

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

Wednesday, 28th August 2024
10.00 a.m.

Oatlands Municipal Offices
71 High Street, Oatlands

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OPEN COUNCIL MINUTES

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL HELD ON
WEDNESDAY 28TH AUGUST 2024 AT THE OATLANDS MUNICIPAL OFFICES,
71 HIGH STREET, OATLANDS COMMENCING AT 10.00 A.M.**

1. PRAYERS

Reverend Dennis Cousens recited prayers.

2. ACKNOWLEDGEMENT OF COUNTRY

Mayor E Batt recited Acknowledgement of Country.

3. ATTENDANCE

Mayor E Batt, Deputy Mayor K Dudgeon, Clr A Bisdee OAM, Clr D Blackwell, Clr B Campbell, Clr D Fish and Clr F Miller.

Mr A Benson (Acting General Manager), Mr G Finn (Manager Development and Environmental Services), Mr D Richardson (Manager Infrastructure and Works), Ms W Young (Manager Community & Corporate Development) and Mrs J Thomas (Executive Assistant).

4. APOLOGIES

Mr T Kirkwood (General Manager)

5. MINUTES

5.1 Ordinary Council Meeting

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 24th July 2024, as circulated, are submitted for confirmation.

RECOMMENDATION

THAT the Minutes (Open Council Minutes) of the Council Meeting held 24th July 2024 be confirmed.

DECISION

Moved by Clr D Fish, seconded by Clr B Campbell

THAT the Minutes (Open Council Minutes) of the Council Meeting held 24th July 2024 be confirmed.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

5.2 Special Committees of Council Minutes

5.2.1 Special Committees of Council - Receipt of Minutes

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

- Woodsdale Community Memorial Hall Meeting Minutes – 12th August 2024
- Chauncy Vale Wildlife Sanctuary Management Committee Meeting Minutes – 12th August 2024

RECOMMENDATION

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

DECISION

Moved by Clr D Blackwell, seconded by Clr B Campbell

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

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

5.2.2 Special Committees of Council - Endorsement of Recommendations

The recommendations contained within the minutes of the following Special Committees of Council are submitted for endorsement:

- Woodsdale Community Memorial Hall Meeting Minutes – 12th August 2024
- Chauncy Vale Wildlife Sanctuary Management Committee Meeting Minutes – 12th August 2024

RECOMMENDATION

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

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Cllr B Campbell

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

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

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

5.3.1 Joint Authorities - Receipt of Minutes

Nil.

5.3.2 Joint Authorities - Receipt of Reports (Annual & Quarterly)

Nil.

6. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Agenda is to include details of any Council workshop held since the last meeting.

One workshop has been held since the last Ordinary Meeting.

A workshop was held on the 12th August 2024 at the Council Chambers, Oatlands commencing at 9.30 a.m.

Attendance: Mayor E Batt, Deputy Mayor K Dudgeon, Clrs A E Bisdee OAM, B Campbell, D Fish and F Miller (remotely).

Also in Attendance: T Kirkwood, A Benson, G Finn, K Byers, M Weeding & J Thomas.

Apologies: Clr D Blackwell.

The Workshop focussed on the following items for consideration and discussion:

1. Development Applications

Manager Development & Environmental Services (Grant Finn) provided detail and comment in respect to the following applications which are to be considered by Council at its next scheduled Ordinary Meeting to be held 28th August 2024:

- a) Biosolids (DA2400033) – 76 & 80 Shene Road, Pontville
- b) Multi-Residential Development – Lot 2 Louisa Street, Kempton

This was an information session only with formal assessment report(s) yet to be prepared.

2. Public Open Space Policy:

The initial draft of this Policy was considered at the Council workshop held 4th June 2024.

Based on feedback received, the amended Policy was presented for further review. It is to be considered by Council at its next scheduled Ordinary Meeting to be held 28th August 2024.

3. Roche Hall – 73High Street, Oatlands – Forecourt Development (linked to Oatlands Town square)

Clr A E Bisdee requested that this item be listed for preliminary discussion at the workshop. An extract from the *Oatlands Structure Plan 2021* was included as an attachment for information and background purposes, together with a possible 'Development Timeline' prepared by Andrew Benson.

4. 'Float to Survive' Campaign (Water Drowning Prevention Message)

Andrew Benson provided comment in relation to this program being conducted through the Oatlands Aquatic Centre (OAC), by Shane Gould AM, PhD. and international swimming coach Milton Nelms, with the OAC being the centre for a State-wide rollout of this program.

The workshop concluded at approximately 11.10 a.m.

Individual Councillors in attendance progressed with the online ‘Learning and Development’ modules.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Clr D Fish, seconded by Clr A E Bisdee OAM

THAT the information be received.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

7. COUNCILLORS – QUESTION TIME

7.1 Questions (On Notice)

Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015* relates to Questions on notice. It states:

- (1) *A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.*
- (2) *An answer to a question on notice must be in writing.*

Nil.

7.2 Questions Without Notice

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015* relates to Questions without notice.

It states:

“29. Questions without notice

(1) *A councillor at a meeting may ask a question without notice –*

- (a) of the chairperson; or*
- (b) through the chairperson, of –*
 - (i) another councillor; or*
 - (ii) the general manager.*

(2) *In putting a question without notice at a meeting, a councillor must not –*

- (a) offer an argument or opinion; or*
- (b) draw any inferences or make any imputations – except so far as may be necessary to explain the question.*

(3) *The chairperson of a meeting must not permit any debate of a question without notice or its answer.*

(4) *The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.*

(5) *The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.*

(6) *Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.*

(7) *The chairperson of a meeting may require a councillor to put a question without notice in writing.*

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

Deputy Mayor K Dudgeon – Requested an update on the proposed Boutique Hotel?

Acting General Manager – Hotel has been re-costed and the proponents are currently seeking additional funding options, as building materials and associated costs have risen significantly since it was originally proposed.

Clr A E Bisdee OAM – Update on Tunbridge Bridge?

Manager Infrastructure and Works – Decking has been stripped and the works are underway.

Clr A E Bisdee OAM – In relation to the Oatlands Aquatic Centre, have we had financial closure with Vos Constructions?

Acting General Manager – Not as yet. Have been in discussions with Patrick Stanton and there are still some issues to be finalised before this can occur.

Clr A E Bisdee OAM – Requested an update on the signage at the entrance of the Oatlands Aquatic Centre?

Acting General Manager – This should be completed and installed prior to the September Council Meeting.

Clr F Miller – Can we remind Department of State Growth regarding the need for rubbish removal at Colebrook road?

Manager Works & Infrastructure – Yes, DSG will be reminded.

Clr F Miller – Is the remediation of the Campania tennis courts still going ahead?

Acting General Manager – Council have been in discussions with Campania Community Group, ideas currently being pulled together. A final decision will be made following further consultation.

Clr B Campbell – Colebrook Shop – are Council aware of why this has closed?

Deputy Mayor advised Council this is for personal reasons.

Clr B Campbell – Colebrook Shop – The outside of the shop is in quite poor condition, who is responsible for the maintenance?

Mayor E Batt – Responsibility is on the owners of the shop, appears there were no issues following the winds overnight but further discussion to be had with Compliance Officer.

Clr B Campbell – In the event of stock on a road and being hit by a vehicle, who is responsible? If there are no fences what does landowner need to do to advise the public?

Acting General Manager – It is the property manager's responsibility to ensure adequate fencing or to notify the public. This comes under their public liability.

Clr B Campbell – Some members of the Community have made comments in respect of the finish of the Besser block wall on the rear extension of the Council owned building at 68 High Street (Oatlands Community Association). Can it be painted or rendered?

Acting General Manager – This has been discussed at previous council workshops and it was agreed that the existing wall finish be maintained as is.

Clr B Campbell – Requested an update on Woodsdale Football Club

Mayor E Batt – Advised Council that Woodsdale Football Club held their trophy night at Woodsdale Recreation Ground recently. Mayor Batt donated \$100 for their goal kicking competition.

Acting General Manager – The General Manager and the Deputy General Manager have members of the club as well as the Hon Kerry Vincent MLC recently. The Club were advised that they needed to refine their counter offer to include more detail before it could be considered by Council. It is hoped Council will have received a response for discussion prior to the September workshop.

Clr B Campbell – Wishes to attend the upcoming LGAT Annual Conference along with Deputy Mayor and Clr Blackwell

Executive Assistant to organise conference registration and accommodation.

Clr D Blackwell – Requested an update on Bagdad Community Club (Zeldas Bar & Bistro)

Acting General Manager advised Council that Zeldas is now closed. Advice in respect of the next steps at the site is taken on notice.

Mayor E Batt – Callington Mill – Are obligations in relation to the continual operation of the mill being met to ensure it is safe and operable? Are Council under any obligations?

Acting General Manager – Can advise Council that the previous Miller is no longer employed at the mill. The management of Callington Mill Distillery Pty Ltd are entering into discussions for someone to fulfil this role. In the interim period, Council’s works team are inspecting the Mill to ensure that it is safe and operational with the advent of the current gale-force winds. . The most recent inspection of the Mill found it was in good condition with no issues and it will continue to be monitored. An upcoming meeting is being scheduled with Callington Mill Distillery Pty Ltd management to go through maintenance and related issues in the interim period, until the new Miller is employed.

Mayor E Batt – Is there a proposal for the vacant block of land we are purchasing at Kempton next to the Recreation Ground.

Acting General Manager - Settlement was due for the block on the 5th August but was delayed. Another extension has been requested so Council are not yet the owners of the land. It is expected this will be finalised mid-September. In respect to what will happen to the space, a pre-election commitment was provided for a pickleball/half basketball court. The current playground will be moved closer to the skate park if the pre-election funds are received. Discussions to continue within the community.

Mayor E Batt – Update on Melton Mowbray Park?

Acting General Manager – Now that the Planning Permit has been received further progress can be made. Surveyor, Tony Woolford is currently on leave so once he returns he will peg out the site. The Manager Heritage Projects is scheduled to have further discussion with the designer to refine the ‘construction plan.

8. DECLARATIONS OF PECUNIARY INTEREST

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, 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 2015*.

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 2015*, 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.

- 1. Closed session – Property Matter Oatlands
- 2. Mobile Food Vendors – Review of Policy

RECOMMENDATION

THAT: Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the Acting General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

DECISION

Moved by Cllr D Fish, seconded by Deputy Mayor K Dudgeon

THAT: Council resolve by absolute majority to deal with the above supplementary items not appearing on the agenda, as reported by the Acting General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

10. PUBLIC QUESTION TIME (SCHEDULED FOR 10.30 A.M.)

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the agenda is to make provision for public question time.

In particular, Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* 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.

Julia Jabour – Southern Regional News

Regarding the fountain at Lake Dulverton, is there an issue? It does not appear to be working properly.

Acting General Manager - Taken on notice

10.1 Permission to Address Council

Nil.

**11. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER
REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING
PROCEDURES) REGULATIONS 2015**

Nil.

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

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

12.1 Development Applications

12.1.1 Development Application (DA2400078) Concrete Finish to Courtyard & Service Area at land described as 99 High Street, Oatlands (Callington Mill Distillery) and submitted by ERA obo Lake Frederick Inn Pty Ltd and The Crown.

Author: GRAY PLANNING

Approved By: MANAGER OF DEVELOPMENT & ENVIRONMENTAL SERVICES
(GRANT FINN)

Date: 28 AUGUST 2024

Attachment(s):

*Development Application documents
Representation 1
Tasmanian Heritage Council Approval*

PROPOSAL

ERA Planning Pty Ltd, on behalf of Lake Frederick Inn Pty Ltd, have applied for a approval of application DA2400078 under section 57 of the Land Use Planning and Approvals Act 1993 ("the Act") and the Tasmanian Planning Scheme.

The application for works seeks approval for the following: Approval of concrete finish to paving materials (retrospective) in the courtyard and services area of the site.

The entry forecourt and courtyard area have been constructed with a concrete slab system around the new distillery buildings. This is contrary to previous Council approved DA Plans (and BA Plans) DA2018/90 and the subsequent application for a Minor Amendment DA1800090 refused by Council in March 2024.

The application seeks approval under the Tasmanian Planning Scheme and was lodged to Council. Under the requirements of The Act including the Land Use Planning and Approvals Act 1993 and the Historic Cultural Heritage Act 1995, Council as Planning Authority has 56 days in which determine the application as once Council receive notice from the Heritage Council under s.39(3) of the HCHA, Council then has 56 days to determine the application instead of the usual 42 days.

Council officers note that an area of concrete from the property CT 240022/1 is within Council Road. However, this report will only assess the Application within the title boundaries of the properties (CT 240022/1 & CT150311/1).

The applicant ERA Planning Pty Ltd had provided an extension of time approval. This results in the expiry of the application being 29 August 2024.

It is recommended that Council APPROVE the Development Application DA2400078 for a concrete surface material at 99 High Street, Oatlands.


Background including approved Planning Permit DA2018/90

The approved development application DA2018/90 included the following finish schedules for paving around the proposed distillery building (Cumulus Drawings T1 7333-da03 to da05 dated 14 August 2014):

Entry forecourt and courtyard (FF01): Austral bricks San Selmo reclaimed brick or similar used as a paving system:

FF01 Brickworks	Floor finishes	Austral Bricks, San Selmo, Reclaimed Bricks, 230 L x 110 W x 76 H mm	
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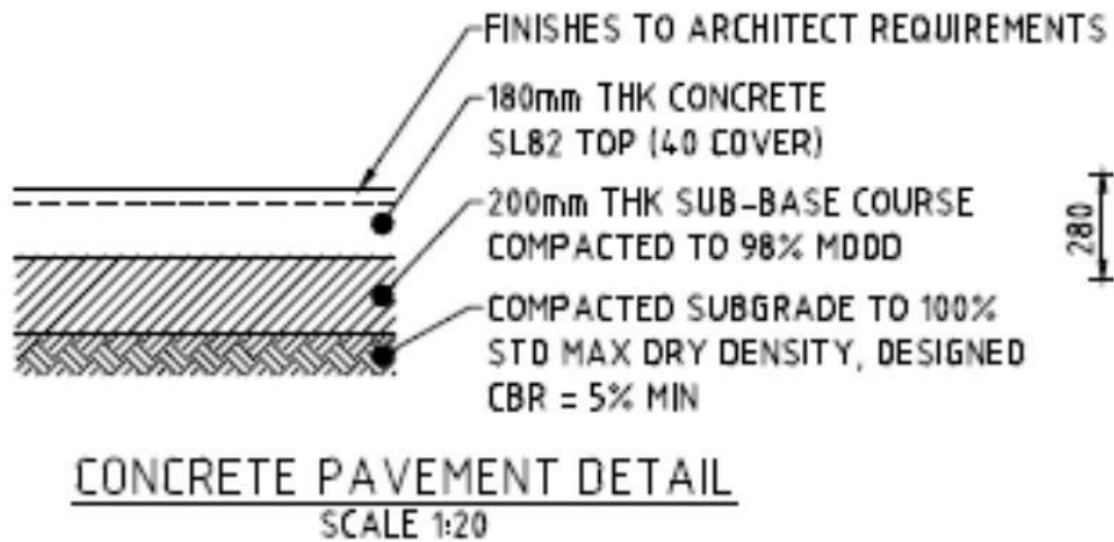
External service zone (FF02): Compacted gravel of ‘Tassie Gold’ finish:

FF02 Compacted Gravel	Paths	Compacted gravel ‘Tassie Gold’	
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In September 2019, an amendment to the original planning permit was approved, which including substituting the approved gravel service zone paving (i.e. FF02) with ‘exposed aggregate’. That amendment did not seek to amend the FF01 specification.

