for destruction. I understand the parties involved are discussing compensation.

RECOMMENDATION

THAT the information be received.

C/15/07/134/20108 DECISION

Moved by Clr E Batt, seconded by Clr D F Fish

THAT the information be received.

CARRIED

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

**SOUTHERN MIDLANDS COUNCIL
MONTHLY STATEMENT ON ANIMAL CONTROL
FOR PERIOD ENDING 30/6/2015**

Total of Dogs Impounded: 5
Dogs still in the Pound: _____

Breakdown Being:

ADOPTED	RECLAIMED	LETHALISED	ESCAPED
4	1		

MONEY RECEIVED

Being For:

Pound	_____
Reclaims	\$127.27
Dog Registrations	\$11,999.66
Kennel Licence Fee	\$1,454.40
Infringement Notices	_____
Complaint Lodgement Fee	_____
TOTAL	\$13,581.33

COMPLAINTS RECEIVED FOR PERIOD ENDING 30/6/2015

Dog at Large: 4
Dog Attacks: 2
Request Pick-ups: 1
After Hours Calls: 5
TOTAL 12

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

Animal Control Officer: **Garth Denne**

16.10 EDUCATION

Strategic Plan Reference – Page 29

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

Nil.

17 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

17.1 RETENTION

Strategic Plan Reference – Page 30

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

17.2 CAPACITY AND SUSTAINABILITY

Strategic Plan Reference – Page 30

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

17.2.1 Green Ponds Progress Association – Horse Drawn Heritage Project

AUTHOR GENERAL MANAGER (T KIRKWOOD)

DATE 16th JULY 2015

ATTACHMENT: Letter dated 7th July 2015

ENCLOSURES: Nil

ISSUE

Council to formal consider a request for financial assistance to assist the Green Ponds Progress Association Formal establish a corporate structure to progress the ‘Horse Drawn Heritage Project’ initiative.

BACKGROUND

Council, at its meeting held 24th June 2015, resolved to allocate a maximum of \$2,000 in the 2015/16 Operating Budget to the Green Ponds Progress Association to assist with the preparation of a Business Plan for the ‘Heritage Horse Drawn Carriage’ initiative. To be considered following receipt of a formal submission.

DETAIL

Please refer to the attached letter submitted by the President of the Green Ponds Progress Association, Mr John Hay.

It is noted from the letter that the intent of the funds is to assist with the setting up of the corporate structure, as opposed to the preparation of a Business Plan. Clarification has been sought, and essentially the aim is to prepare the Business Plan ‘in-house’ following the creation of a formal structure. This will provide the proponents with some surety when approaching potential investors. Further comment in relation to this will be provided at the meeting.

Human Resources & Financial Implications – Nil

Community Consultation & Public Relations Implications – N/A

Policy Implications – N/A

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT Council confirm its commitment to provide a contribution of \$2,000 to the Green Ponds Progress Association to enable it to progress the ‘Heritage Horse Drawn Carriage’ initiative.

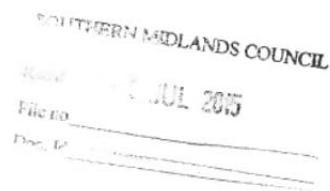
C/15/07/138/20109 DECISION

Moved by Clr E Batt, seconded by Clr D Marshall

THAT a decision to allocate the funds be deferred as it was intended that the funds be used for the preparation of a Business Plan, as opposed to establishing a legal structure which may not be warranted following completion of the business planning process.

CARRIED

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



7 July 2015

General Manager
Southern Midlands Council
71 High Street
Oatlands 7120

Dear Sir

At a Green Ponds Progress Association meeting on 15 April support from Council was offered for the Horse Drawn Heritage project. As you are aware the project will have a major positive impact on the village of Kempton, resulting in much-needed employment and business opportunities.

In discussions with Council officers I was asked if any financial assistance was needed to assist with the setting up of the corporate structure. I suggested that an amount of \$5000 be allocated to this purpose. I understand this was the amount submitted to a budget planning session.

Wise Lord & Ferguson were approached for advice on the structure best suited for HDHT. Their quote seemed excessive.

At a meeting yesterday, 6 July, with Michael Burnett of Accru it was agreed that the cost of establishing a Unit Trust and a corporate structure for the ongoing development of HDHT as a separate entity should be less than \$5000.

Any assistance from Southern Midlands Council towards this cost would be appreciated.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'John Hay', is placed below the 'Yours faithfully' text.

John Hay
President
Green Ponds Progress Association Inc

PO Box 120 Kempton 7030
Email: johnhay@bigpond.net.au
Mobile 0407 526 895

**17.2.2 Green Ponds Progress Association – Kempton Council Chambers
(Green Ponds Heritage Centre – ‘Cell Block’)**

AUTHOR GENERAL MANAGER (T KIRKWOOD)

DATE 16th JULY 2015

ATTACHMENT: Letter dated 5th July 2015

ENCLOSURES: Nil

ISSUE

Council to consider granting permission to the Green Ponds Progress Association to establish a permanent display of historical artefacts and photographs in the former ‘Cell building’ adjacent to the Council Chambers at Kempton.

BACKGROUND

Nil.

DETAIL

Please refer to the attached letter submitted by the President of the Green Ponds Progress Association, Mr John Hay. The letter is self-explanatory.

This building is referred to as the ‘Green Ponds Heritage Centre’ in Council’s heritage strategy. In terms of the proposal, it was always intended that the building would be occupied / utilised for this purpose and operated by a community group.

It is suggested that Council should give preliminary ‘in-principle’ approval to the proposal, and then proceed to negotiate a basic Memorandum of Understanding (MOU) which would document the agreed operating arrangements. The MOU would address issues such as permitted uses; operating hours; insurance requirements and incorporate any overall policy restrictions.

In the absence of set opening hours, the impact on Council staff at the adjoining offices will need to be considered as there may be some expectation that visitors can enter the building at any time; and to some extent, may also be seeking additional information regarding history of the region.

This is particularly relevant if the Progress Association actively promote the ‘history room’ as being accessible by the general public.

Human Resources & Financial Implications – There are some minor building improvements which require finishing, all of which are either outstanding or can be undertaken within the existing allocated budget. Council may also be able to assist with some existing furnishings and fittings.

Community Consultation & Public Relations Implications – The Green Ponds Progress Association is ideally suited to take on such responsibility, and further involvement by other community groups (e.g. the Arts Group) may eventuate from this initial activity.