The subsequent building application documentation (Cumulus Drawings T17333-A003, 3/6/19 and T17333-A101, 21/6/19) stated that the entry forecourt and courtyard were to be of finish ‘FF01’. Those drawings did not prescribe a ground finish for the service driveway area. The COVA civil works documentation as part of the BA package (COVA drawing 4936.017-C04 Rev. D) stated that the entry forecourt and is to be ‘Stoneset paving over structural slab to architects details’ and that the courtyard area is to be ‘Stoneset paving – Refer note 3’. Note 3 on that drawing stated that ‘Stoneset pavement slab to be min 170thk SL82 top, subgrade to be built up in accordance with notes and specifications’ (specifications depicted on COVA Drawing 4936.017-C07).

Below depicts that detail which states '*finishes to architect requirements*'.



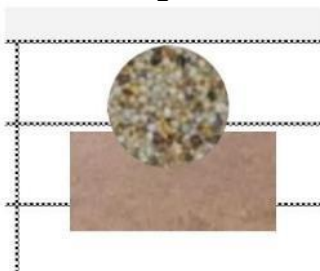
COVA Drawing 4936.017-C06 provided a '*Pavement Setout, Jointing Plan and Details*' for the outdoor areas which depicts large slabs. It was Council's understanding that the concrete is to be finished with an applied finish '*to architect requirements*'.

COVA Drawing 4936.017-C08 provided a finish schedule for the service driveway area, the key to that drawing states '*Proposed exposed aggregate*'. That drawing did not depict a finish for the courtyard or entry forecourt areas.

The Architectural References forming Appendix A of the BA documentation provided the following key to floor finishes:

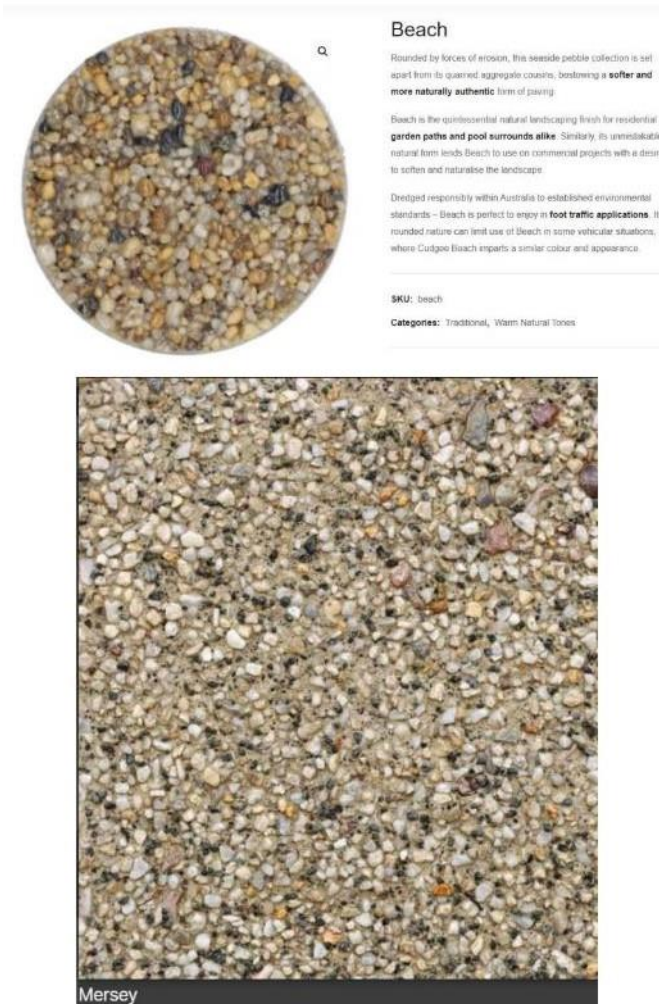
FF01, Stone pavement dressing, Courtyards. Stoneset 'Beach' 6mm mix, 16mm thk on concrete slab. FF02, Exposed ag(gregate). Concrete pavement. Service area. Hanson 'Mersey' mix.

The following swatches were provided:



The following websites provided clearer images which were sourced by Council staff as part of their assessment:

- www.stoneset.com.au/products/
- www.hanson.com.au/products/concrete/landscape-decorative/imagecrete-exposed/



Correspondence from the developer to Council planning staff (via email dated 3 August 2021) stated the intent of the concrete in the service area is *'to prevent mud being dragged by vehicles into the street and that this concrete was approved as part of the BA.'* This is not correct. The raw concrete finish does not constitute the *'exposed aggregate – Hanson Mersey'* as is approved.

The developer also stated in that correspondence the concrete finish in the courtyard and entry courtyard is *'intended to distinguish between the modern distillery and the heritage buildings by a contrast.'* This bare concrete finish is not consistent with either the original DA or BA plans. This suggests that no further works are intended by the developer, which results in the finishes in both area being contrary to all previously approved DA/BA plans (as well as the THC approval).

Background including refused Application for a Minor Amendment to Planning Permit DA2018/90, DA1800090

The Application for a Minor Amendment to DA2018/90 was refused by Council in March 2024.

That application had the following heritage assessment made in the report to Council acting as a Planning Authority:

The proposal seeks retrospective approval of an inappropriate and unsympathetic external material in the form of light grey slab concrete for extensive areas of hard landscaping into the subject site that that are highly visible from adjacent properties and also from the Esplanade.

This concrete landscaping is contrary to the original approval of DA2018/90 which sought specific finishes for hard landscaping. The approved gravel landscaping was endorsed by the developer's then heritage consultant Purcell.

This application to amend the hard landscaping to much of the site to grey concrete conflicts with original heritage advice both given by the developer's heritage consultant and the original Council approval and subsequent permit conditions.

It is concluded that the proposed development will detrimentally impact on the values in the Mill site, the subject site and the values of the Precinct as the proposal seeks to introduce inappropriately contrasting materials and finishes which are not complimentary to the heritage settings and traditional materials of construction typically encountered with early colonial sites.

The location of the concrete works are in particularly highly visible areas within the subject site including adjacent to the Mill site (opposite the Mill buildings), adjacent to the Lake Frederick Inn buildings and at the entrance and inside the subject site as it is viewed from the Esplanade.

No regard has been given to screening the concrete works from wider views in the Esplanade at all where it is clearly visible, and the values of the Precinct are therefore negatively impacted by the widespread application of such a negatively contrasting material having been extensively used.

The inclusion of contemporary hard landscaping hardens the appearance of the distillery buildings and bears no similarity to any traditional building materials generally used on sites with heritage values in the Oatlands Township.

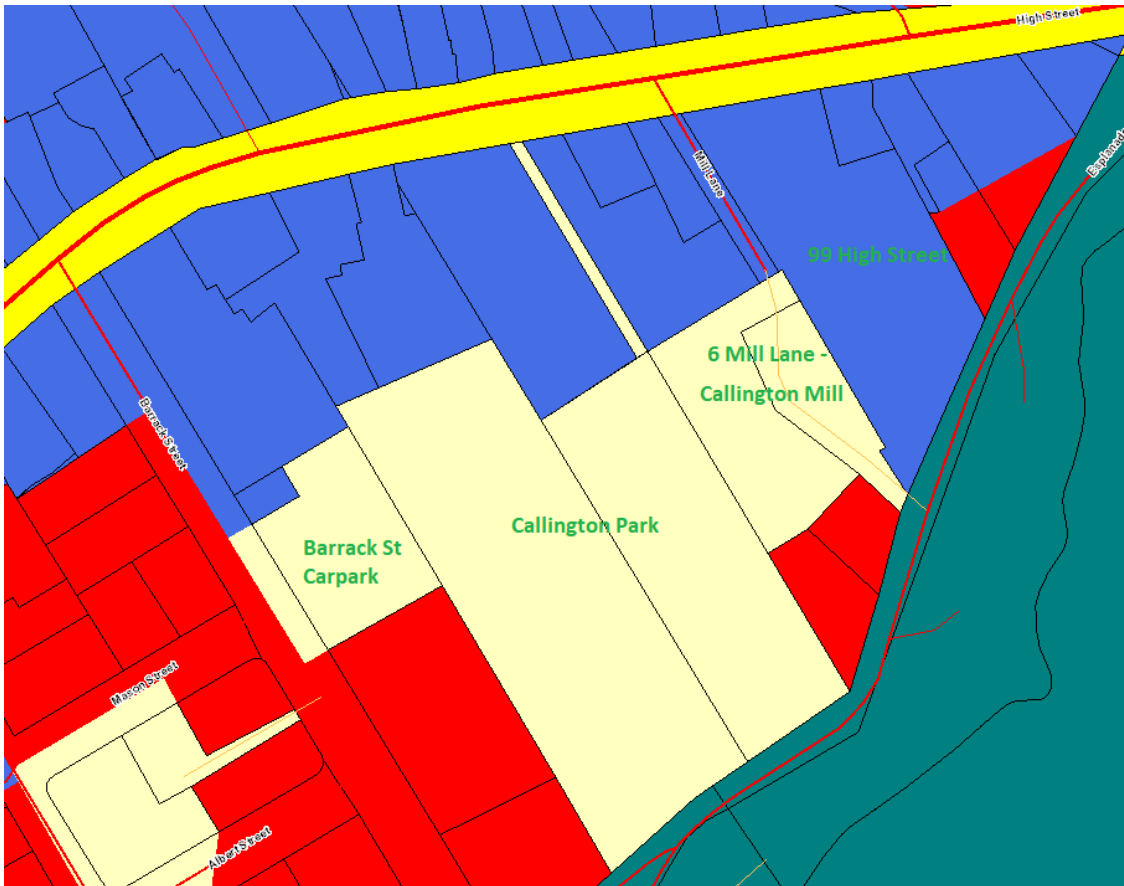
The proposal is not considered to adequately meet the Performance Criteria of Clauses E13.7.2.P1 and E13.8.2.P1 of the Southern Midlands Interim Planning Scheme 2015, therefore should be refused on heritage grounds.

The application for the Minor Amendment was accordingly refused on the following grounds:

- 1. The proposal does not meet the Acceptable Solution or the Performance Criterion with respect to clause E13.7.2.P1(a) of the Southern Midlands Interim Planning Scheme 2015. The proposed concrete landscaping works will result in a loss of historic cultural heritage significance to the place through the use of incompatible and unsympathetic materials and their siting which will contrast with traditional materials evident in the setting of the heritage place.*
- 2. The proposal does not meet the Acceptable Solution or the P1 Performance Criterion with respect to clause E13.8.2 of the Southern Midlands Interim Planning Scheme 2015. The proposed concrete landscaping works will result in a loss of historic cultural heritage significance to the Precinct through the introduction of incompatible materials and their siting which contrast with traditional materials of construction evident in the Precinct setting, and will not respect Old Colonial Georgian style significant to the Precinct in terms of materials and colour.*

THE SITE

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



Map 1_The subject land is wholly located in the General Business Zone (blue) and Community Purpose Zone (cream). There are properties zoned General Residential (red) adjoining the site and Lake Dulverton is zoned Environmental Management (green). The site and surrounding features are labelled in green (Source: LISTmap 2018).



Map 2 _ Aerial image of the subject land and surrounding area (Source: LISTmap August 2024).

BRIEF DESCRIPTION OF PLACE & HISTORICAL CONTEXT:

The site 99 High Street comprises a two storey Colonial Georgian sandstone building formerly used as an inn (Lake Frederick Inn).

The façade is typically double-fronted with a sheet metal roofed hip roof with simple chimneys at each west and eastern ends of the roof. The eastern wall has been partially extended at ground level with a single storey enclosed sunroom (closed in verandah) which is a later but sympathetically constructed addition.

There are two other early buildings on the site; a double storey sandstone former carriage house building that sits on the primary frontage to High Street and a small cottage building to the rear of the former Inn building.

The subject site was extensively developed for the distillery development approved under DA2018/90.



Image.1. The subject site shown outlined. The former Lake Frederick Inn building is located on the High Street frontage and has a red roof. The new distillery complex has grey roof areas and is located in the southern half of the subject site. The concrete works are clearly evident in this image and appear as light grey areas surrounding the distillery complex buildings.

Source: TheList. No nominated scale.

The site also contains drystone walls on several perimeter boundaries, one of which previously directly adjoined the nearby Callington Mill site at 6 Mill Lane. This wall was approved to have a 6m opening under the original approval given for DA2018/90 to provide a pedestrian opening into the subject site and approved courtyard area located between the distillery buildings and the gravel forecourt area adjacent to Callington Mill.

The developer has instead removed much of the drystone wall, resulting in the distillery site being open to the Callington Mill site visually and spatially with no physical barrier running along the title boundary that separates the two sites.

There is another drystone wall that forms a frontage wall onto the Esplanade. This wall was untouched by the original approval of DA2018/90.

The subject site 99 High Street contains the recently approved and constructed distillery buildings to the rear of the Inn building with the 6800sqm site still containing some landscaped areas using primarily exotic species including hedging and buxus in a formal parterre style garden located between the carriage house building and former inn building. A small buxus hedge lines the front boundary immediately outside the Inn building as depicted in the below images.

The previously large cleared area of pasture behind the existing buildings that front High Street was previously pasture and delineated with drystone walling on the boundary

between the Mill site. This pasture area has now been constructed for the distillery buildings approved under DA2018/90.



Lake Frederick Inn
north front
Stephen Walker



Lake Frederick Inn
looking east
Stephen Walker



Lake Frederick Inn
carriage house
Stephen Walker

Images.2, 3 and 4. Buildings at 99 High Street including the former Lake Frederick Inn building and the converted carriage house building, both of which are set close to the High Street frontage.
Source: THR Data Sheet 5534.



Image.5. New distillery buildings at 99 High Street in the centre and left of the image which are located internally within the subject site. The adjacent red brick miller's Cottage can be seen on the right. Gravelled landscaping in the foreground is located within the Callington Mill site at 6 Mill Lane. The concrete works have been arrowed.

Source: Gray Planning, taken February 2023, no image modification.



Image.6. New distillery buildings at 99 High Street in the centre and left of the image which are located internally within the subject site. The adjacent red brick miller's Cottage can be seen on the left. Gravelled landscaping in the foreground is located within the Callington Mill site at 6 Mill Lane while the grey concrete makes up the courtyard area within the distillery site. The grey concrete is the subject of this application for an approval under the Southern Midlands LPS and Tasmanian Planning Scheme (State Planning Provisions).

Source: Gray Planning, taken February 2023, no image modification.



Image.7. New distillery buildings at 99 High Street in right of the image which are located internally within the subject site. The adjacent red brick miller's Cottage can be seen centre left. The remaining drystone wall is located within the Callington Mill site at 6 Mill Lane and indicates the title boundary between the subject site and the Callington Mill site. The grey concrete makes up the courtyard area within the distillery site evident in the right of this image. The grey concrete is the subject of this application for an approval under the Southern Midlands LPS and Tasmanian Planning Scheme (State Planning Provisions).

Source: Gray Planning, taken February 2023, no image modification.



Image.8. New distillery buildings at 99 High Street fronting the Esplanade. The grey concrete hard landscaping that is the subject of this application for an approval under the Southern Midlands LPS and Tasmanian Planning Scheme (State Planning Provisions) can be clearly seen both within the service area of the subject site and also in the crossover and road reservation area.