Policy Implications – The proposal is consistent with Initiative 10 (a) and (b) of the Southern Midlands Historic Heritage Strategy 2014-18.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT Council:

- a) **grant approval ‘in-principle’ for the Green Ponds Progress Association to establish a permanent display of historical artefacts and photographs in the Green Ponds Heritage Centre; and**
- b) **proceed to negotiate a Memorandum of Understanding to document operating arrangements; insurance requirements and any overall policy restrictions.**

C/15/07/141/20110 DECISION

Moved by Clr E Batt, seconded by Clr B Campbell

THAT Council:

- a) grant approval ‘in-principle’ for the Green Ponds Progress Association to establish a permanent display of historical artefacts and photographs in the Green Ponds Heritage Centre; and
- b) proceed to negotiate a Memorandum of Understanding to document operating arrangements; insurance requirements and any overall policy restrictions.

CARRIED

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

SCANNED

SOUTHERN MIDLANDS COUNCIL

Rec'd 10 JUL 2015

File no

MSC P: 104950

Green Ponds Progress Assoc.

www.gppa.net.au

July 5 2015

General Manager
Southern Midlands Council
71 High Street
Oatlands 7120

Dear Sir

The Green Ponds Progress Association Inc request the permission of Southern Midlands Council to establish a permanent display of historical artefacts and photographs in the room at the Kempton Council Chambers formerly used as the 'Female Cell'.

The history group plan to provide a voluntary information service to tourists, and locals, in an endeavour to promote the area.

If Council accedes to this request Deborah Elliott and myself would require a key to enable access to the room when Council offices are not open.

We believe that the following will be required and may be sourced from GPPA unless Council has some items that are superfluous to requirements.

Heating, seating for volunteers and visitors, small tables for leaflets etc, electric jug, display cabinets, small TV with integrated DVD player and a visitors book.

Yours sincerely



John Hay
President
Green Ponds Progress Association Inc

johnhay@bigpond.net.au
Mobile 0407 256 895

17.3 SAFETY

Strategic Plan Reference – Page 31

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

Nil.

17.4 CONSULTATION AND COMMUNICATION

Strategic Plan Reference – Page 31

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

Nil.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

18.1 IMPROVEMENT

Strategic Plan Reference – Page 32

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

Nil.

18.2 SUSTAINABILITY

Strategic Plan Reference – Page 33 & 34

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

18.2.1 Donations Policy – Final Endorsement

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)
DATE 17TH JUNE 2015

ATTACHMENT Donations Policy

ISSUE

Council to adopt the policy.

DETAIL

The draft Donations Policy was submitted at the 24th June 2015 Ordinary Meeting of Council, with one amendment being:

- Donations to State / Australian representatives - Sporting and Recreation activities – introduced an age cap of 18 years for eligibility;

RECOMMENDATION

THAT Council confirm the amended Donations Policy.

C/15/07/144/2011 DECISION

Moved by Clr D F Fish, seconded by Clr D Marshall

THAT Council confirm the amended Donations Policy.

CARRIED

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



Donations Policy

June 2015

Purpose

This Policy sets out Council's position in relation to requests for financial assistance for not-for-profit registered welfare or community service groups working within the Southern Midlands Municipality.

This Policy also sets out Council's position in relation to requests for financial assistance from persons chosen to represent Tasmania/Australia in sporting, social, economic, environmental development and/or related to the wellbeing of the community.

Assistance for Liability Insurance on Community and Council Owned Halls

Requests for assistance from not-for-profit organisations, community, or service groups based within the Southern Midlands Municipality will be considered with the maximum donation being \$350.00.

The assistance will be available upon request by a member of the committee. The following criteria must be met.

- Evidence of the renewal account for insurance

Assistance for Annual Events

Requests for assistance from not-for-profit organisation, community, or service groups based within the Southern Midlands Municipality will be considered with the maximum donation being \$1500.00.

Assistance depends on value for money to the Community and will not be given for projects that would be eligible for consideration within Council's Community Small Grants Program.

Individuals (Residents) re Sporting or Recreational Activities

Intrastate representation	\$50
Interstate representation	\$100
Overseas representation	\$200

The assistance will be available upon request by residents of the Southern Midlands Municipality achieving State or National representation. The following criteria must be met.

- Evidence of selection will be required prior to the allocation of funds
- Grants will be provided to individuals only (not teams)
- Grants will not be provided to those over the age of 18 at the commencement of each calendar year.
- Grants will not be provided to officials (i.e. coaches, managers, judges)

School Citizenship/Achievement Awards for end of year assembly

High Schools to receive \$100 per year
Primary Schools to receive \$60 per year

The following schools are in the Southern Midlands Municipal area:

- Bagdad Primary School
- Campania District High School
- Kempton Primary School
- Oatlands District High School

These guidelines should not be considered to be rigid, Council may vary donations at its discretion. Payments are to be processed in October of each year.

Hall Hire Remission

To determine the groups / organisations whose activities will be supported by Council through the donation of hall hire fees.

Donations are for Hall Hire Fees only, other fees and charges may apply to the booking including a bond as specified in the Council adopted Fees and Charges Schedule. All hire is subject to the facility being availability. Requests will be considered with the maximum donation being \$100.00.

The assistance will be available upon request by a committee member or representative of the group including the following details.

- Dates / times required.
- Estimate number of persons attending the event.
- Insurance cover for the event.

18.3 FINANCES

Strategic Plan Reference – Page 34 & 35

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

18.3.1 Monthly Financial Statement (June 2015)

File Ref:

AUTHOR FINANCE OFFICER (C Pennicott)
DATE 16th July 2015

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1st June 2015 to 30th June 2015 (including Notes)
- b) Current Expenditure Estimates
- c) Capital Expenditure Estimates

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

- d) Cash Flow Statement – June 2015

Note: Expenditure figures provided are for the period 1st June to 30th June 2015 – approximately 100% of the period.

Comments

A. Current Expenditure Estimates (Operating Budget)

Strategic Theme – Growth

- **Sub-Program – Business** - expenditure to date (\$261,626– 105.43%). Works undertaken on a recharge basis (e.g. Stornoway Contract – not included in original budget). Expenditure will be offset by income received.

Strategic Theme – Landscapes

- **Sub-Program – Regulatory** – expenditure to date (\$865,904 – 104.06%). Expenditure includes legal and other professional advisory costs associated with Tribunal hearings and Planning Scheme compliance matters.