Source: Gray Planning, taken February 2023, no image modification.



Image.9. New distillery buildings at 99 High Street in the centre and left of the image which are located internally within the subject site. The adjacent red brick miller's Cottage can be seen on the left. Gravelled landscaping in the foreground is located within the Callington Mill site at 6 Mill Lane while the grey concrete makes up the courtyard area within the distillery site. The grey concrete is the subject of this application for an approval under the Southern Midlands LPS and Tasmanian Planning Scheme (State Planning Provisions). Owing to the removal of the drystone wall, the subject site at 99 High Street flows into the Callington Mill site at 6 Mill Lane. It would appear that the approval issued by the Tasmanian Heritage Council attempts to remedy this by approving the works subject to the planting of a hedge.

Source: Gray Planning, taken February 2023, no image modification.

THE APPLICATION

The application has been submitted with plans and a set of supporting reports describing the proposal and addressing planning requirements, to accompany the Development Application form. The application includes the following documents:

- Planning assessment – ERA Planning;
- Architectural report and plans – Cumulus Studio;
- Landscaping Plans – Play Street;
- Heritage Impact Assessment – Graeme Corney;
- Letter of Support – Page Seager Lawyers.

General description

The proposal seeks retrospective approval for concrete surface material hard landscaping (pavement) to courtyard and service yard areas to the subject site.

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme (State Planning Provisions), as development associated with ‘Resource Processing’ for the whisky distillery and ‘Food services’ for the café component. ‘Food services’ has a No Permit Required use status while ‘Resource Processing’ for food or beverage production has a Discretionary status in the General Business Zone in the State Planning Provisions. Under the State Planning Provisions, the following definitions apply to a ‘building’ and ‘works’:

Building - means as defined in the Act.

The Act defines a ‘building’ as:

includes –

- (a) a structure and part of a building or structure; and
- (b) fences, walls, out-buildings, service installations and other appurtenances of a building; and
- (c) a boat or a pontoon which is permanently moored or fixed to land;

Works - means as defined in the Act.

The Act defines ‘works’ as:

includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil, but does not include forest practices, as defined in the Forest Practices Act 1985 , carried out in State forests.

It is considered that hard landscaping pavement works in the absence of any structures such as fences or retaining walls is best defined as ‘works’.

Use/Development Status under the Planning Scheme

Due to the status of ‘Resource processing’ in the zone, the application must be considered at the discretion of the Council.

As a discretionary development, the application was advertised in accordance with Section 57 of the Act. Accordingly, Council has the discretion to grant a permit or refuse to grant a permit but must have valid grounds under the Planning Scheme under which to base a refusal.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised for public comment from 16 to the 30 July 2024. During the notification period one (1) representation was received and is summarised in the table below. Please refer to enclosure to view the full copies of the representation received.

Public Notice Period 16/07/2024 – 30/07/2024	
<i>Representation 1</i>	<i>Planners Comments</i>
<p>As a heritage professional, I have worked on a number of projects in Oatlands and in the Southern Midlands. So, I have an interest in what happens in the township.</p> <p>This proposed amendment to the original planning and building applications for the distillery raises a number of concerns for the adverse impacts it will have on the heritage values of the THR listed Callington Mill Complex and the surrounding Oatlands Township Heritage Precinct, as well as the way in which the broader historic values of Oatlands are interpreted.</p> <p>Oatlands is recognised as having historic cultural heritage significance because of its concentration of highly intact historic Georgian buildings, the totality of which are significant from a national, state and local perspective. The collection of these buildings has contributed to Oatlands having a highly intact streetscape character which clearly demonstrates the characteristics of a 19th Century town, with its foundation relying heavily on the convict system and colonial administration developed in Van Diemen’s Land.</p> <p>At the heart of the town is the Callington Mill Complex, which speaks to early agricultural and commercial development in colonial VDL. The mill buildings are highly recognisable within the Oatlands landscape, both from a distance and also close up. The Mill Complex is fundamental to Oatlands</p>	<p><i>There is no objection or disagreement with the issues outlined in the representation received by Council.</i></p> <p><i>However, as the application is not assessed under the C6.0 Historic Heritage Code, Council is unable to provide a formal heritage assessment or recommendation based on heritage grounds.</i></p> <p><i>The heritage assessment has been undertaken by Heritage Tasmania for the Tasmanian Heritage Council.</i></p>

history and its heritage significance. Such significance should not be treated lightly and certainly needs to be protected from piecemeal developments or changes to decisions which detract from the overall heritage character of the town.

From what I understand, under DA2018/90 from 2014 and the subsequent approved Building Application for the distillery, the hardstand surface was meant to be finished with an exposed aggregate. However, on construction the finish was just bare concrete. It would appear the developer never intended to comply with the requirements of the Building approval and is now seeking to retrospectively have this bare concrete finish approved. Much as they have demolished a wall between the distillery and the Mill Complex, rather than construct a smaller opening (I understand that matter is yet to be resolved). This all smacks of a disregard for proper planning processes and approvals by the developer.

Under the Tasmanian Heritage Council Works Guidelines for Historic Heritage Places (Nov 2015), works for new buildings are appropriate if they ‘... respond positively to the character of the heritage place (in this case the Callington Mill Complex and the Oatlands Town Precinct). The Guidelines go on. ‘New buildings that are larger than the heritage place can have the visual impact of their scale reduced through various design techniques.’ In the case of the distillery, the intent of the original exposed aggregate finish of the surrounding hardstand area would help to soften the size and bulk of the large new structures.

The Guidelines also note that with ‘Existing historic building materials, textures and colour. These characteristics can be creatively reinterpreted as part of a new building.’ I do not think that having a large concrete area can be seen as a creative

interpretation. It is a blunt overbearing statement that is inappropriate in this setting.

The developer's own heritage consultant has agreed that the exposed aggregate finish was more appropriate for this site. His suggestion that the visual impact of the plain concrete can be lessened by creating a 'visual break' is not a solution, and made laughable by the developer's unauthorised demolition of the stone wall. The consultant's assertion that the concrete pavement only affects the Federation Visitors Centre shows a limited appreciation of the heritage landscape surrounding the Mill and its outbuildings.

Having reviewed the Minutes for the Council Meeting of 27 March 2024, I agree with the assessment made by Council officers and Gray Planning when they considered the development application against the Heritage Standards in the Southern Midlands Interim Planning Scheme. In particular, that assessment found:

- The use of the concrete has given no thought to the application of employing external materials and colour palette designed to be subdued and appropriately complimentary to the earlier buildings on site whilst providing a degree of subservience
- The proposed development in the form of concrete hard landscaping to the majority of the subject site is not considered to be subservient to the values of the Place and to existing heritage buildings directly adjacent to the works
- The concrete used is not considered to be less dominant to early Georgian buildings and provides a stark contrast to the softer hued sandstone and handmade red bricks that make up adjacent buildings.
- The concrete works do not compliment any heritage buildings in

<p>Oatlands, are visibly conspicuous in the streetscape, form an unsympathetic foreground to the Lake Frederick Inn and create a negative contrast to traditional materials of construction used elsewhere on the subject site</p> <ul style="list-style-type: none"> • The use of concrete landscaping in its location and extent is not responsive to the heritage character of the place and fails to provide a visual softening of the subject site as it is viewed from within the Mill site and particularly from the Esplanade frontage where it will be most readily visible. <p>I strongly recommend that the Council rejects this planning application because of the adverse impacts it will have on a highly significant heritage place that lies at the heart of early European settlement in Tasmania. It should also be rejected because of the developer’s consistent disregard for proper planning and approvals processes.</p>	
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ASSESSMENT - TASMANIAN PLANNING SCHEME - SOUTHERN MIDLANDS

15.0 General Business Zone

The purpose of the General Business Zone is:

15.1.1 To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania’s main suburban and rural centres.

15.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.

15.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.

15.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.

Zone Purpose Statement	OFFICER	COMMENT
<p>15.1.1 To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania’s main suburban and rural centres.</p>		<p><i>The Application will not affect the objectives of the Zone.</i></p>

<p>15.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.</p>	<p><i>The Application will not affect the objectives of the Zone.</i></p>
<p>15.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.</p>	<p><i>The Application will not affect the objectives of the Zone.</i></p>
<p>15.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.</p>	<p><i>The Application will not affect the objectives of the Zone.</i></p>

The proposal must satisfy the requirements of the following relevant development standards of the General Business zone:

CLAUSE 15.3.1 ALL USES

<p>Clause 15.3.1 Objective: That uses do not cause an unreasonable loss of amenity to residential zones.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation, Residential, Utilities or Visitor Accommodation, on a site within 50m of a General Residential Zone or Inner Residential Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.</p>	<p>P1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation, Residential, Utilities or Visitor Accommodation, on a site within 50m of a General Residential Zone or Inner Residential Zone, must not cause an unreasonable loss of amenity to the residential zones having regard to: (a) the timing, duration or extent of vehicle movements; and (b) noise, lighting or other emissions.</p>	<p><i>This clause is not triggered as the proposed development for concrete works does not seek approval for a change of hours of operation as those approved under DA2018/90.</i></p>

Clause 15.3.1		
Objective: That uses do not cause an unreasonable loss of amenity to residential zones.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A2 External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone or Inner Residential Zone, must: (a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and (b) if for security lighting, must be baffled so that direct light does not extend into the adjoining property in those zones.</p>	<p>P2 External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone or Inner Residential Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to: (a) the level of illumination and duration of lighting; and (b) the distance to habitable rooms of an adjacent dwelling.</p>	<p><i>This clause is not triggered as the application does not seek approval for any external lighting.</i></p>

Clause 15.3.1		
Objective: That uses do not cause an unreasonable loss of amenity to residential zones.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone or Inner Residential Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.</p>	<p>P3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone or Inner Residential Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</p>	<p><i>This clause is not triggered as the application does not seek approval for any extension to the approved hours of operation under DA2019/90 and therefore no new or amended commercial vehicle movements are proposed as part of the application are proposed.</i></p>

	<p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved; (d) manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise; (e) any noise mitigation measures between the vehicle movement areas and the residential zone; and (f) potential conflicts with other traffic.</p>	
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15.3.2 DISCRETIONARY USES

<p>Clause 15.3.2 Objective: That uses listed as Discretionary do not compromise or distort the activity centre hierarchy.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 No Acceptable Solution.</p>	<p>P1 A use listed as Discretionary must: (a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and (b) be of an intensity that respects the character of the area.</p>	<p><i>This clause is not triggered as the proposed development for concrete works does not seek approval of a new use or amendment or intensification of an existing or approved use.</i></p>

<p>Clause 15.3.2 Objective: That uses listed as Discretionary do not compromise or distort the activity centre hierarchy.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A2 No Acceptable Solution.</p>	<p>P2 A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to: (a) the characteristics of the site; (b) the need to</p>	<p><i>This clause is not triggered as the proposed development for concrete works does not seek approval of a new use or amendment</i></p>

	encourage activity at pedestrian levels; (c) the size and scale of the proposed use; (d) the functions of the activity centre and the surrounding activity centres; and (e) the extent that the proposed use impacts on other activity centres.	<i>or intensification of an existing or approved use.</i>
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15.3.3 RETAIL IMPACT

Clause 15.3.3 Objective: That retail uses do not compromise or distort the activity centre hierarchy.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 The gross floor area for Bulky Goods Sales and General Retail and Hire uses must be not more than 3500m ² per tenancy.	P1 Bulky Goods Sales and General Retail and Hire uses must not compromise or distort the activity centre hierarchy, having regard to: (a) the extent that the proposed use improves and broadens the commercial or retail choice with the area; (b) the extent that the proposed use impacts on other activity centres; and (c) any relevant local area objectives contained within the relevant Local Provisions Schedule.	<i>This clause is not triggered as the proposed development for concrete works does not seek approval of new floor area with an existing, approved or proposed Bulky Goods Sales or General retail and Hire use.</i>

15.4 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS

15.4.1 BUILDING HEIGHT

Clause 15.4.1 Objective: That building height: (a) is compatible with the streetscape; and (b) does not cause an unreasonable loss of amenity to adjoining residential zones.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT

<p>A1 Building height must be not more than 12m.</p>	<p>P1 Building height must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: (a) the topography of the site; (b) the height, bulk and form of existing buildings on the site and adjacent properties; (c) the bulk and form of existing buildings; (d) the apparent height when viewed from the adjoining road and public places; and (e) any overshadowing of public places</p>	<p><i>The concrete works are considered to be ‘works’ not a ‘building’ as defined in the Interpretations section of the State Planning Provisions. Therefore, this clause which relates to ‘building height’ is not relevant in the assessment of the application.</i></p>
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<p>Clause 15.4.1 Objective: That building height: (a) is compatible with the streetscape; and (b) does not cause an unreasonable loss of amenity to adjoining residential zones.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A2 Building height: (a) within 10m of a General Residential Zone must not be more than 8.5m; or (b) within 10m of an Inner Residential Zone must not be more than 9.5m.</p>	<p>P2 Building height within 10m of a General Residential Zone or Inner Residential Zone must be consistent with building height on the adjoining properties and not cause an unreasonable loss of residential amenity, having regard to: (a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; (b) overlooking and reduction of privacy to adjoining properties; or (c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed</p>	<p><i>The concrete works are considered to be ‘works’ not a ‘building’ as defined in the Interpretations section of the State Planning Provisions. Therefore, this clause which relates to ‘building height’ is not relevant in the assessment of the application.</i></p>

	from the adjoining property	
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15.4.2 SETBACKS

<p>Clause 15.4.2 Objective: That building setback: (a) is compatible with the streetscape; (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones; and (c) minimises opportunities for crime and anti-social behaviour through setback of buildings.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Buildings must be: (a) built to the frontage at ground level; or (b) have a setback of not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.</p>	<p>P1 Buildings must have a setback from a frontage that is compatible with the streetscape and minimises opportunities for crime and anti-social behaviour, having regard to: (a) providing small variations in building alignment to break up long façades; (b) providing variations in building alignment appropriate to provide a forecourt or space for public use, such as outdoor dining or landscaping; (c) the avoidance of concealment spaces; (d) the ability to achieve passive surveillance; and (e) the availability of lighting</p>	<p><i>The concrete works are considered to be ‘works’ not a ‘building’ as defined in the Interpretations section of the State Planning Provisions. Therefore, this clause which relates to ‘building setbacks’ is not relevant in the assessment of the application.</i></p>

<p>Clause 15.4.2 Objective: That building setback: (a) is compatible with the streetscape; (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones; and (c) minimises opportunities for crime and anti-social behaviour through setback of buildings.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A2 Building must have a setback from an adjoining</p>	<p>P2 Buildings must be sited to not cause an</p>	<p><i>The concrete works are considered to be ‘works’</i></p>

<p>property within a General Residential Zone or Inner Residential Zone of not less than: (a) 5m; or (b) half the wall height of the building, whichever is the greater.</p>	<p>unreasonable loss of residential amenity to adjoining properties within a General Residential Zone or Inner Residential Zone, having regard to: (a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; (b) overlooking and reduction of privacy to the adjoining property; or (c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property</p>	<p><i>not a 'building' as defined in the Interpretations section of the State Planning Provisions. Therefore, this clause which relates to 'building setbacks' is not relevant in the assessment of the application.</i></p>
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Clause 15.4.2
Objective: That building setback:
(a) is compatible with the streetscape;
(b) does not cause an unreasonable loss of residential amenity to adjoining residential zones; and
(c) minimises opportunities for crime and anti-social behaviour through setback of buildings.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A3 Air extraction, pumping, refrigeration systems or compressors must be separated a distance of not less than 10m from a General Residential Zone or Inner Residential Zone. 1</p>	<p>P3 Air conditioning, air extraction, pumping, heating or refrigeration systems or compressors within 10m of a General Residential Zone or Inner Residential Zone, must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity to the adjoining residential zones, having regard to: (a) the characteristics and frequency of emissions generated; (b) the nature of the proposed use; (c) the topography of the site and location of the sensitive use; and (d)</p>	<p><i>The concrete works are considered to be 'works' not a 'building' as defined in the Interpretations section of the State Planning Provisions. Additionally, the application does not seek approval for any air extraction, pumping, refrigeration systems or compressors. Therefore, this clause which relates to the installation of air extraction, pumping, refrigeration systems or compressors is not relevant in the assessment of the application.</i></p>

	any proposed mitigation measures.	
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15.4.3 DESIGN

<p>Clause 15.4.3 Objective: That building façades promote and maintain high levels of pedestrian interaction, amenity, and safety and are compatible with the streetscape.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 New buildings must be designed to satisfy all of the following: (a) mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, must be screened from the street and other public places; (b) roof-top mechanical plant and service infrastructure, including lift structures, must be contained within the roof; (c) not include security shutters or grilles over windows or doors on a façade facing the frontage or other public places; and (d) provide external lighting to illuminate external vehicle parking areas and pathways.</p>	<p>P1 New buildings must be designed to be compatible with the streetscape, having regard to: (a) minimising the visual impact of mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, when viewed from the street or other public places; (b) minimising the visual impact of security shutters or grilles and roof-top service infrastructure, including lift structures; and (c) providing suitable lighting to vehicle parking areas and pathways for the safety and security of users.</p>	<p><i>The concrete works are considered to be ‘works’ not a ‘building’ as defined in the Interpretations section of the State Planning Provisions. Additionally, the application does not seek approval for any mechanical plants, service infrastructure, heat pumps, air conditioning units, switchboards, hot water unit, service infrastructure, security shutters or grilles, external light or new or amended vehicle parking areas or pathways. Therefore, this clause which relates to the installation of these works as described is not relevant in the assessment of the application.</i></p>

<p>Clause 15.4.3 Objective: That building façades promote and maintain high levels of pedestrian interaction, amenity, and safety and are compatible with the streetscape.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A2 New buildings or alterations to an existing façade must be designed to satisfy all of the following: (a) provide a pedestrian entrance to the building that is visible</p>	<p>P2 New buildings or alterations to an existing façade must be designed to be compatible with the streetscape, having regard to: (a) how the main pedestrian access</p>	<p><i>The concrete works are considered to be ‘works’ not a ‘building’ as defined in the Interpretations section of the State Planning Provisions.</i></p>

<p>from the road or publicly accessible areas of the site; (b) if for a ground floor level façade facing a frontage: (i) have not less than 40% of the total surface area consisting of windows or doorways; or (ii) not reduce the surface area of windows or doorways of an existing building, if the surface area is already less than 40%; (c) if for a ground floor level façade facing a frontage must: (i) not include a single length of blank wall greater than 30% of the length of façade on that frontage; or (ii) not increase the length of an existing blank wall, if already greater than 30% of the length of the façade on that frontage; and (d) provide awnings over a public footpath if existing on the site or on adjoining properties</p>	<p>to the building addresses the street or other public places; (b) windows on the façade facing the frontage for visual interest and passive surveillance of public spaces; (c) architectural detail or public art on large expanses of blank walls on the façade facing the frontage and other public spaces so as to contribute positively to the streetscape and public spaces; (d) installing security shutters or grilles over windows or doors on a façade facing the frontage or other public spaces only if essential for the security of the premises and any other alternatives are not practical; and (e) the need for provision of awnings over a public footpath.</p>	<p><i>Additionally, the application does not seek approval for any alteration to an existing façade or new building. Therefore, this clause which relates to a proposed new building or amendment to an existing building façade is not relevant in the assessment of the application.</i></p>
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15.4.4 FENCING

<p>Clause 15.4.4 Objective: That fencing: (a) is compatible with the streetscape; and (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 No Acceptable Solution.</p>	<p>P1 A fence (including a free-standing wall) within 4.5m of a frontage must contribute positively to the streetscape, having regard to: (a) its height, design, location and extent; (b) its degree of transparency; and (c) the proposed materials and construction.</p>	<p><i>The concrete works are considered to be ‘works’ not a ‘building’ as defined in the Interpretations section of the State Planning Provisions. No fences are proposed as part of those works. Therefore, this clause which relates to fencing is not relevant in the</i></p>

		<i>assessment of the application.</i>
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<p>Clause 15.4.4 Objective: That fencing: (a) is compatible with the streetscape; and (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, if not within 4.5m of a frontage, must: (a) have a height above existing ground level of not more than 2.1m; and (b) not contain barbed wire.</p>	<p>P1 Common boundary fences with a property in a General Residential Zone or Inner Residential Zone, if not within 4.5m of a frontage, must not cause an unreasonable loss of residential amenity, having regard to: (a) their height, design, location and extent; and (b) the proposed materials and construction.</p>	<p><i>The concrete works are considered to be ‘works’ not a ‘building’ as defined in the Interpretations section of the State Planning Provisions. No fences are proposed as part of those works. Therefore, this clause which relates to fencing is not relevant in the assessment of the application.</i></p>

15.4.5 OUTDOOR STORAGE AREAS

<p>Clause 15.4.5 Objective: That outdoor storage areas for non-residential use do not detract from the appearance of the site or surrounding area.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.</p>	<p>P1 Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.</p>	<p><i>The concrete works are considered to be ‘works’ not a ‘building’ as defined in the Interpretations section of the State Planning Provisions. No new outdoor storage areas or the extension or amendment of existing storage areas are proposed as part of those works. Therefore, this clause which relates to outdoor storage areas is not relevant in the assessment of the application.</i></p>

CODE ASSESSMENT – TASMANIAN PLANNING SCHEME – SOUTHERN MIDLANDS

C2.0 Parking & Sustainable Transport Code

The purpose of the Parking and Sustainable Transport Code is:

- To ensure that an appropriate level of parking facilities is provided to service use and development.
- To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.
- To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.
- To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.
- To ensure that parking spaces and accesses meet appropriate standards.
- To provide for parking precincts and pedestrian priority streets.

This Code applies to all development. The applicable standards of this Code are addressed in the following table:

C2.5 Use Standards		
C2.5.1 Car parking numbers		
Objective: That an appropriate level of car parking spaces are provided to meet the needs of the use		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p>	<p>P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time;</p> <p>or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p>	<p><i>The concrete works do not result in the amendment of any previously approved car parking space and do not propose new spaces or propose works that reduce the existing number of spaces provided on site. Therefore, this clause which relates to the provisions of car parking spaces is not relevant in the assessment of the application.</i></p>

<p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$ N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C = Number of on-site car parking spaces required for the proposed use or</p>	<p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2 The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p>	
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development specified in Table C2.1.	(c) the pattern of parking in the surrounding area.	
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C2.6 Development Standards for Buildings and Works		
C2.6.1 Construction of parking areas		
Objective: That parking areas are constructed to an appropriate standard.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use;</p> <p>(b) the topography of the land;</p> <p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>	<p><i>The concrete works are compliant with the A1 Acceptable Solution in that the works are constructed of a durable all weather pavement and are drained to public stormwater. Furthermore, the concrete material complies with A1(c).</i></p>

C2.6 Development Standards for Buildings and Works		
C2.6.2 Design and layout of parking areas		
Objective: That parking areas are designed and laid out to provide convenient, safe and efficient parking.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1.1 Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and</p>	<p><i>The concrete works do not result in the amendment of any previously approved car parking space and do not propose new spaces or propose works that</i></p>

<p>(i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;</p> <p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p>	<p>efficient parking, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the proposed slope, dimensions and layout;</p> <p>(c) useability in all weather conditions;</p> <p>(d) vehicle and pedestrian traffic safety;</p> <p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>	<p><i>reduce the existing number of spaces provided on site. Therefore, this clause which relates to the provisions of car parking spaces is not relevant in the assessment of the application.</i></p>
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<p>(a) be located as close as practicable to the main entry point to the building; (b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.</p>		
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<p>C2.6 Development Standards for Buildings and Works C2.6.3 Number of accesses for vehicles Objective: That: (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses; (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and (c) the number of accesses minimise impacts on the streetscape.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.</p>	<p>P1 The number of accesses for each frontage must be minimised, having regard to: (a) any loss of on-street parking; and (b) pedestrian safety and amenity; (c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape.</p>	<p><i>The concrete works do not result in the amendment of any previously approved access or seek approval for a new access. Therefore, this clause which relates to the provisions of access is not relevant in the assessment of the application.</i></p>

CODE ASSESSMENT – TASMANIAN PLANNING SCHEME – SOUTHERN MIDLANDS

C6.0 Local Historic Heritage Code

The purpose of the Local Historic Heritage Code is:

- To recognise and protect: (a) the local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential; and (b) significant trees.
C6.1.2 This code does not apply to Aboriginal heritage values.

This Code applies to all development except where development and works are exempt under Section C6.2.3.

Clause C6.2.3 states:

This code does not apply to a registered place entered on the Tasmanian Heritage Register, unless for the lopping, pruning, removal or destruction of a significant tree as defined in this code.

As the subject site at 99 High Street is listed on the Tasmanian Heritage Register, Council is unable to apply the development standards in the C6.0 Local Historic Heritage Code to the proposed works.

REFERRAL TO THE TASMANIAN HERITAGE COUNCIL

The application was referred to the Tasmanian Heritage Council in accordance with the *Historic Cultural Heritage Act 1995* and *Land Use Planning and Approvals Act 1993* on 21 June 2024.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gave notice to Council on 16 August 2024 by email that it consented to the discretionary permit being granted in accordance with DA2400078 subject to the following conditions:

1. *The species of plant for the new hedge must be from the below list or other species that Heritage Tasmania's Works Manager is satisfied was traditionally used for boundary hedge planting in Tasmania and is consistent with the heritage character of this place: i) Crataegus monogyna (common hawthorn); or ii) Prunus spinosa (blackthorn); or iii) Bursaria spinosa (prickly box).*

Reason for condition

To ensure that the hedge provides a suitable break between the land parcels and is of a species of plant that would have been used as a boundary hedge.

CONCLUSION

The report has assessed a Development Application. One (1) representation was received and the concerns raised have been addressed in this report.

The proposal has been found to comply with applicable standards for development of works as noted in this report.

The majority of use and development standards for the General Business zone do not apply to the proposed works which are not defined as being a 'building'.

The C6.0 Local Historic Heritage Code is not applicable because under clause C6.2.3 the code does not apply to a registered place entered on the Tasmanian Heritage Register,

unless for the lopping, pruning, removal or destruction of a significant tree as defined in the code.

This has resulted in the heritage assessment for the proposed works falling under the jurisdiction of the Tasmanian Heritage Council who have approved the works subject to a condition of approval about the planting of a hedge. This hedge is required to be planted to presumably visually screen the concrete works from the adjacent Callington Mill site.

On that basis, it is recommended that the Application be approved.

RECOMMENDATION

THAT, in accordance with the provisions of the Tasmanian Planning Scheme - *Southern Midlands, the Southern Midlands Local Provisional Schedule* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA2400078) for Concrete Finish to Courtyard & Service Area at land described as 99 High Street, Oatlands (Callington Mill Distillery) and submitted by ERA obo Lake Frederick Inn Pty Ltd and The Crown.

CONDITIONS

General

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

Heritage Tasmania

- (3) Compliance with any conditions or requirements of the Tasmanian Heritage Council in the attached 'Notice of Heritage Decision' No. 8450 and dated 16 August 2024.

Services

- (4) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Parking and Access

- (5) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer, and must include all of the following;
 - a) Constructed with a durable all weather pavement;
 - b) Minimum carriageway width of 4 metres; and
 - c) Drained to an approved stormwater system.

Stormwater

- (6) Stormwater drainage from the proposed development must be retained on site (or drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- B. While this Application is a new Planning Application under the Southern Midlands LPS and Tasmanian Planning Scheme, the original development comprising concrete hard paving works is not in accordance with the approved works granted under DA2018/90.
- C. This Planning Permit is in addition to the requirements of the Building Act 2016. It is necessary to seek approval prior to any new building work, work being carried out in accordance with the Building Act 2016. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the CBOS website: [Director's Determination - Categories of Building and Demolition Work \(PDF, 504.4 KB\)](#)

If an owner undertakes any Low Risk Building Work as allowed by the Directors determination, they are responsible for ensuring that any proposed work complies with this Determination, in particular to ensure that they:

- Review and comply with any relevant Standard Limitations,
- That permitted size limits are not exceeded;
- That Boundary setbacks are complied with.

Types of Low Risk structure of sizes greater than permitted for this Category are to be considered against the next relevant Category being either Low Risk Work (Category 2), Notifiable Work (Category 3) or Permit Work (Category 4).

DECISION

Moved by Clr D Blackwell, seconded by Deputy Mayor K Dudgeon

THAT, in accordance with the provisions of the Tasmanian Planning Scheme - Southern Midlands, the Southern Midlands Local Provisional Schedule and section 57 of the Land Use Planning & Approvals Act 1993, Council APPROVE the Development Application (DA2400078) for Concrete Finish to Courtyard & Service Area at land described as 99 High Street, Oatlands (Callington Mill Distillery) and submitted by ERA obo Lake Frederick Inn Pty Ltd and The Crown.

CONDITIONS

General

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

Heritage Tasmania

- (3) Compliance with any conditions or requirements of the Tasmanian Heritage Council in the attached 'Notice of Heritage Decision' No. 8450 and dated 16 August 2024.

Services

- (4) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Parking and Access

- (5) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer, and must include all of the following;
 - a) Constructed with a durable all weather pavement;
 - b) Minimum carriageway width of 4 metres; and
 - c) Drained to an approved stormwater system.

Stormwater

- (6) Stormwater drainage from the proposed development must be retained on site (or) drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- B. While this Application is a new Planning Application under the Southern Midlands LPS and Tasmanian Planning Scheme, the original development comprising concrete hard paving works is not in accordance with the approved works granted under DA2018/90.
- C. This Planning Permit is in addition to the requirements of the Building Act 2016. It is necessary to seek approval prior to any new building work, work being carried out in accordance with the Building Act 2016. A copy of the Directors Determination –

categories of Building Work and Demolition Work is available via the CBOS website:
[Director's Determination - Categories of Building and Demolition Work \(PDF, 504.4 KB\)](#)

If an owner undertakes any Low Risk Building Work as allowed by the Directors determination, they are responsible for ensuring that any proposed work complies with this Determination, in particular to ensure that they:

- Review and comply with any relevant Standard Limitations,
- That permitted size limits are not exceeded;
- That Boundary setbacks are complied with.

Types of Low Risk structure of sizes greater than permitted for this Category are to be considered against the next relevant Category being either Low Risk Work (Category 2), Notifiable Work (Category 3) or Permit Work (Category 4).