Strategic Theme – Lifestyle

- **Sub-Program – Recreation** – expenditure to date (\$393,699 – 103.37%). Expenditure includes unbudgeted costs relating to removal of trees at Campania Recreation Ground and removal (and reinstatement) of power poles at Kempton Recreation Ground.

Strategic Theme – Community

- **Sub-Program – Consultation** - expenditure to date (\$6,199 – 122.27 %). Expenditure of \$2,488 relates to Aurora expenses associated with the operation of the Radio Station (Transmitter Tower). Apportionment of expenses to be addressed through joint negotiation with Radio Station.

Strategic Theme – Organisation

- **Strategic Theme – Improvement** – expenditure to date (\$29,384 – 288.08%). All costs relate to the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The cost of the project is to be shared between the six (6) Councils with revenue coming back to Southern Midlands.

B. Capital Expenditure Estimates (Capital Budget)

Nil.

RECOMMENDATION

THAT the information be received.

C/15/07/150/20112 DECISION

Moved by Clr A R Bantick, seconded by Clr D Marshall

THAT the information be received.

CARRIED

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

**STATEMENT OF COMPREHENSIVE INCOME
FOR THE PERIOD
1st JULY 2014 to 30TH JUNE 2015**

	Annual Budget	Year to Date as at 30TH JUNE	%	Comments
Income				
General rates	\$ 4,384,707	\$ 4,413,281	100.7%	Budget includes Interest & Penalties to be imposed
User Fees (refer Note 1)	\$ 614,813	\$ 686,268	111.6%	
Interest	\$ 245,000	\$ 203,447	83.0%	
Government Subsidies	\$ 27,750	\$ 7,570	27.3%	Heavy Vehicle Licence Fees & Road Rescue MA
Contract Income	\$ -	\$ -	0.0%	
Other (refer Note 2)	\$ 522,184	\$ 657,163	125.8%	
Sub-Total	\$ 5,794,454	\$ 5,967,729	103.0%	
Grants - Operating	\$ 3,250,402	\$ 4,868,545	149.8%	FAGS Grant \$3.245K
Total Income	\$ 9,044,856	\$ 10,836,274	119.8%	
Expenses				
Employee benefits	\$ 4,332,291	\$ 3,151,066	72.7%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ 3,565,708	\$ 3,216,376	90.2%	Less Roads - Resheeting Capitalised, Includes L
Depreciation and amortisation	\$ 2,654,000	\$ 2,654,000	100.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ 53,023	\$ 49,305	93.0%	
Contributions	\$ 178,450	\$ 178,450	100.0%	Fire Service Levies
Other	\$ 228,242	\$ 275,875	120.9%	Higher than budget due to Private Works exp
Total expenses	\$ 11,011,714	\$ 9,525,071	86.5%	
Surplus (deficit) from operations	-\$ 1,966,858	\$ 1,311,203	-66.7%	
Grants - Capital (refer Note 3)	\$ 445,234	\$ 697,230	156.6%	
Donations	\$ 2,500	\$ 300	12.0%	
Sale Proceeds (Plant & Machinery)	\$ -	\$ 240,614	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ -	\$ -	0.0%	Budget Amount - Sale of Lots - Kandara Court
Surplus / (Deficit)	-\$ 1,519,124	\$ 2,249,346	-148.1%	

Council Meeting Minutes – 21st July 2015

NOTES

1. Income - User Fees (Budget \$614,813) includes:

- All other Programs	\$ 296,813	\$ 380,329	128.1%
- Callington Mill	\$ 318,000	\$ 305,939	96.2% Actual Income Received (i.e. excluding Debtors)
	<u>\$ 614,813</u>	<u>\$ 686,268</u>	

2. Income - Other (Budget \$308,188) includes:

- Income (Private Works)	\$ 290,184	\$ 328,731	113.3%
- Tas Water Distributions	\$ 228,000	\$ 228,000	100.0%
- Public Open Space Contributions	\$ 4,000	\$ -	0.0%
- Other	\$ -	\$ 100,431	0.0% Insurance Recoveries; Headworks Contributions
	<u>\$ 522,184</u>	<u>\$ 657,163</u>	

3. Grant - Capital (Budget \$445,234) includes:

- Black Spot Funding	\$ -	\$ 115,000	
- Oatlands, Campania Ground Lighting	\$ -	\$ 80,000	
- Roads To Recovery Grant	\$ 445,234	\$ 497,230	111.7% To be claimed in March 2015
- DEDTA Economic Development Plan	\$ -	\$ 5,000	
	<u>\$ 445,234</u>	<u>\$ 697,230</u>	156.6%

Note:

Operating Grants

- School Holiday Program	\$ -	\$ 7,200
- NFM South	\$ -	\$ 5,000
- Communities For Children	\$ -	\$ 1,159
- Mount Pleasant Recreation Ground	\$ -	\$ 10,000
- Station Park Kempton	\$ -	\$ 1,508
- ANZAC Memorial Grant	\$ -	\$ 7,000
- Australia Day Awards	\$ -	\$ 1,973
- Healthy Communities Initiative	\$ -	\$ 3,604
		<u>\$ 37,444</u>