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM		✓
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

DECISION

Moved by Clr A E Bisdee OAM, seconded by Clr D Blackwell

THAT Council

1. **Write to the Heritage Council requesting a specification detailing the hedge's establishment, its height, width, depth and how the integrity of the hedge will be maintained.**
2. **Council to also seek advice/input from Council's Weeds Officer.**

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

12.1.2 Development Application (DA2400033)

For Biosolid Application on land at 80 Shene Road, Pontville and Midland Highway Mangalore/Pontville described as (CT125173/1, CT125170/1, CT137605/2, CT175769/1, CT158275/1, CT11335/6, CT179627/1, CT250186/1, CT141901/1) submitted by Spectran Environmental Management obo the land owner A L Fehlberg.

The following information was received at 11.45 a.m. 23rd August 2024:

After careful consideration of our options, TasWater wishes to withdraw its Development Application for Biosolids application to Shene Farm “DA2400033 application of Biosolids”.

Whilst this current development application has been going through the review process, TasWater has been actively exploring other suitable properties for biosolids spreading around southern Tasmania. We are close to having approvals granted for some larger properties which are a greater distance from residential areas and sensitive receptors and will provide a longer-term sustainable solution. We believe this will allow us to conduct this essential reuse activity without any potential impacts to the surrounding community and are therefore choosing to focus our efforts on preparation to start on these new properties.

At the same time, we recognise there is a need for us to do more to educate the broader community and stakeholders (including all levels of government) on the benefits of this practice for the environment and the broader economy.

We appreciate all the time you have put into reviewing our application, collating community representations, and summarising this information for the council members. We have learnt a lot through this process and will be much better equipped when it comes to submitting future biosolid application plans for approval.

We continue to extend our offer to meet and discuss biosolids reuse with councillors or other interested parties. If this is something you would like to explore, please don't hesitate to get in contact with myself or Mel Woolley.

*Kind regards,
Jeremy Verdouw
Senior Environmental Scientist
TasWater*

RECOMMENDATION

That the information be received.

DECISION

Moved by Clr B Campbell, seconded by Clr A E Bisdee OAM

THAT the information be received.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

**12.1.3 Development Application (DA2400016)
For multiple dwellings (16 units) at Lot 2 Louisa Street, Kempton (CT36471/3 & CT154649/2) submitted by Prime Design Tasmania obo Centacare Evolve Housing Limited (Archdiocese of Hobart)**

Author: SENIOR PLANNING OFFICER (LOUISA BROWN)

Authorised By: MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES
(GRANT FINN)

Date: 28 AUGUST 2024

Attachment(s)

Development Application documents

Heritage Assessment provided by Council's Heritage Projects Manager

Taswater SPAN

Representations

Applicant's response to Summary of Representations Received

Discretions **12.4.1 P1.1 (c)**
 C2.6.5 P1
 C3.5.1 P1
 C6.6.2 P1
 C6.6.3 P1
 C6.6.4 P1
 C6.6.5 P1
 C6.6.6 P1

PROPOSAL

The applicant *Prime Design Tasmania*, on behalf of the owners, the Roman Catholic Church Trust Corporation of the Archdiocese of Hobart, have applied to Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to develop the property Lot 2 Louisa Street, Kempton for multiple residential dwellings.

The proposal includes a total of 16 dwellings which comprises of 13 individual dwellings and a set of 3 co-joined units. The development will be located to the rear portion of the overall cemetery lot (CT 154649/2). The cemetery itself will not be affected (CT 36471/3). However a new road will provide access through this portion of the property.

A mix (typology) of development is provided with a range of one ~~two~~ and two ~~one~~ bedroomed dwellings, with the intent to provide quality and affordable homes in Kempton.

The application comprises the following:

- 5 x 1-bedroom dwellings;
- 11 x 2-bedroom dwellings;
- Internal Sealed Road from a new access onto Louisa Street;
- 1.5m wide footpath to the northern side of the new road;
- Footpath is also provided along one side of the each of the internal road, providing connections to new dwellings;
- 31 on-site car parking spaces are proposed (24 spaces in a jockey-style

- Configuration, and 7 angle parking spaces), and
- Landscaping includes street trees and shrubs.

Council's Manager Heritage Projects has been consulted in assessment of the application and has provided a report against the relevant Code. Although not within a Heritage Precinct, the cemetery is identified in the Planning Scheme as a Local Heritage Place. The proposed dwellings themselves have been designed with regard to Council's document '*Georgian Design Guidelines for Buildings in the Main Streets of Kempton and Oatlands*, although this is not requirement.

The application has been lodged under the *Tasmanian Planning Scheme – Southern Midlands* ("the Planning Scheme").

The land is zoned Village and is listed as a Local Heritage Place within the Southern Midlands Local Provisional Schedule (LPS). SOU – C6.1.144 St Peter's Catholic Cemetery CT34671/3 and CT154649/2 are Local Heritage Places. The cemetery area to the North of CT34671/3 is listed on the Tasmanian Heritage Register. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes within the Planning Scheme and the LPS. These matters are described and assessed in this report.

This is a discretionary application under the Planning Scheme. The Council gave notice of the application for public comment as required by the Act. During the notification period three (3) representations were received from members of the public. In addition 13 signature petition against the development was also received.

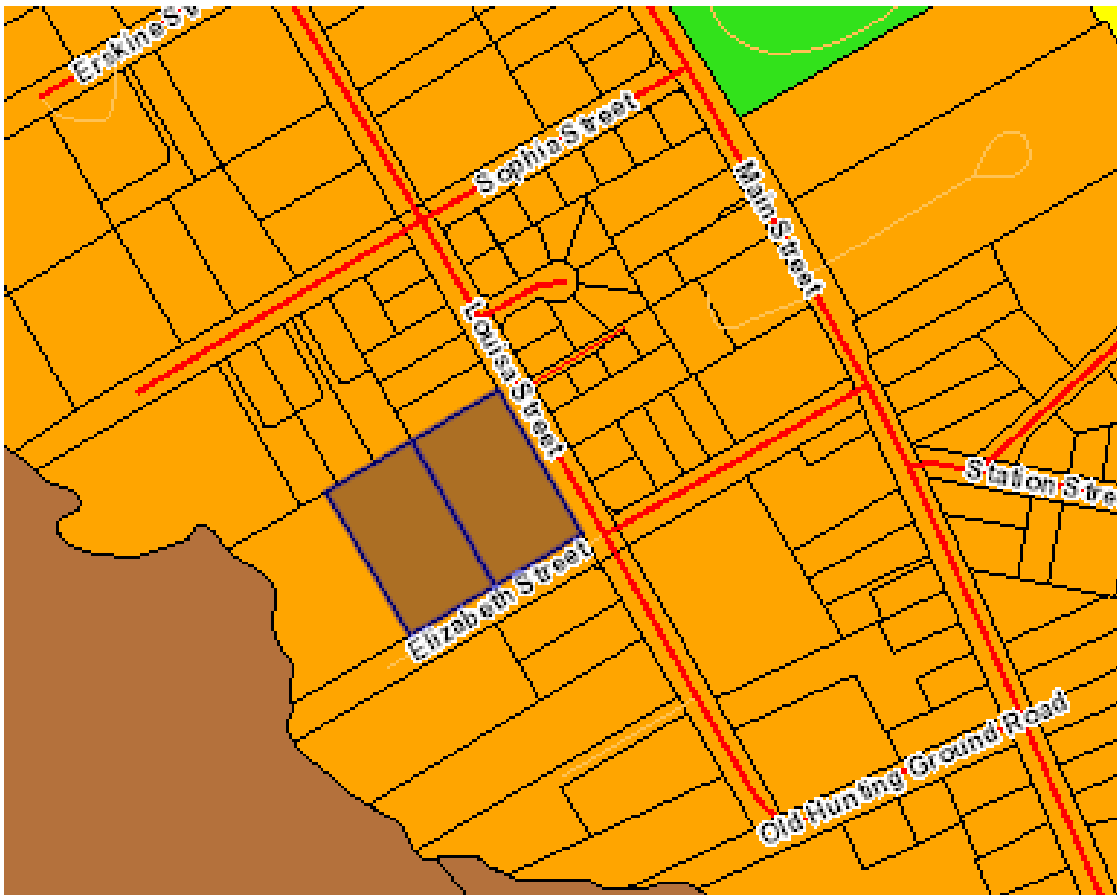
It is recommended that Council grant a permit for the proposed dwellings, subject to conditions.

THE SITE

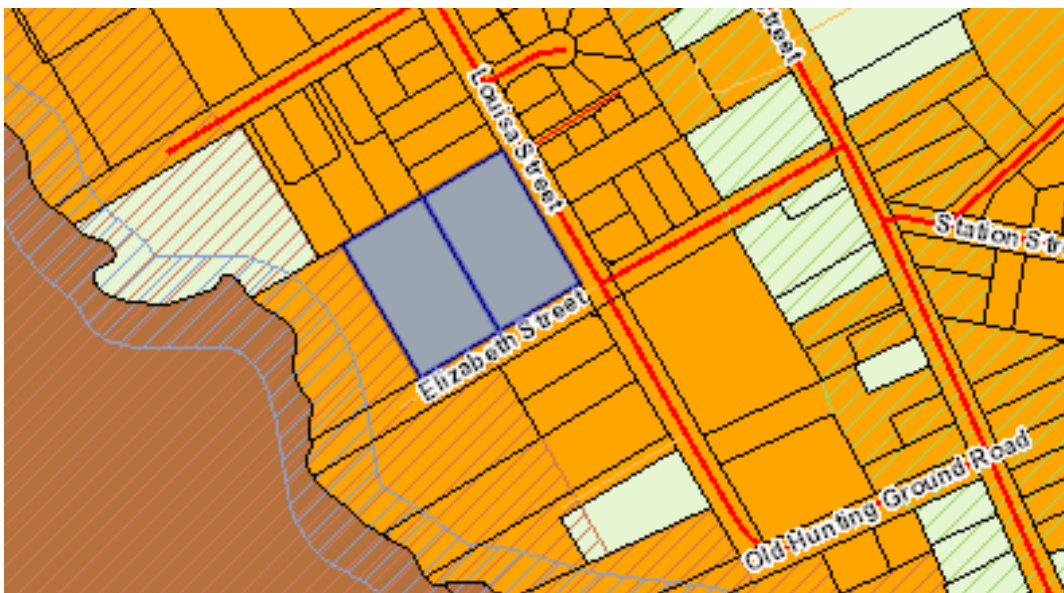
St Peters Catholic Cemetery and the adjacent vacant land are located to the west of the Kempton Township. The property is bound by Louisa Street to the east and Elizabeth Street to the south. Green Ponds Rivulet is located 55m to the western property boundary. The Northern property boundary is formed by the rear gardens of three properties on Sophia Street. A section of the proposed development will abut the existing Cemetery boundary for 36m.

The land is currently vacant and is used as paddocks. Some vegetation in terms of shrubs and short sections of hedges exist adjacent to the Cemetery. Several trees are located to the southern boundary, on Elizabeth Street. The vegetation species are predominantly exotic and the site has been modified.

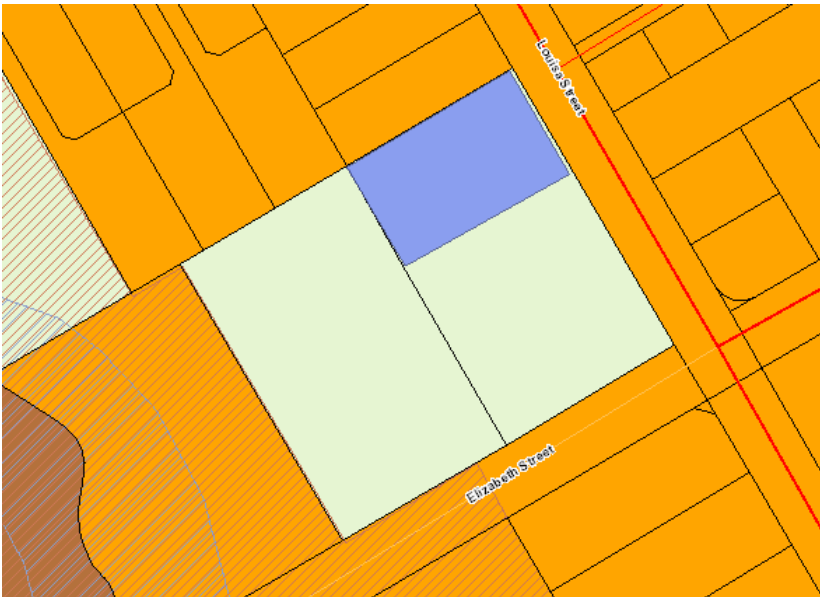
The predominant zoning of Kempton is Village Zone, which the property and all surrounding existing dwellings are also zoned. Land to the west of the Rivulet is zoned Agriculture, reflecting the existing use of larger framing properties.



Map 1_ The subject land and most surrounding properties are in the Village Zone (orange). Adjoining land to the far west is in the Agriculture Zone (brown). The blue lines identify the subject titles. Source: LISTmap (taken on 18/08/2024)



Map 2_ The land is subject to the following overlays, Local Heritage Place (cream colour)). Source: LISTmap (taken on 18/8/2024).



Map 3_ Local Heritage Place (cream colour), Heritage Registered property (Blue shaded area to the north of the title). Source: LISTmap (taken on 18/8/2024).



Map 4 _ Aerial image of the subject land and surrounding area. Subject titles marked with blue stars. Source: LISTmap (taken on 18/8/2024)

THE APPLICATION

The Applicant has submitted the attached Plans and reports to accompany the Development Application form and Certificate of Title documents.

- Cover Letter from *Prime Design* addressing the Development Standards of the Tasmanian Planning Scheme – Southern Midlands;
- A combination of 51 drawings that include;
 - Site drawings including; Site Plan, landscaping Plan, Shadow Diagrams and Locality Plan;

- Building Drawings including elevations and floor plans for each unit;
- Site Landscaping Plan
- Seven drawings from Engineers *Gandy & Roberts* which include;
 - Waste collection truck swept paths;
 - Driveway Longitudinal Sections;
 - Site Service Plan;
 - TasWater Sewer Longitudinal Section Plan;
 - TasWater Sewer and Water Services Plan;
 - Public Stormwater Services Plan;
 - Proposed Subdivision Plan 3 Lots; wasn't sure a SUB plan was part of this proposal? I see this is qualified on next page. cheers
 - Traffic Impact Assessment prepared by *Midson Traffic Pty Ltd* and dated December 2023; and
 - Stormwater Management and Inundation Analysis document prepared by engineers *Gandy & Roberts* and dated 20th June 2023.

A proposed Plan of Subdivision three (3) lots is included within the application documents, for information only. The plan indicates the intention to create a lot for the Cemetery, the development site for the 16 units and a lot which includes the access road to the development.

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as Residential, which is a Permitted Use in the Village Zone of The Planning Scheme.

Residential Use is defined in the Planning Scheme to include;

“Residential use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village and single or multiple dwellings”.

The Planning Scheme defines multiple dwellings as; “*means two (2) or more dwellings on a site*”.

Although Residential development is a Permitted Use in the Village Zone, the proposed development relies on the Performance Criteria of several Development Standards in The Planning Scheme. Therefore the development application is a Discretionary Development. Council has the discretion to grant a permit for this proposal with or without conditions, or refuse to grant a permit.

Use/Development Status under the Planning Scheme

As a discretionary development, the application was advertised in accordance with Section 57 of the Act.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised in the Mercury Newspaper on 16th July. The Public Notification Period was from the 16th July until the 30th July.

During the notification period, three (3) representations were received. A 13 signature petition opposing the development was also received. This report to Council assumes Councillors will accept the petition, although Council has no official Policy on receiving petitions.

A summary of the matters raised in the representations are considered in the table below. For a full copy of the representations, please refer to the attachments.

<i>Representation 1</i>	<i>Council Officer Comment</i>
<p>I'd like to put forward my disapproval for the planned development.</p> <p>1. I have 2 primary aged children whom walk to and from school regularly. I feel with 16 more units likely 32 more vehicles using that section of road my children will be at a much higher rate of danger.</p> <p>2. Our primary school has a weekly program in which students walk to a nearby farm, I believe adding so many units and vehicles to that area will impact the safety assessment meaning our students will again suffer with learning opportunities.</p> <p>3. Kempton is a family/ farming town adding 16 units limits family options. These units if they were to go ahead would be suited to singles or elderly not families due to their small size.</p>	<p><i>The Development Application is supported by a Traffic Impact Assessment which has been prepared by suitably qualified engineers. This report states that the traffic generation is likely to be 96 vehicles per day, with a peak of 10 vehicles per hour. The traffic generation can be absorbed in the road network safely and efficiently. In addition, the applicants Engineers have responded directly to the issue raised in the representation, as follows; "The peak generation represents an increase of an average of 1 vehicle every 6 minutes. It is unclear how this will have an impact on a specific road user group of children. In general terms the traffic generation is relatively low and the road network is clearly established with separation for vehicles and pedestrians. The proposed development is not considered to be a road safety risk for children".</i></p> <p><i>The application is for 16 units (a mix of one and two bedroom dwellings), which suggests the dwellings are not for families. However this is an assumption and the nature/demographic of inhabitants is not a material consideration.</i></p> <p><i>The applicant has provided the following response to this matter. "This development is specifically designed for residents aged 55 and over. By providing suitable and affordable housing options for our elderly population, we can</i></p>

<p>4. The local water and sewage infrastructure is currently running outside of its own design capacity. I'm unaware of any plans to update this infrastructure.</p> <p>5. The noise pollution 16 more units would create is an unpleasant thought.</p> <p>6. Negative impact on the local environment (no environmental plan available).</p> <p>7. Our closest supermarket, Drs surgery, dentist, is a 30 to 40 minute drive away. If these units were to house young adults or the elderly we have zero public transport options.</p>	<p><i>ensure they continue to live within their community comfortably and independently. Kempton currently has no social housing options, which has left some residents in need of appropriate housing solutions. This development aims to support the transition of elderly residents from larger homes into smaller, more manageable dwellings. This transition helps to free up larger homes in the area, making them available for families and thus indirectly addressing the need for family housing”.</i></p> <p><i>TasWater have been sent a copy of the Development Application, they are satisfied with the proposal. Additionally, TasWater have advised that their "modelling indicates there is sufficient capacity in the existing network to supply this proposed development without impacting adversely on the existing infrastructure or customers."</i></p> <p><i>With regard to sewer capacity TasWater advised that their "modelling indicates there is sufficient capacity in the existing sewerage network to service the proposed development."</i></p> <p><i>With regards to the comment raised about the noise of an additional 16 units, The Tasmanian Planning Scheme does contain standards to assess against the noise for proposed dwellings.</i></p> <p><i>No Environmental Plan is required for this proposed development. The development is not within the Natural Assets Code of the Tasmanian Planning Scheme – Southern Midlands.</i></p>
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<p>8. Our roads need upgrading to account to our growing community.</p> <p>9. We currently don't have letter box services meaning 16 more residents would need to use our already run down Post Office service.</p> <p>Given the points above I request this application be denied. I don't believe this application has the community's best interest at heart.</p>	<p><i>The site is modified and is not considered to contain any environmental values.</i></p> <p><i>The comment regarding access to community facilities and services is noted. However, there is no assessment criteria in the Planning Scheme for the Village Zone in terms of availability to facilities or public transport. However, it is noted that Kempton does have a Community Vehicle and Mini Bus available for use. In addition, it is an assumption that residents will not have their own vehicles or find other ways to get to services nearby. Provision has been made for the off-street parking of residents/visitor vehicles.</i></p> <p><i>The concern regarding road upgrades is noted. The maintenance and repair of roads within Kempton is Council's responsibility. The Midland Highway is a Department of State Growth maintained road and responsibility.</i></p> <p><i>Concerns regarding Post Office services is not a matter that can be addressed or assessed in the Planning Scheme or by Council. Equally, the addition of 16 units will generate more customers to the Post Office, helping to support the valued service in the Community.</i></p>
<p>Representation 2</p>	<p>Council Officer Comment</p>
<p>As a local resident of the historical village of Kempton, I have concerns over the proposed development. These concerns include the high number of dwellings (x16) proposed for</p>	<p><i>The property is zoned Village in the Tasmanian Planning Scheme – Southern Midlands. Multiple dwellings with a site area of not less than 600m² per dwelling is permitted development</i></p>

<p>a block of land of similar size that currently supports 6 residential homes.</p> <p>Community Housing will put a strain on the local community and any potential residents. Increased vehicles (97+ vehicle trips) on unmaintained roads will increase road safety issues. Minimal footpaths, gutters, unrepaired pot holes.</p> <p>Kempton is primarily a family and farming community that prides itself on being a supportive community. Overloading the village in a short period of time will negatively impact all residents and infrastructure.</p> <p>In regards to: 12.4.1 Residential Density and servicing for multiple dwellings - A1</p> <p>(a) Does not comply. Site area per dwelling is 315m²</p> <p>(b) Does not comply, site is not currently connected to reticulated sewer and stormwater networks and water supply.</p>	<p><i>in this zone. However the proposal has a site area per dwelling of less than this, therefore the development is a discretionary application. As a discretionary application that is providing housing for a specific need, the site area of 600m² is not applicable.</i></p> <p><i>There are no standards in the Planning Scheme to assess the potential strain on the community and residents.</i></p> <p><i>Please refer to the response provided to Representation 1 above in terms of increase in the number of vehicles and road maintenance.</i></p> <p><i>When a development proposal does not meet the Acceptable Solution of the Development Standard, an assessment is made against the Performance Criteria of that same standard. This assessment is discussed in the remainder of this report. The applicant has provided the following response to concerns regarding the proposed Community housing.</i></p> <p><i>“The introduction of social housing for older residents not only meets a critical need but also enhances the overall housing market by creating opportunities for families to move into larger homes. Social housing is a vital component of a healthy community. It ensures that all residents, regardless of their circumstances, have access to safe and affordable housing.</i></p> <p><i>This development represents an important step toward addressing the current gap in social housing options in Kempton. By providing suitable housing options, the</i></p>
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<p>The local water and sewage infrastructure is currently running outside of its own design capacities while other existing estates are already being built and need to be considered for putting additional strain on the infrastructure.</p> <p>What is being done to mitigate a complete breakdown of services to the whole Kempton area?</p> <p>Negative impact on the local environment (No environmental impact report available), shared amenities/infrastructure e.g. parking, roads, sewerage, drainage, water, traffic flow, noise pollution (reversing garbage trucks).</p> <p>Lack of employment opportunities, limited public transport, No shops, No medical facilities, No dental facilities, 30km drive to the closest supermarket.</p> <p>I request this application be denied on the grounds that the multi-dwelling community housing proposal will have a negative impact on the area and residents.</p>	<p>development offers significant social and community benefits therefore meeting performance criteria P1.1(c)."</p> <p>Please refer to response provided to Representation 1 above in terms of Water and Sewage capacity.</p> <p>The capacity, maintenance and improvement of Water and Sewage infrastructure is a matter for TasWater as service providers.</p> <p>Please refer to response provided to Representation 1 above.</p> <p>Please refer to response provided to Representation 1 above.</p> <p>These comments are noted.</p> <p>These comments are noted.</p>
<p>Representation 3</p>	<p><i>Council Officer Comment</i></p>
<p>These concerns include the high number of dwellings for a block of land of similar size that supports 6 residential homes. The proposed buildings will be approximately 315m² or less, per dwelling. This is not in keeping with the current density of Kempton.</p> <p>Community Housing will put a strain on the local community and any potential residents.</p> <p>Increased vehicles (97+ vehicle trips) on unmaintained roads will increase road safety issues. Particular concern is for the local primary school students.</p> <p>The biggest concern is the permanent impact on our property from flooding. Lot 2 Louisa Street already has a natural pond that forms every time we have significant rainfall. The</p>	<p>Please refer to response provided to Representations 1 & 2 above.</p> <p>Please refer to response provided to Representations 1 & 2 above.</p> <p>Please refer to response provided to Representations 1 & 2 above.</p>

water that is not naturally absorbed into the ground, then gravitates towards the Rivulet by streaming across the corner of our property. If water is diverted from Lot 2 directly to the Rivulet, the concern is higher risk of flooding to our property to an even higher level.

It is very disappointing that the Kempton community has not had any engagement from Council regarding this and is requesting council to conduct community consultation in line with their policy.

The Development Application is supported by a Flood report which Council Planning Officers requested, based on local knowledge. The property and surrounding properties are not located within any mapped areas of flooding. Council's Municipal Engineer has reviewed this document and is satisfied with the response. However, the applicant has provided the following response in relation to this concern.

"The analysis has shown that the proposed development results in a very minor redistribution of the flood path near the driveway to 12 Elizabeth Street but no net increase in flood depth is predicated within 12 Elizabeth Street nor other properties. The Green Ponds Rivulet catchment is a 1,310Ha catchment with the proposed development increasing the catchment impervious area by only 4,500m². This increase in impervious area is negligible in terms of catchment dynamics and this is borne out by the analysis undertaken. The Inundation Analysis has shown that there will not be an increase in flood extents. The full report should be read for further detail".

As a discretionary development, the application was advertised in accordance with Section 57 of the Land Use Planning And Approvals Act 1993.

The Policy referred to in this representation is not applicable to this Development Application, because the Policy is used for Community Consultation regarding major developments and strategic directions

<p>The local water and sewage infrastructure is currently running outside of its own design capacities while other existing estates are already being built and need to be considered for putting additional strain on the infrastructure. What is being done to mitigate a complete breakdown of services to the whole Kempton area?</p> <p>There is no 30m clearance zone around the private sewerage pump station on the planned development as is a requirement of TasWater. Sewerage pumps need to be vented by a Sewer Vent Shaft which is a structure designed to limit pressure fluctuations in the sewerage system and/or to allow Air to Enter and Escape from the system. What is in place to ensure all residents are not going to be impacted by Air Pollution from the venting gases?</p> <p>What consideration is in place for existing Home Owners, the proposed Community Housing that will potentially cause a property value drop of 20% or more?</p> <p>Rubbish collection is planned to be collected from the front door, inside the development</p>	<p>for the municipal area. It is not for the consultation of Development Applications.</p> <p>Council's role in the assessment of Development Applications is governed by the Land Use Planning And Approvals Act 1993, not Council Policy (The Act).</p> <p><i>Please refer to response provided to Representations 1 & 2 above.</i></p> <p><i>There is an existing pump station on Elizabeth Street, the proposed dwellings are suitably setback from this station. The proposed sewage pump station will be private and will not form part of TasWater infrastructure. Therefore the 30m clearance zone has no bearing to the proposed development. The private sewer pump station is to be installed in accordance with AS/NZS3500 Volume 1 and 2 it will meet the standards required. Venting of the system is required the same as any dwelling is vented.</i></p> <p><i>Conditions of approval will be adopted to this effect.</i></p> <p><i>The applicant has provided the following response to this concern.</i></p> <p><i>“Regarding the odour concerns. As advised by the civil engineer the design of the sewer pump station is designed to Australian Standard and Sewerage Pumping Station Code of Australia. Odour and noise will be managed in a compliant</i></p>
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<p>and not just on the street like every other resident of Kempton. The development address is in Louisa Street and rubbish collection should be from that street and not requiring the Garbage truck to do tight turns inside a small area, resulting in excessive noise inside the estate, which will negatively impact all surrounding residents in the early hours.</p> <p>Negative impact on the local environment is a concern, (No environmental impact report is available) this includes, shared amenities/infrastructure e.g. parking, roads, sewerage, drainage, water, traffic flow and noise pollution.</p> <p>There will be negative impact on any Community House residents due to Kempton's lack of employment opportunities, lack of public transport, No shops, No medical facilities, No dental facilities and 30km drive to the closest supermarket.</p> <p>I request this application be denied on the grounds that the multi-dwelling community housing proposal will have a negative impact on the area, existing residents and poses a significant flood risk to my property. There is also extreme concern over any failing of the development's Sewerage Pumping Station.</p>	<p><i>manner which accommodates for common practice of locating single source pump station in close proximity to dwellings”.</i></p> <p><i>The Tasmanian Planning Scheme – Southern Midlands does not take into consideration any potential decrease or increase in property values due to proposed development nearby.</i></p> <p><i>A new road will be created to serve the development, rubbish will be collected from the new road, similar to the existing arrangement of Elizabeth Court which is located nearby. The noise of general residential activities and utility/service providers is not assessed in the Tasmanian Planning Scheme.</i></p> <p><i>Please refer to response provided to Representations 1 & 2 above.</i></p> <p><i>Please refer to response provided to Representations 1 & 2 above.</i></p> <p><i>These comments are noted.</i></p>
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ASSESSMENT – TASMANIAN PLANNING SCHEME - SOUTHERN MIDLANDS

Village Zone

The subject site is zoned Village. The purpose of the Village Zone is as follows:

- To provide for small rural centres with a mix of residential, community services and commercial activities.
- To provide amenity for residents appropriate to the mixed use characteristics of the zone.

Residential development is a Permitted Use in this Zone.