Council Meeting Minutes – 21st July 2015

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2014/15

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 30th JUNE 2015 100%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3044345	3044345	2688931	355414	88.33%
Bridges	415869	415869	395699	20170	95.15%
Walkways	178627	178627	154289	24338	86.37%
Lighting	89995	89995	85555	4440	95.07%
Irrigation	0	0	0	0	0.00%
Drainage	77923	77923	75622	2301	97.05%
Waste	575204	575204	531378	43826	92.38%
Public Toilets	56304	56304	42129	14175	74.82%
Communications	0	0	0	0	0.00%
Signage	12300	12300	5992	6308	48.71%
INFRASTRUCTURE TOTAL:	4450587	4450587	3979595	470972	89.42%
GROWTH					
Residential	0	0	0	0	0.00%
Mill Operations	550291	550291	455809	94482	82.83%
Tourism	201345	201345	171062	30283	84.96%
Business	998146	248146	261626	-13480	105.43%
Agriculture	5493	5493	0	5493	0.00%
Integration	25350	25350	12670	12680	49.98%
GROWTH TOTAL:	1780625	1030625	901168	129457	87.44%
LANDSCAPES					
Heritage	304709	304709	229442	75268	75.30%
Natural	532816	532816	508304	24512	95.40%
Cultural	0	0	0	0	0.00%
Regulatory	832085	832085	865904	-33819	104.06%
Climate Change	37739	37739	4604	33135	12.20%
LANDSCAPES TOTAL:	1707349	1707349	1608253	99096	94.20%
LIFESTYLE					
Youth	205731	205731	118901	86830	57.79%
Aged	1500	1500	1332	168	88.78%
Childcare	7500	7500	5071	2429	67.61%
Volunteers	34500	34500	21812	12689	63.22%
Access	6520	6520	0	6520	0.00%
Public Health	7826	7826	5914	1912	75.57%
Recreation	380880	380880	393699	-12819	103.37%
Animals	70090	70090	65445	4645	93.37%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	714547	714547	612172	102375	85.87%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	35025	35025	33801	1224	96.50%
Safety	56650	56650	41568	15082	73.38%
Consultation	5070	5070	6199	-1129	122.27%
Communication	12125	12125	8102	4023	66.82%
COMMUNITY TOTAL:	108870	108870	89669	19201	82.36%
ORGANISATION					
Improvement	10200	10200	29384	-19184	288.08%
Sustainability	1994595	1994595	2063739	-69144	103.47%
Finances	244963	244963	241091	3872	98.42%
ORGANISATION TOTAL:	2249758	2249758	2334215	-84457	103.75%
TOTALS	11011716	10261716	9525071	736645	92.82%

**SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 30 JUNE 2015**

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
INFRASTRUCTURE						
ROAD ASSETS						
Resheeting Program		Roads Resheeting (40.00 kms x 5.5 x 150mm x \$20 m3)	\$ 600,000	\$ 435,950	\$ 162,270	Ex Operating
	C1020044	Dares Road - Woodsdsale Resheeting		\$ 1,780		
Reseal Program		Roads Resealing (as per agreed program)	\$ 300,000	\$ 196	\$ 101,145	
	C1010020	Cliftonvale Road - Reseal	\$ -	\$ 1,410		
	C1010035	Stanley Street	\$ -	\$ 49,582		
	C1010045	William to Dulverton Street Reseal	\$ -	\$ 49,952		
	C1010041	Rhyndaston Rd - Colebrook End	\$ -	\$ 24,134		
Reconstruct & Seal		Green Valley Road - Reconstruct & Reseal	\$ -	\$ 14,960		
	C1010031	Ballyhooly Rd - Reconstruct & Seal	\$ -	\$ 58,622		
	C1010033	Eldon Road - Vicinity Of Norm Housgos (200m)	\$ 26,400	\$ -	\$ 26,400	
	C1010027	Stonor Road (Vicinity Of Halls) - 250metres	\$ 33,000	\$ 31,125	\$ 1,875	
Remove / Cut Bank Bank (DIER)		Woodsdale Road / Tunnack Main Rd Junction (30 mm Overlay)	\$ 6,400	\$ -	\$ 6,400	
	C1010028	Woodsdale Road (Section - Runnymede Cricket Cub) - 400 metres	\$ 48,400	\$ 49,346	\$ (946)	
	C1010043	York Plains (vicinity of Greggs Road) - 300 metres	\$ 39,600	\$ 42,070	\$ (2,470)	
Construct & Seal (Unsealed Roads)		Williams Road - Option 1 (Junction to Bridge -250 metres)	\$ 39,375	\$ 28,541	\$ 10,834	
	C1020029	Ballyhooly Road (end of Bridge) - 100 metres	\$ 13,750	\$ -	\$ 13,750	
Minor Seals (New)		Nunns Road - Junction with Elderslie Main Road	\$ 7,000	\$ 3,523	\$ 3,477	
	C1020031	Church Road	\$ 10,000	\$ -	\$ 10,000	
	C1020032	Hasting Street Junction	\$ 15,000	\$ -	\$ 15,000	
Unsealed - Road Widening		Church Road (Corner widening)	\$ 20,000	\$ 12,835	\$ 7,165	
	C1020034	Yarlington Road - Realignment	\$ 20,000	\$ 11,023	\$ 8,977	Budget Incls. \$11,023 expended 13/14
	C1020035	Estate Road (Survey Investigation Only - \$5,000)	\$ 30,000	\$ -	\$ 30,000	
	C1020037	Hall Lane, Bagdad - widening	\$ 15,000	\$ -	\$ 15,000	
	C1020038	Chauncy Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000	
	C1020027	Rhyndaston Road Widening		\$ 2,308	\$ (2,308)	
Junction Road Realignment/ Other		Other:				
	C1020023	Cockatoo Gully Rd- Widening	\$ -	\$ 2,003	\$ (2,003)	
	C1020026	Church Road -Realign (Intersection with Elderslie Road) - Survey &	\$ 211,000	\$ 163,677	\$ 47,324	Budget Incls. \$16,044 expended 13/14
	C1020040	Interlaken Road- Corner Realignment (Rockton)	\$ 20,000	\$ 6,692	\$ 13,308	
	C1010036	Green Valley Road - Widening	\$ 83,000	\$ -	\$ 83,000	
	C1010037	Campania - Reeve St / Clime Street	\$ 25,600	\$ 5,467	\$ 20,133	Engineering & Traffic Management Advice
	C1010038	Campania - Reeve St / Hall Street	\$ 5,000	\$ -	\$ 5,000	
	C1010044	Colebrook Main Road - Verge (Station St to Shop)	\$ 20,250	\$ 26,646	\$ (6,396)	
	C1020028	Eldon Road - Guard Rail		\$ 458	\$ (458)	
		Tunbridge Main Road Verge	\$ 3,000	\$ -	\$ 3,000	
	C1010039	Woodsdale Road - Landslip Area (vicinity Scotts Quarry)	\$ 15,000	\$ -	\$ 15,000	
	C1010042	Guard Railing Quarry Town Road	\$ -	\$ 6,225	\$ (6,225)	Replacement - Truck Accident
		Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700	
		York Plains Road (Camber adjustment)	\$ 5,000	\$ -	\$ 5,000	
			\$ 1,641,475	\$ 1,028,525	\$ 612,951	

**SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 30 JUNE 2015**

		BUDGET	EXPENDITURE	VARIANCE	COMMENTS
BRIDGE ASSETS	C1030003	\$ 436,272	\$ 442,762	\$ (6,490)	Incls \$117,002 WIP 30/6/14
	C1030023	\$ 336,335	\$ 8,781	\$ 327,554	
	C1030028	\$ 156,340	\$ 208,990	\$ (52,650)	
	C1030029	\$ -	\$ 200	\$ (200)	Capitalised 30/6/14
	C1030030	\$ -	\$ 5,248	\$ (5,248)	
	C1030041	\$ 142,600	\$ -	\$ 142,600	
	C1030044	\$ 81,672	\$ 1,304	\$ 80,368	WIP 30/6/14
	C1030045	\$ 28,440	\$ -	\$ 28,440	
		\$ 60,129	\$ -	\$ 60,129	
	C1030006	\$ -	\$ 1,469	\$ (1,469)	WIP 30/6/14
	C1030049	\$ 212,650	\$ 522	\$ 212,128	
	C1030048	\$ 107,290	\$ 3,418	\$ 103,872	
	C1030050	\$ 107,290	\$ 2,986	\$ 104,304	
	C1030012	\$ 56,950	\$ 2,986	\$ 53,964	Roads to Recovery 484,180
		\$ 1,723,968	\$ 678,664	\$ 1,045,304	
WALKWAYS					
		\$ 40,000		\$ 40,000	
	C1040005	\$ 10,000	\$ -	\$ 10,000	
	C1040005	\$ 80,000	\$ 8,386	\$ 71,614	WIP 30/6/14 Design etc
		\$ 5,000	\$ -	\$ 5,000	
	C1040019	\$ 9,100	\$ 10,718	\$ (1,618)	
		\$ 15,000	\$ -	\$ 15,000	
		\$ 6,000	\$ -	\$ 6,000	
		\$ 15,000	\$ -	\$ 15,000	
		\$ 7,800	\$ -	\$ 7,800	
	C1040020	\$ 8,000	\$ 6,190	\$ 1,810	
		\$ 195,900	\$ 25,294	\$ 170,606	
IRRIGATION					
		\$ 8,262	\$ 9,790	\$ (1,528)	\$1,528 Deposit Paid WIP 30/6/14
		\$ 8,262	\$ 9,790	\$ (1,528)	

**SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 30 JUNE 2015**

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
DRAINAGE	Bagdad					
	- Midland Hwy/ Swan St Drainage (McShane Property)		\$ 22,500	\$ -	\$ 22,500	
C1090013	- Swan Street - Kerb & Gutter (eastern & western side)		\$ 241,882	\$ 129,639	\$ 112,244	Budget - allocated in 2013/14
C1090022	- Hyland Crescent		\$ -	\$ 14,351	\$ (14,351)	
	- East Bagdad Road		\$ -	\$ 3,697	\$ (3,697)	
	Campania					
C1090008	- Reeve Street Open Drain (North Of Telephone Box)		\$ 45,000	\$ 39,273	\$ 5,727	
	- Reeve Street Subdivision Pipeline		\$ 35,000	\$ 34,652	\$ 348	Budget amendment - March 2015
	Colebrook					
	- Franklin Street (Stormwater)		\$ -	\$ 100	\$ (100)	
	Oatlands					
	- Barrack Street (towards Mason St)		\$ 10,000	\$ -	\$ 10,000	
	- High St/Wellington Street Junction		\$ 5,000	\$ -	\$ 5,000	Included in costings for Wellington St
C1090023	- Stanley Street / Lake Dulverton - Extension		\$ 13,000	\$ 13,907	\$ (907)	Project Completed
C1090019	- Wellington Street (150 metres - kerb replacement)		\$ 12,000	\$ 25,000	\$ (13,000)	Refer above (additional \$5K) - project comp
	- William Street (Church St to Gay St)		\$ 10,000	\$ -	\$ 10,000	
	Tunbridge					
C1090020	- Main Road & Lowes Street		\$ -	\$ 149	\$ (149)	
			\$ 394,382	\$ 260,768	\$ 133,614	
WASTE	C110001	Waste Receptives	\$ 7,500	\$ 9,297	\$ (1,797)	
			\$ 7,500	\$ 9,297	\$ (1,797)	
PUBLIC TOILETS	C1110001	Colebrook - Power Connection & Lighting	\$ 5,000	\$ -	\$ 5,000	
		Campania - Urinal / Plumbing / External Shower Head	\$ 4,000	\$ -	\$ 4,000	
			\$ 9,000	\$ -	\$ 9,000	
SIGNAGE	C113001	Municipal Boundary (Brighton Bypass)	\$ 2,500	\$ 2,657	\$ (157)	Project Completed
			\$ 2,500	\$ 2,657	\$ (157)	
RESIDENTIAL	C201001	Kandara Court Subdivision (Stages 1 and 2)	\$ -	\$ 39,895	\$ (39,895)	Long-term WIP (pending Property Sales)
			\$ -	\$ 39,895	\$ (39,895)	
MILL OPERATIONS		Visitor Centre - Appliances	\$ -	\$ 1,814	\$ (1,814)	
			\$ -	\$ 1,814	\$ (1,814)	
HERITAGE	C3010002	Callington Mill (Master Precinct Plan)	\$ 20,000	\$ 1,260	\$ 18,740	
	C3010007	Southern Midlands Probation Station	\$ -	\$ 7,506	\$ (7,506)	Grant Funded
	C3010008	Commissariat (79 High Street)	\$ 89,500	\$ 3,423	\$ 86,077	
		Oatlands Gaol - Minor Capital Works	\$ 7,000	\$ 10,921	\$ (3,921)	Palling Fence Constructed
	C3010009	Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500	
			\$ 124,000	\$ 23,110	\$ 100,890	
LANDSCAPE NATURAL	C3020004	Lake Dulverton - Improvements	\$ -	\$ 8,381	\$ (8,381)	Bund Wall - Valve
		Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ -	\$ 5,000	
			\$ 5,000	\$ 8,381	\$ (3,381)	

**SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 30 JUNE 2015**

		BUDGET	EXPENDITURE	VARIANCE	COMMENTS		
REGULATORY	C3040001	Kempton Council Chambers - Building & Office Improvements	\$ 8,954	\$ -	\$ 8,954		
	C3040001	Kempton Council Chambers - Office Equipment	\$ 3,000	\$ 1,438	\$ 1,562		
	C3040001	Kempton Council Chambers - Carpet & Flooring	\$ 5,000	\$ 2,700	\$ 2,300		
	C3040001	Kempton Council Chambers - External Repainting	\$ 7,500	\$ -	\$ 7,500		
		\$ 24,454	\$ 4,138	\$ 20,316			
LIFESTYLE RECREATION	C4070001	Parattah Recreation Ground - Grandstand	\$ 10,000	\$ -	\$ 10,000		
	C4070001	Parattah Recreation Ground - Demolish External Toilets	\$ 5,000	\$ -	\$ 5,000		
	C4070003	Campania Recreation Ground	\$ -	\$ 1,293	\$ (1,293)		
	C4070005	Recreation Committee	\$ 15,000	\$ 5,277	\$ 9,723	\$5,277 Sign Boards	
	C4070008	Campania Hall - Internal Painting	\$ 8,995	\$ 8,995	\$ -		
	C4070005	Campania Hall - Internal Painting (Committee Contribution)	\$ (4,498)	\$ -	\$ (4,498)		
	C4070005	Mangalore Hall- Kitchen Amenities	\$ 3,300	\$ 2,636	\$ 664		
	C4070005	Mangalore - Bore Water	\$ 7,500	\$ -	\$ 7,500		
	C4070014	Woodsdale Recreation Ground	\$ -	\$ 2,729	\$ (2,729)		
	C4070016	Colebrook Recreation Ground (Amenities)	\$ 25,000	\$ -	\$ 25,000		
	C4070017	Kempton Memorial Hall	\$ 10,000	\$ 17,135	\$ (7,135)	Balance to be funded from Comm Allocated	
	C4070019	Kempton Recreation Ground	\$ -	\$ 15,512	\$ (15,512)	To be funded from Committee Allocation	
		Tunnack - Recreation Ground (Upgrade Toilets)	\$ 10,000	\$ -	\$ 10,000		
	C4070022	Playspace Strategy - Alexander Circle & Lyndon Road	\$ 10,000	\$ 4,830	\$ 5,170		
	C4070024	Lyndon Road - BBQ Shelter	\$ 10,000	\$ 5,451	\$ 4,549		
	C4070025	Alexander Circle Park - BBQ Shelter	\$ -	\$ 25,537	\$ (25,537)		
	C4070026	Tunbridge Park - BBQ Shelter	\$ 10,000	\$ 29,696	\$ (19,696)		
	C4070027	Oatlands Recreation Ground Flood Lights	\$ 317,500	\$ 60,118	\$ 257,382	Ground Lighting - Budget Amendment	
	C4070028	Campania Recreation Ground Flood Lights	\$ 317,500	\$ 101,814	\$ 215,686	Ground Lighting - Budget Amendment	
	C4070029	Lone Pine Park Oatlands	\$ -	\$ 5,719	\$ (5,719)	\$4K Grant Funded	
	C4070005	Mt Pleasant Floor Coverings	\$ 5,200	\$ 5,200	\$ -		
		Mt Pleasant - Upgrade Toilets	\$ 5,000	\$ -	\$ 5,000		
			\$ 765,497	\$ 291,942	\$ 473,555		
SAFETY		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000		
			\$ 3,000	\$ -	\$ 3,000		
ADMINISTRATION	C6020007	Computer System (Hardware / Software)	\$ 35,000	\$ 64,828	\$ (29,828)		
	C6020007	Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000		
	C6020007	Council Chambers - Concrete Paths (Forecourt)	\$ 7,400	\$ 8,335	\$ (935)		
	C6020007	Council Chambers - Building Improvements	\$ 7,500	\$ 5,049	\$ 2,451		
	C6020007	Town Hall (General) - incl. Office Equip/Furniture	\$ 8,000	\$ 5,350	\$ 2,650		
		Council (Notebooks/Tablets)	\$ 6,000	\$ -	\$ 6,000		
	C6020007	Photo Reframing	\$ 1,500	\$ -	\$ 1,500		
	C6020010	Municipal Revaluation	\$ -	\$ 98,000	\$ (98,000)		
	WORKS		Kempton Depot - Furnishings	\$ 5,000	\$ 2,818	\$ 2,182	
			Kempton Depot - Rewiring	\$ 10,000	\$ -	\$ 10,000	
		Depot Relocation	\$ 5,000	\$ -	\$ 5,000		
C9990002		Minor Plant Purchases	\$ 9,500	\$ 10,237	\$ (737)		
		Radio System	\$ 2,000	\$ -	\$ 2,000		
		Plant Replacement Program					
		Refer separate Schedule (Net Changeover)	\$ 217,920	\$ 170,477	\$ 47,443		
		Light Vehicles	\$ 168,000	\$ 81,867	\$ 86,133		
		(Trade Allowance - \$240K)	\$ -	\$ -	\$ -		
		Water Tanks Replacement (Truck)	\$ 36,000	\$ -	\$ 36,000		
			\$ 533,820	\$ 446,960	\$ 86,860		
GRAND TOTALS			\$ 5,438,758	\$ 2,831,235	\$ 2,607,523		