The proposal must however satisfy the requirements of the following relevant development standards of this zone:

12.4 Development Standards for Buildings and Works		
12.4.1 Residential density and servicing for multiple dwellings		
Objective: That the density of multiple dwellings:		
(a) makes efficient use of land for housing; and		
(b) optimises the use of infrastructure and community services.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Multiple dwellings must:</p> <p>(a) have a site area per dwelling of not less than 600m²; and</p> <p>(b) have a connection to a reticulated sewerage, stormwater and full water supply service.</p>	<p>P1.1</p> <p>For a site that has a connection to or is capable of being connected to, a reticulated sewerage, stormwater and full water supply service, multiple dwellings must only have a site area per dwelling that is less than 600m² if the number of dwellings:</p> <p>(a) have a site area per dwelling that does not exceed the capacity of the reticulated infrastructure services; and</p> <p>(b) are consistent with the density existing on established properties in the area; or</p> <p>(c) the development provides a specific accommodation need with significant social or community benefit.</p> <p>P1.2</p> <p>For a site that is not capable of being connected to a reticulated sewerage, stormwater and full water supply service, multiple dwellings must have a site area that:</p> <p>(a) is sufficient for on-site wastewater and stormwater disposal and water supply; and</p>	<p><i>The Acceptable Solution A1 cannot be met, as the site area per dwelling is less than 600m². The development proposes a site area of 315m² per dwelling.</i></p> <p><i>The proposal must therefore be assessed against the Performance Criteria.</i></p> <p><i>The development is by Centacare Evolve Housing who are the largest provider of community housing in Tasmania. The 16 units will provide accommodation to meet a specific housing need that is determined by the applicant.</i></p> <p><i>The applicant, Centacare Evolve Housing is a National Regulatory System Community Housing (NRSCH) registered Tier 1 provider. The NRSCH vision is "to ensure a well governed, well managed and viable community housing sector that meets the housing needs of tenants and provides assurance for government and investors".</i></p>

	<p>(b) a regulated entity has provided written advice stating that the site is unable to be connected to a full water supply service or a reticulated sewerage system.</p>	<p><i>The applicant has provided supporting documents which state the housing is specifically designed for smaller households, such as residents aged 55 and over and therefore provides suitable and affordable housing options for the elderly population.</i></p> <p><i>P1.1 (c) is met.</i></p>
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<p>12.4.2 Building height</p>		
<p>Objective: That building height is compatible with the streetscape and does not cause an unreasonable loss of amenity for adjoining properties.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Building height must be not more than 8.5m</p>	<p>P1 Building height must be compatible with the streetscape and not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the height, bulk and form of existing buildings on the site and adjoining properties;</p> <p>(c) the bulk and form of proposed buildings;</p> <p>(d) sunlight to habitable rooms and private open space in adjoining properties; and</p> <p>(e) any overshadowing of adjoining properties or public places</p>	<p><i>The height of the dwellings are less than 5.5m.</i></p> <p><i>The Acceptable Solution A1 is met.</i></p>

<p>12.4.3 Setback</p>		
<p>Objective: That building setback is compatible with the streetscape and does not result in an unreasonable impact on amenity of adjoining properties.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Buildings must have a setback from a frontage of:</p>	<p>P1 Buildings must be sited to be compatible with the</p>	<p><i>The proposed dwellings are setback 5.5m from</i></p>

<p>(a) not less than 4.5m;</p> <p>(b) not less than existing buildings on the site; or</p> <p>(c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.</p>	<p>streetscape and character of development existing on established properties in the area, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the setbacks of buildings on adjoining properties;</p> <p>(c) the height, bulk and form of existing and proposed buildings;</p> <p>(d) the appearance of proposed buildings when viewed from roads and public places adjoining the site; and</p> <p>(e) the safety of road users</p>	<p><i>Elizabeth Street and 66m from Louisa Street.</i></p> <p><i>The Acceptable Solution A1 is met.</i></p>
<p>A2</p> <p>Buildings must have a setback from side and rear boundaries of not less than:</p> <p>(a) 3m; or</p> <p>(b) half the wall height of the building, whichever is the greater.</p>	<p>P2</p> <p>Buildings must be sited so that there is no unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the size, shape and orientation of the site;</p> <p>(c) the setbacks of surrounding buildings;</p> <p>(d) the height, bulk and form of existing and proposed buildings;</p> <p>(e) the existing buildings and private open space areas on the site;</p> <p>(f) sunlight to private open space and windows of habitable rooms on adjoining properties; and</p> <p>(g) the character of development existing on</p>	<p><i>The proposed side/rear setbacks are a minimum of 3m and are up to 4m to the side and rear property boundaries.</i></p> <p><i>The Acceptable Solution A2 is met.</i></p>

	established properties in the area.	
<p>A3 Air extraction, pumping, refrigeration systems, compressors or generators, excluding Residential, Visitor Accommodation, Natural and Cultural Values Management, Passive Recreation and Utilities, must have a setback from a property containing a sensitive use of not less than 10m¹.</p> <p>¹ An exemption for air conditioners and heat pumps applies in this zone – see Table 4.6.</p>	<p>P3 Air conditioning, air extraction, pumping, heating or refrigeration systems, compressors or generators, excluding Residential, Visitor Accommodation, Natural and Cultural Values Management, Passive Recreation and Utilities, within 10m of a property containing a sensitive use must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity, having regard to:</p> <p>(a) the characteristics and frequency of any emissions generated;</p> <p>(b) the nature of the proposed use;</p> <p>(c) the topography of the site and location of the sensitive use; and</p> <p>(d) any mitigation measures proposed.</p>	<p><i>Not applicable.</i></p> <p><i>No air extractions, pumping refrigeration systems etc. are proposed. The application is for a residential development, of which heat pumps and air conditioners are exempt as Miscellaneous Exemptions under Table 4.6 of the Planning Scheme.</i></p>

<p>12.4.4 Site coverage Objective: That site coverage: (a) is compatible with the character of the development existing in the area; and (b) provides sufficient area for private open space and landscaping.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Site coverage must be not more than 50%</p>	<p>P1 Site coverage must be consistent with that existing on established properties in the area, having regard to: (a) the topography of the site; (b) the size and shape of the site; (c) the existing buildings and any constraints</p>	<p><i>Site coverage is defined in the Planning Scheme as “means the proportion of a site, excluding any access strip, covered by roofed buildings.”</i></p> <p><i>The proposal meets the Acceptable Solution A1, the site coverage is less than 50%.</i></p>

	<p>imposed by existing development;</p> <p>(d) the provision for landscaping and private open space; and</p> <p>(e) the character of development existing on established properties in the area.</p>	
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<p>12.4.5 Fencing Objective: That the height and transparency of frontage fences: (a) allows the potential for mutual passive surveillance between the road and the dwelling; and (b) provides reasonably consistent height and transparency.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 No Acceptable Solution.</p>	<p>P1 A fence (including a free-standing wall) within 4.5m of a frontage must: (a) provide for security and privacy, while allowing for passive surveillance of the road; and (b) be consistent with the height and transparency of fences in the street, having regard to: (i) topography of the site; and (ii) traffic volumes on the adjoining road.</p>	<p><i>Not applicable, the proposal does not include front fences.</i></p>

CODE ASSESSMENT – TASMANIAN PLANNING SCHEME – SOUTHERN MIDLANDS

C2.0 Parking & Sustainable Transport Code

The purpose of the Parking and Sustainable Transport Code is:

- To ensure that an appropriate level of parking facilities is provided to service use and development.
- To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.
- To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.
- To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.
- To ensure that parking spaces and accesses meet appropriate standards.
- To provide for parking precincts and pedestrian priority streets.

This Code applies to all development. The applicable standards of this Code are addressed in the following table:

C2.5 Use Standards		
C2.5.1 Car parking numbers		
Objective: That an appropriate level of car parking spaces are provided to meet the needs of the use		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p>	<p>P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p>	<p><i>Requirement for the proposed residential development is: 1 space per bedroom plus 1 visitor space for every 5 multiple dwellings.</i></p> <p><i>This equates to a parking requirement of 30 spaces. The number of spaces provided is 31 spaces.</i></p> <p><i>The proposal meets the Acceptable Solution A1.</i></p>

<p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$ N = Number of on-site car parking spaces A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>(g) the effect on streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2 The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.</p>	
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C2.6 Development Standards for Buildings and Works		
C2.6.1 Construction of parking areas		
Objective: That parking areas are constructed to an appropriate standard.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use; (b) the topography of the land; (c) the drainage system available;</p>	<p><i>The road will be constructed of spray seal asphalt and all footpaths constructed from concrete or pavers.</i></p> <p><i>The development will be drained to a stormwater system, in line with the system approved by the Plumbing Permit.</i></p> <p><i>The Acceptable Solution A1 is met.</i></p>

<p>Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>	
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<p>C2.6 Development Standards for Buildings and Works C2.6.2 Design and layout of parking areas Objective: That parking areas are designed and laid out to provide convenient, safe and efficient parking.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1.1 Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following: (i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <p>(a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability; (h) the nature of traffic in the surrounding area; (i) the proposed means of parking delineation; and</p>	<p><i>The car parking includes 22 spaces in a 'jockey style' arrangement - 2 single spaces within a driveway and 7 angle parking spaces located along the central road driveway within the site.</i></p> <p><i>The parking space dimensions and manoeuvring areas comply with the requirements of AS2890.1.</i></p> <p><i>The development therefore complies with the requirements of Acceptable Solution A1.1(b).</i></p>

<p>2.1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following: (a) be located as close as practicable to the main entry point to the building; (b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.</p>	<p>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>	
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<p>C2.6 Development Standards for Buildings and Works</p>		
<p>C2.6.3 Number of accesses for vehicles</p>		
<p>Objective:</p>		
<p>That:</p>		
<p>(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;</p>		
<p>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and</p>		
<p>(c) the number of accesses minimise impacts on the streetscape.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of</p>	<p>P1 The number of accesses for each frontage must be minimised, having regard to: (a) any loss of on-street parking; and</p>	<p><i>The proposal meets the Acceptable Solution A1, because a single point of vehicular access is proposed.</i></p>

<p>accesses, whichever is the greater.</p>	<p>(b) pedestrian safety and amenity;</p> <p>(c) traffic safety;</p> <p>(d) residential amenity on adjoining land; and</p> <p>(e) the impact on the streetscape.</p>	
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<p>C2.6.5 Pedestrian access</p>		
<p>Objective: That pedestrian access within parking areas is provided in a safe and convenient manner.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1.1 Uses that require 10 or more car parking spaces must: (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p>A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those</p>	<p>P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to: (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.</p>	<p><i>The Acceptable Solution A1.1 (a) cannot be met, therefore the proposal must be assessed against the Performance Criteria.</i></p> <p><i>The site is a residential unit development. Pedestrian paths are provided within the site and the predicated traffic generation is low. Vehicle speeds will be very low due to the new no-through road and fact that it will service only the proposed development.</i></p> <p><i>The residential use is consistent with the surrounding land use. Residential use is duly anticipated in the Village Zone.</i></p> <p><i>The number of car parking spaces required meets the Acceptable Solution.</i></p> <p><i>The low traffic generation combined with low vehicle speeds will result in an acceptable and safe environment for shared use between pedestrians and vehicles.</i></p>

spaces to the main entry point to the building.		<p><i>Needs of persons with a disability. Not applicable.</i></p> <p><i>A 1-metre wide footpath is provided adjacent to the parking area, internal circulation aisle and driveway access.</i></p> <p><i>The Performance Criteria P1 is met.</i></p>
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C3.0 Road and Railway Assets Code

The purpose of the Road and Railway Assets Code is:

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

This code applies to a use or development that:

- will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing;
- will require a new vehicle crossing, junction or level crossing; or
- involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use

C3.5 Use Standards		
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction		
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing.</p> <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3</p>	<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <p>(a) any increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p>	<p><i>The Acceptable Solution cannot be met, therefore the proposal is assessed against the Performance Criteria.</i></p> <p><i>The application includes a Traffic Impact Assessment which demonstrates the proposed access arrangements satisfy the Performance Criteria requirements.</i></p> <p><i>The traffic increase is considered low, the safety of the road network will not be compromised by the additional vehicle movements generated by the development.</i></p>

<p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.</p> <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>	<p><i>In addition, it has been demonstrated by the applicant that the housing is needed.</i></p> <p><i>The proposal meets the Performance Criteria.</i></p>
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C6.0 Local Historic Heritage Code

The purpose of the Local Historic Heritage Code is:

To recognise and protect:

- (a) the local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential; and
- (b) significant trees.

This code applies to:

- (a) development on land within any of the following, as defined in this code:
 - (i) a local heritage place;
 - (ii) a local heritage precinct;
 - (iii) a local historic landscape precinct; and
 - (iv) for excavation only, a place or precinct of archaeological potential; and
- (b) the lopping, pruning, removal or destruction of a significant tree as defined in this code.

The property is identified as a *Local Heritage Place*, therefore the proposal must meet the following relevant standards of the Code.

<p>C6.6 Development Standards for Local Heritage Places</p> <p>C6.6.2 Site coverage</p> <p>Objective: That site coverage is compatible with the local historic heritage significance of local heritage places.</p>

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 No Acceptable Solution.</p>	<p>P1 The site coverage must be compatible with the local historic heritage significance of a local heritage place, having regard to: a) the topography of the site; and b) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person.</p>	<p><i>Being a cemetery, there is no precedented site coverage in terms of buildings for this particular local heritage place.</i></p> <p><i>It is therefore considered that the site coverage allowable by general planning considerations for the Village Zone are appropriate without any need for heritage considerations.</i></p> <p><i>The Performance Criteria is met.</i></p>

C6.6.3 Height and bulk of buildings		
Objective: That the height and bulk of buildings are compatible with the local historic heritage significance of local heritage places.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 No Acceptable Solution.</p>	<p>P1 The height and bulk of buildings must be compatible with the local historic heritage significance of a local heritage place, having regard to: a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person; b) the character and appearance of the existing building or place;</p>	<p><i>There is no precedented site coverage in terms of buildings for this particular local heritage place.</i></p> <p><i>It is considered that the building height allowable by general planning considerations for the Village Zone are appropriate without any need for heritage considerations.</i></p> <p><i>The Performance Criteria is met.</i></p>

	<p>c) the height and bulk of other buildings in the surrounding area; and</p> <p>d) the setting of the local heritage place.</p>	
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C6.6.4 Siting of buildings and structures		
Objective: That the siting of buildings is compatible with the local historic heritage significance of local heritage places.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 No Acceptable Solution.</p>	<p>P1 The front, side and rear setbacks of a building must be compatible with the local historic heritage significance of the place, having regard to:</p> <p>a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</p> <p>b) the topography of the site;</p> <p>c) the size, shape, and orientation of the lot; and</p> <p>d) the setbacks of other buildings in the surrounding area.</p>	<p><i>The proposed development is sited to the rear of the cemetery and will maintain the cemetery as the dominant street front element. It will read as a neighbour, rather than being integral to the cemetery.</i></p> <p><i>The proposed landscaping will provide a backdrop to the cemetery.</i></p> <p><i>It is recommended that as a condition of any approval, that a landscape buffer be installed on the southern edge of the cemetery to provide some separation between the access road and cemetery (this may be within the cemetery if desired).</i></p> <p><i>The Performance Criteria is met.</i></p>

C6.6.5 Fences		
Objective: That fences are compatible with the local historic heritage significance of local heritage places.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 New fences and gates on local heritage places must be designed and constructed to match</p>	<p>P1 New fences and gates must be compatible with the local historic heritage significance of a local</p>	<p><i>The proposed fencing (timber paling) is considered compatible to the local heritage place and surrounds.</i></p>

<p>existing original fences on the site.</p>	<p>heritage place, having regard to:</p> <p>a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</p> <p>b) the architectural style of the buildings on the site;</p> <p>c) the dominant fencing style in the setting;</p> <p>d) the original or previous fences on the site; and</p> <p>e) the proposed height and location of the fence.</p>	<p><i>The Performance Criteria is met.</i></p>
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<p>C6.6.6 Roof form and materials</p>		
<p>Objective: That roof form and materials are compatible with the local historic heritage significance of local heritage places.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1 Replacement roofs on local heritage places which will be visible from any road or public open space adjoining the site, must be of a form and material to match the existing roof being replaced.</p>	<p>P1 Roof form and materials must be compatible with the local historic heritage significance of a local heritage place, having regard to:</p> <p>a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</p>	<p><i>Being a cemetery, there is no precedented roof form or materials for this particular Local Heritage Place.</i></p> <p><i>The proposed roof form takes into account Georgian design. The Colorbond material (roof + roofing accessories) is considered acceptable.</i></p> <p><i>The Performance Criteria is met.</i></p>

	<p>b) the design, period of construction and materials of the building on the site that the roof directly relates to;</p> <p>c) the dominant roofing style and materials in the setting; and</p> <p>d) the streetscape.</p>	
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C6.6.8 Outbuildings and structures

Objective: That the siting of outbuildings and structures are compatible with the local historic heritage significance of local heritage places.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Outbuildings and structures on local heritage places must:</p> <p>a) not be located in the front setback;</p> <p>b) not be visible from any road or public open space adjoining the site;</p> <p>c) not have a side that is longer than 3m;</p> <p>d) have a gross floor area less than 9m²;</p> <p>e) have a combined total area of all outbuildings on the site of not more than 20m²;</p> <p>f) have a maximum height less than 2.4m above existing ground level;</p> <p>g) not have a maximum change of level as a result of cut or fill of more than 1m; and</p> <p>h) not encroach on any service easement or</p>	<p>P1 Outbuildings and structures must be compatible with the local historic heritage significance of a local heritage place, having regard to:</p> <p>a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</p> <p>b) the bulk, form and size of buildings on the site;</p> <p>c) the bulk, form and size of the proposed outbuilding or structure;</p> <p>d) the external materials, finishes and decoration of the outbuilding or structure; and</p> <p>e) the visibility of the outbuilding or structure from any road or public</p>	<p><i>Each unit will have a small outbuilding of 1.5m x 1.5m, to the rear garden. These are considered appropriate.</i></p> <p><i>The Acceptable Solution A1 is met.</i></p>

be located within 1m of any underground service.	open space adjoining the site.	
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CONCLUSION

The report has assessed a Development Application for the proposed 16 residential dwellings, comprising 13 individual dwellings and a set of 3 co-joined units at the land described as Lot 2 Louisa Street, Kempton.