Council Meeting Minutes – 21st July 2015

	INFLOWS (OUTFLOWS) (July 2014)	INFLOWS (OUTFLOWS) (August 2014)	INFLOWS (OUTFLOWS) (September 2014)	INFLOWS (OUTFLOWS) (October 2014)	INFLOWS (OUTFLOWS) (November 2014)	INFLOWS (OUTFLOWS) (December 2014)	INFLOWS (OUTFLOWS) (January 2015)	INFLOWS (OUTFLOWS) (February 2015)	INFLOWS (OUTFLOWS) (March 2015)	INFLOWS (OUTFLOWS) (April 2015)	INFLOWS (OUTFLOWS) (May 2015)	INFLOWS (OUTFLOWS) (June 2015)
Cash flows from operating activities												
Payments												
Employee costs	- 286,297.46	- 268,596.25	- 270,131.91	- 239,132.31	- 400,241.97	- 245,082.68	- 201,646.82	- 246,002.94	- 233,697.11	- 198,974.79	- 371,846.16	- 250,607.47
Materials and contracts	- 521,480.45	- 306,375.10	- 373,753.54	- 428,830.09	- 187,080.03	- 254,332.78	- 276,792.28	- 305,409.87	- 197,273.28	- 254,475.41	- 163,506.83	- 248,674.57
Interest	- 373.55	-	-	-	- 8,701.09	- 18,326.99	-	-	-	-	- 5,251.73	- 16,651.48
Other	- 16,354.26	- 20,038.62	- 35,060.86	- 83,428.98	- 23,015.57	- 21,412.60	- 94,118.12	- 14,677.54	- 28,376.38	- 65,128.75	- 57,333.35	- 26,663.11
	- 824,505.72	- 595,009.97	- 678,946.31	- 751,391.38	- 619,038.66	- 539,155.05	- 572,557.22	- 566,090.35	- 459,346.77	- 518,578.95	- 597,938.07	- 542,596.63
Receipts												
Rates	96,394.89	127,273.28	1,693,179.94	425,042.42	373,835.18	255,213.10	412,284.72	259,728.89	364,467.93	262,655.74	140,602.81	86,230.54
User charges	66,467.29	57,926.84	74,787.66	45,762.56	82,801.03	99,630.74	74,817.46	72,232.79	58,415.57	117,809.00	72,450.20	108,453.75
Interest received	17,918.73	10,122.94	20,688.05	18,022.03	16,523.83	21,208.92	16,721.75	16,535.39	16,728.84	17,992.72	15,915.31	15,068.29
Subsidies	-	-	-	-	-	-	-	7,570.00	-	-	-	-
Other revenue grants	-	812,046.89	-	3,490.91	810,415.98	5,000.00	278.45	808,848.61	7,196.27	5,442.27	808,461.43	1,600,855.97
GST Refunds from ATO	-	-	-	-	-	-	-	-	-	-	-	-
Other	- 68,007.19	30,214.61	49,892.91	76,718.11	168,411.53	147,618.37	14,775.94	121,143.87	50,102.43	37,365.80	88,158.71	71,130.24
	112,773.72	1,037,584.56	1,838,548.56	415,599.81	1,451,987.55	233,434.39	489,326.44	1,278,489.55	504,481.04	366,533.93	1,125,588.46	1,664,831.29
Net cash from operating activities	- 711,732.00	442,574.59	1,159,602.25	335,791.57	832,948.89	305,720.66	83,230.78	712,399.20	45,134.27	152,045.02	527,650.39	1,122,234.66
Cash flows from investing activities												
Payments for property, plant & equipment	- 58,787.91	- 80,497.25	- 124,934.81	- 222,026.69	- 60,040.85	- 234,868.48	- 93,171.59	- 111,076.89	- 128,213.37	- 231,704.25	- 439,667.40	- 301,753.00
Proceeds from sale of property, plant & equipment	-	14,720.91	13,636.36	31,863.63	-	180,392.83	-	-	-	-	-	-
Proceeds from Capital grants	-	-	-	-	-	-	-	16,000.00	-	-	481,230.00	205,000.00
Proceeds from Investments	-	-	-	-	-	-	-	-	-	-	-	-
Payment for Investments	-	-	-	-	-	-	-	-	-	-	-	-
Net cash used in investing activities	- 58,787.91	65,776.34	111,298.45	190,163.06	60,040.85	54,475.65	93,171.59	111,076.89	112,213.37	231,704.25	41,562.60	96,753.00
Cash flows from financing activities												
Repayment of borrowings	- 4,262.22	-	-	-	10,723.83	37,808.03	-	-	-	-	12,291.99	34,471.73
Proceeds from borrowings	-	-	-	-	-	-	-	-	-	-	-	-
Net cash from (used in) financing activities	- 4,262.22	-	-	-	10,723.83	37,808.03	-	-	-	-	12,291.99	34,471.73
Net increase/(decrease) in cash held	- 774,782.13	376,798.25	1,048,303.80	525,954.63	762,184.21	398,004.34	176,402.37	601,322.31	67,079.10	383,749.27	556,921.00	991,009.93
Cash at beginning of reporting year	7,992,781.80	7,217,999.67	7,594,797.92	8,643,101.72	8,117,147.09	8,879,331.30	8,481,326.96	8,304,924.59	8,906,246.90	8,839,167.80	8,455,418.53	9,012,339.53
Cash at end of reporting year	7,217,999.67	7,594,797.92	8,643,101.72	8,117,147.09	8,879,331.30	8,481,326.96	8,304,924.59	8,906,246.90	8,839,167.80	8,455,418.53	9,012,339.53	10,003,349.46

19. INFORMATION BULLETINS

Refer enclosed Bulletin dated 15th July 2015.

Information Bulletin dated 3rd July 2015 has been circulated since previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 3rd July 2015 and 15th July 2015 be received and the contents noted.

C/15/07/159/20113 DECISION

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

THAT the Information Bulletins dated 3rd July 2015 and 15th July 2015 be received and the contents noted.

CARRIED

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

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 VOLUNTEER AMBULANCE OFFICERS – PARAMEDIC SERVICES

The General Manager (T Kirkwood) provided a verbal report on the outcomes of recent discussions with the current Ambulance volunteers, particularly in relation to the option of maintaining some form of payment as a “standby / call-out” allowance. In summary the preferred option would involve dividing the total allocated budget by the number of hours per annum, and each volunteer would be remunerated based on the number of hours scheduled on the roster. This would ensure that the allocated budget would not be exceeded due to an excessive number of call-outs which could be linked to responding to an expanded service district following the introduction of full-time TAS Ambulance paramedics.

Accommodation for the paramedics was also an issued raised with various options being considered. Further updates to be provided as more information becomes available.

RESOLVED THAT the information be received.

21.2 1103 NATIVE CORNERS ROAD CAMPANIA – ILLEGAL TYRE DUMP

The Manager – Development & Environmental Services (D Mackey) provided a verbal update in relation to this property. Reference was made to the enclosed correspondence from the Environment Protection Authority (dated 30th June 2015) and Council’s reply dated 23rd July 2015. Essentially, Council is seeking to jointly address the issue with the EPA, as opposed to taking sole responsibility which may result in a financial burden to Council. Further update to be provided as information becomes available.

RESOLVED THAT the information be received.

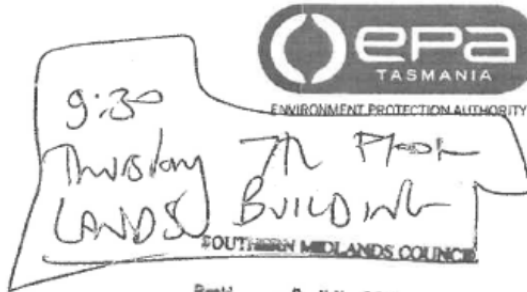
Level 6, 134 Macquarie Street, Hobart TAS
GPC Box 1550, Hobart, TAS 7001 Australia

Enquiries: John Gorrie
Ph: +61 3 6165 4576
Email: John.Gorrie@environment.tas.gov.au
Web: www.epa.tas.gov.au
Our Ref: 238452 | H415736 zp

30 June 2015

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

Dear Mr Kirkwood



Rec'd - 2 JUL 2015

File no

File of

email sent to John Gorrie
(2/7/15) for possible meeting

time

**ILLEGAL LANDFILL
1103 NATIVE CORNERS ROAD, CAMPANIA**

I am writing to you in relation to an illegal tyre dump located at 1103 Native Corners Road, Campania. My understanding is that officers from Southern Midlands Council, Tasmania Fire Service (TFS) and the EPA Division visited the site on Tuesday 19 August 2014. During that visit, it was ascertained that there were several thousand tyres dumped on the property. These tyres had apparently been collected by landowner, Mr Smith who has since passed away.

I have been advised that these tyres represent an environmental and economic risk in relation to a potential fire, especially if a fire was to occur during summer/autumn. My understanding is that TFS would have difficulty suppressing any tyre fire on this property because of access difficulty and minimal water storage available on site.

Atmospheric emissions from such a fire could also potentially impact on the health of residents in the Coal River Valley and on the quality of horticulture produce. This in turn could impact on tourism in the local area.

I consider that the responsibility for managing this issue lies principally with Council because it relates to a land use matter. However, I acknowledge the difficulties that smaller Councils can face when dealing with such an issue. For that reason, I propose that officers from Council meet with officers from the EPA Division to discuss ways to resolve this issue, so that the risk can be mitigated.

Please arrange for a Council officer to contact John Gorrie on (03) 6165 4576 to organise a meeting. Considering the risk this illegal dump poses, I request that your office contact John preferably within two weeks from the date on this letter.

If you have any queries relating to this correspondence, please contact John Gorrie on (03) 6165 4576.

Yours sincerely

Wes Ford
DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

SOUTHERN
MIDLANDS
COUNCIL



23 July 2015

5893805

Mr Wes Ford
Director
Environmental Protection Authority
GPO Box 1550
HOBART TAS 7001

Attention: John Gorrie

Dear Mr Ford

ILLEGAL TYRE DUMP – 1103 NATIVE CORNERS ROAD, CAMPANIA

I write in response to your letter dated 30 June 2015 and the subsequent meeting on 16 July between Council officers (Leon McGuinness and me) and EPA officers (Jamie Clarke, John Gorrie and Greg Cowen) regarding the illegal tyre dump at 1103 Native Corners Road, Campania.

The matter has been reviewed by Council and I provide the following comments:

- The illegal tyre dump on the property is not considered by Council to be a 'land use matter'. Rather, it is an environmental issue:
 - There is no possibility that Council would issue a planning permit for the illegal tyre dump.
 - Any remedial enforcement action – whether by Council or the EPA – would not be under the *Land Use Planning & Approvals Act 1993*.
 - A dump of tyres numbering in their thousands, as is the case at hand, constitutes a controlled waste under EMPCA, and ought to be first and foremost the responsibility of the highest environmental authority in the State.
 - During the August 2014 joint site inspection by officers from the Council, the EPA and the Tas Fire Service it was agreed (albeit verbally) that Council would deal with the illegal landfill and the EPA would deal with the illegal tyre dump. (Note that there is a separation distance between the two of some hundreds of metres. The 'landfill' and the 'tyre dump' are separate matters.)

Address all correspondence to: The General Manager, PO Box 21, Oatlands, Tasmania 7120
Oatlands Office: 71 High Street, Oatlands Phone (03) 6254 5000 Fax (03) 6254 5014
Kempton Office: 85 Main Street, Kempton Phone (03) 6259 3011 Fax (03) 6259 1327
Email Address: mail@southernmidlands.tas.gov.au Web: www.southernmidlands.tas.gov.au
ABN 68 653 459 589

- In terms of environmental risk, Council considers the "landfill" a much lower risk than the accumulation of tyres, and this appears to be the view of the EPA (with the EPA letter predominantly discussing the accumulation of tyres, and the landfill not discussed at all).
- Council receives many environment related complaints and deals with them as appropriate and where necessary liaises with the EPA for advice/support as appropriate - and such support is always appreciated. However the very large number of tyres at 1103 Native Corners Road is not considered a routine matter and certainly not a "land use matter".
- The situation at 1103 Native Corners Road is a very substantive matter indeed, not only in terms of environmental risk, but in terms of the logistics needed to remedy the situation and the likely ultimate associated costs.
- Whilst Council considers such a substantial *controlled waste* situation primarily the responsibility of the EPA, Council nevertheless supports a joint approach to remediate the situation. The proposition that Council "issue any notices" with the EPA providing "background support" is not considered acceptable to Council for such a significant environmental issue and a more integrated-combined approach is proposed:
 - In line with a genuine partnership approach Council suggests a two-pronged set of actions:
 - The issue of an Abatement Notice under the Local Government Act 1993 by Council, and simultaneously;
 - The issue of an Environmental Protection Notice by the Environmental Protection Authority.
 - A joint approach would ensure the property owner is left in no doubt of the seriousness of the situation and the need to take action to remedy the problem.
 - Certainly any notices/orders issued under different legislation should require the same outcome.
 - As discussed at the meeting the method of tyre disposal in Tasmania is a State Government policy issue, with tyres taken to an "approved" storage facility in the north of the State. If, however, the landowner was to propose some form of alternative method of "disposing" of the tyres then this would need to be 'approved' by the EPA, which has the expertise in this area. This reinforces Council's view that enforcement action must (also) be taken by the EPA, so that it is actively involved in the resolution of this matter.

- If the EPA considers that only one enforcement tool should be used, then Council is firmly of the view that any such enforcement action should be taken by the EPA.

It is Council's understanding that the EPA is the "enabling authority" for the *Environmental Management and Pollution Control Waste Management Regulations 2010*. Under Regulation 7(2)(b) the Director can "issue a Notice to ensure that controlled waste is removed to a facility approved for receiving it, if the Director considers that the aggregate quantity of a controlled waste stored on premises is likely to cause environmental harm". From the EPA's letter to Council it would appear that the EPA considers there is the likelihood of environmental harm.

However, as mentioned, Council is willing to join with the EPA in a partnership approach to resolving this matter. It would be appreciated if you could consider this proposal at your earliest convenience.

If you would like to discuss this matter, please contact me at Council's Kempton offices on 6259 3011, or by email on; dmackey@southernmidlands.fas.gov.au.

Yours sincerely



Damian Mackey
Manager Development & Environmental Services
SOUTHERN MIDLANDS COUNCIL

23. CLOSURE 4.16 P.M.