Three (3) representations were received and these have been assessed and considered in this report, with responses to the key concerns offered by the applicant.

The proposal has been found to comply with all the relevant standards of the Village Zone, and the applicable Codes of the Tasmanian Planning Scheme – Southern Midlands.

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

RECOMMENDATION

THAT, in accordance with the provisions of the *Tasmanian Planning Scheme - Southern Midlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA2400016) for multiple dwellings (16 units) at Lot 2 Louisa Street, Kempton (CT36471/3 & CT154649/2) submitted by Prime Design Tasmania obo Centacare Evolve Housing Limited subject to conditions detailed below.

CONDITIONS

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

Amenity

- 3) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Council's General Manager.
- 4) Outbuilding are approved as ancillary to the Residential Use and are to be used for domestic storage only. It is not to be used for commercial, industrial or habitable purposes, unless in accordance with a permit issued by Council or as otherwise permitted by Council's Planning Scheme.

Private Open Space

- 5) The private open space must be formed or constructed to the satisfaction of Council's General Manager.

Easements

- 6) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.
- 7) A minimum 2.5m wide drainage easement must be created over Lot 2 from the proposed stormwater connection point to the boundary with 27 Sophia Street to allow future connection to the proposed public stormwater main.

Landscaping

- 8) Before any work commences submit a landscape plan prepared by a suitably qualified person for approval by Council's General Manager. The landscape plan must include:
 - a) The areas to be landscaped,
 - b) Details of surface finishes of paths and driveways.
 - c) Details of internal fencing.
 - d) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - e) Landscaping and planting within the common areas of the site.
- 9) Included in the Landscape plan as part of Condition 5, must show a landscape buffer to be planted between the driveway and cemetery boundary. This may either be on the driveway side of the fence, or within the cemetery, as desired.
- 10) Planting must bear a suitable relationship to the proposed buildings, access and parking areas to enhance the amenity of the development. It must not use species listed as noxious weeds within Tasmania or displaying invasive characteristics. If considered satisfactory, the landscape plan will be endorsed and will form part of this permit.
- 11) Prior to commencement of use, all trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's General Manager. Evidence showing compliance with this condition must be submitted to and approved by General Manager within 30 days of planting.
- 12) Replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

Roadworks

- 13) Prior to the use commencing the Louisa Street road frontage of the development across the entirety of Lot 3 (approximately 100 metres) must be upgraded to include:
 - a. Kerb and channel on the western side
 - b. Road widening to achieve a minimum carriageway width of 8.9 metres (face of kerb to face of kerb)
 - c. 1.5m minimum width concrete path
 - d. Stormwater drainage
- 14) Prior to the use commencing a 1.5m wide concrete footpath must be extended from the development to connect to the existing public footpath in Louisa Street at the eastern corner of the intersection with Elizabeth Street.

- 15) Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings and to the requirements of Council's General Manager.

Parking & Access

- 16) Parking and access must be generally in accordance with the endorsed plans and to the satisfaction of Council's General Manager.

A new 5.5m minimum width reinforced concrete vehicle access, including new kerb crossover, must be provided from the edge of road to the property boundary of the proposed unit development.

- 17) A new 3.6m minimum width reinforced concrete vehicle access, including new kerb crossover, must be provided from the edge of road to the property boundary to service the existing cemetery.
- 18) Vehicle accesses must be in accordance with Council's standard drawings, Australian Standard AS 2890, for the types of vehicles likely to use the site and to the satisfaction of Council's General Manager.
- 19) At least thirty (30) parking spaces must be provided on the land at all times for the use of the occupiers including at least two (2) car parking space per dwelling and at least five (6) designated for visitor parking, in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- 20) Pedestrian paths must be provided to parking areas in accordance with the endorsed plans.
- 21) All parking, access ways, manoeuvring and circulation spaces must be provided in accordance with the endorsed drawings, Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following;
- a. be constructed with a durable all weather pavement;
 - b. be drained to the public stormwater system;
 - c. be surfaced by asphalt or concrete to restrict abrasion from traffic and minimise entry of water to the pavement.
 - d. have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - e. provide for vehicles to enter and exit the site in a forward direction;
 - f. have an internal access width not less than 5.5m;
 - g. provide for two way traffic;
 - h. have a vertical clearance of not less than 2.1m above the parking surface level;
 - i. be delineated by line marking or other clear physical means.
- 22) Parking and vehicle circulation roadways and pedestrian paths must be provided with lighting in accordance with the Building Code and to the satisfaction of Council's General Manager.
- 23) Prior to the development commencing, or application for building or plumbing permits, the developer must submit to Council a parking plan including:
- a. pavement details,
 - b. design surface levels and gradients,
 - c. drainage,

- d. turning and travel paths (where required to demonstrate compliance with AS2890),
- e. dimensions (including clearances),
- f. line marking,
- g. lighting (where provided),
- h. pedestrian paths (including any signage, line marking, protective devices such as bollards, guard rails or planters),
- i. signage
- j. waste (garbage & recycling) bin collection locations for each dwelling

The parking plan is to be certified by an engineer and shall form part of the permit once accepted.

- 24) The completed parking and associated turning areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
- 25) All areas set-aside for parking and associated turning, and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's General Manager.

Access to Public Road

Advice: *No works on or affecting any Council road reservation is to be commenced until the Southern Midlands Council has issued a WORKS IN ROAD RESERVATION PERMIT. Application for the issue of the necessary works permit is to be made to the Council prior to the proposed date of commencement of any works.*

Wastewater

- 26) The onsite private sewer system must be designed in accordance with a Certificate of Likely Compliance or Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.
- 27) The private sewer system must continue to be maintained so as not to create any nuisance to adjacent properties.

TasWater

- 28) The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA 2024/00245-STM dated 08/07/2024, as attached to this permit.

Stormwater

- 29) Unless approved otherwise by Council's General Manager the stormwater system for the proposed development must be substantially in accordance with the *Stormwater Management and Inundation Analysis, Lot 2 Louisa Street, Kempton for Centacare Evolve Housing (CEH PD21285)*, dated 20 June 2023, prepared by Gandy and Roberts.
- 30) The developer must construct a new DN300 minimum public stormwater main from the low point of the subject property to the Green Ponds Rivulet to service the property.

- 31) Any works in, or adjacent, the waterway must be carried out in accordance with the environmental best practice guidelines in the Waterways and Wetlands Works Manual (DPIWE 2003).
- 32) Stormwater from the proposed development must drain to the piped public stormwater system to the satisfaction of Council's General Manager and in accordance with the Building Act 2016.
- 33) The stormwater drainage system for the proposed development must be designed to comply with all of the following:
 - a. be able to accommodate a storm with a 5% AEP, when the land serviced by the system is fully developed;
 - b. stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
 - c. Stormwater from the proposed development must be treated prior to entering the public stormwater system to:
 - i. achieve that the quality targets in accordance with the State Stormwater Strategy 2010.
- 34) The development must incorporate overland flow paths through the site to accommodate a 1% AEP (plus climate change) rainfall event.
- 35) The stormwater system within the development must continue to be maintained to ensure the quality targets, in accordance with the State Stormwater Strategy 2010, and flow rates discharging to the public stormwater system are maintained as per the approved design and water is conveyed so as not to create any nuisance to adjacent or downstream properties.
- 36) The driveway must be drained to minimise surface runoff over adjoining land (including road reservation) in accordance with the requirements of the Municipal Engineer and the Building Act 2016.
- 37) Prior to the lodgement of building or plumbing applications the developer must submit a revised (for construction) Stormwater Management Report to Council's Municipal Engineer. The Stormwater Management Report must be prepared and certified by a suitably qualified person, in accordance with section 2.6.2 of DEP & LGAT (2021). Tasmanian Stormwater Policy Guidance and Standards for Development. Derwent Estuary Program and Local Government Association of Tasmania (Hobart, Australia) and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The report must clearly demonstrate that the requirements of this permit are met and that adjacent and downstream properties will not be adversely impacted by the stormwater system. Once approved the Stormwater Management Report will form part of this permit.

Advice: *General Manager's consent is required for connection to the public stormwater system in accordance with the Urban Drainage Act. Providing the planning permit conditions are met General Managers Consent will be granted.*

Services

- 38) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the

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

- 39) Services located under the proposed driveway(s) are to be provided with trafficable covers to the requirements of the relevant authority and Council's General Manager.

Advice: *Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Municipal Engineer and the responsible authority.*

Erosion and Sediment Control

- 40) An Erosion and Sediment Control Plan (here referred to as an 'ESCP') prepared in accordance with the guidelines Erosion and Sediment Control, The fundamentals for development in Tasmania, by the Derwent Estuary Programme and Tamar Estuary and Esk Rivers Program, must be approved by Council's Director Development Services before development of the land commences. The ESCP shall form part of this permit when approved.

- 41) Temporary run-off, erosion and sediment controls must be installed in accordance with the approved ESCP and must be maintained at full operational capacity to the satisfaction of Council's Director Development Services until the land is effectively rehabilitated and stabilised after completion of the development.

Construction Amenity

- 42) The developer must make good any damage to the road frontage of the development site including road, kerb and channel, footpath and nature strip to the satisfaction of Council's General Manager.

- 43) The road frontage of the development site including road, kerb and channel, footpath and nature strip, should be:

- a. Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
- b. Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.

- 44) The development must only be carried out between the following hours:

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

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

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

- c) Obstruction of any public footway or highway.
 - d) Appearance of any building, works or materials.
 - e) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 46) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 47) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manager of Works and Technical Services.

Engineering

- 48) Public works must be carried out and constructed in accordance with the:
- a. *Tasmanian Subdivision Guidelines*
 - b. *Tasmanian Municipal Standard – Specifications*
 - c. *Tasmanian Municipal Standard – Drawings*
- as published by the Local Government Association of Tasmania and to the satisfaction of Council's General Manager.
- 49) Engineering design drawings for all public works must be submitted to and approved by Council's General Manager before any works associated with development of the land commence.
- Advice:** *Public works include all works within, or affecting, the road reservation including, but not limited to, kerb and channel, footpath, stormwater mains. Unless approved otherwise by Council's General Manager the proposed public sewer extension in Louisa Street must be located clear of the road pavement and included in the design drawings submitted to Council for approval.*
- The engineering drawings submitted with the application are considered to be concept plans and may require alterations prior to consideration for approval.*
- 50) Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, and must show –
- a. all existing and proposed services required by this permit;
 - b. all existing and proposed roadwork required by this permit;
 - c. measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - d. measures to be taken to limit or control erosion and sedimentation;
 - e. any other work required by this permit.
- 51) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

- 52) The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of public works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the public works.

Maintenance and Defects Liability Period

- 53) Public works provided as part of the development must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

Advice: *A bond is to be lodged with Council during the maintenance and defects liability period equal to 10% of the value of public works in accordance with Council Policy*

- 54) Prior to placing works onto the maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification, and the approved plans.

The following advice applies to this permit:

Legal:

- D. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- E. This permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the Land Use Planning and Approvals Act 1993.
- F. 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.
- G. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- H. Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

Asset Protection:

- I. In accordance with the Local Highway Bylaw 2 of 2015, the owner is required to repair any damage to any Council infrastructure caused during construction.
- J. No works on or affecting any Council road reservation is to be commenced until the Southern Midlands Council has issued a WORKS IN ROAD RESERVATION PERMIT.
- K. Council recommends contacting Dial-Before-You-Dig (phone 1100 or www.1100.com.au) before undertaking any works.

Other Approvals:

- L. This permit does not imply that any other approval required under any other by-law or legislation has been granted.
- M. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works

commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the CBOS website: [Director's Determination - Categories of Building and Demolition Work \(PDF, 504.4 KB\)](#) or for Low Risk Building Work information go to: [Consumer Guide to Low Risk Building and Plumbing Work](#).

- N. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- O. That any excavations be monitored by a qualified historical archaeologist. If any archaeological indications of burials or any early buildings are found, then Council's Manager Heritage Projects is to be consulted on an appropriate action to mitigate archaeological impact.
- P. Separate Council approval is required for the subdivision or strata division of the land.
- Q. This permit does not ensure compliance with the *Aboriginal Heritage Act 1975*. It is recommended that you conduct a property search with Aboriginal Heritage Tasmania prior to commencing works – see this website for further details: <https://www.aboriginalheritage.tas.gov.au/assessment-process>

Generally:

- R. Fences must comply with the following unless otherwise approved by Council:
 - a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;
 - b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;
 - c) fences alongside and rear boundaries must be of a height of no more than 2.1 m.
- S. All engineering related queries should be directed to the Development Engineer. The Council General Manager has delegated functions relevant to the permit to the Development Engineer.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street, Hobart 7000 Ph.: (03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr A E Bisdee OAM

THAT the matter be adjourned to the September 2024 Council Meeting.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

12.2 Subdivisions

Nil.

12.3 Municipal Seal (Planning Authority)

Nil.

12.4 Planning (Other)

12.4.1 Draft Amendment to the State Planning Provisions 05-2024: Agricultural Workers Accommodation.

Author: SPECIAL PROJECTS OFFICER (DAMIAN MACKEY)

Date: 21 AUGUST 2024

Attachments:

- 1. Draft Amendment to the State Planning Provisions 05-2024.*
- 2. Draft Amendment - Fact Sheet.*

PURPOSE

The purpose of this report is to advise Councillors of a draft planning scheme amendment arising out of the State Government's five-year statutory review of the State Planning Provisions (the SPPs).

BACKGROUND

In 2022 the State Government commenced its statutory five-year review of the State Planning Provisions, the SPPs.

The SPPs form the great majority of the ordinance of the Tasmanian Planning Scheme, with the local provisions (as set out in each Council's Local Provisions Schedule) constituting only a small fraction. The legislation directs that the State Government must review the SPPs every five years, hence the review now underway, (since 2022). Council lodged a submission in August 2022.

The State Planning Office has been working through a process with Council planners to analyse the submissions that were made and develop draft SPP amendments.

One such issue is that of agricultural workers accommodation in rural areas. A discussion paper issued by the State Planning Office was considered by Council at its June meeting.

The proposed change to the SPPs has now proceeded to the statutory public exhibition phase through the Tasmanian Planning Commission. Attached is the formal draft amendment along with an accompanying 'fact sheet'.

FARM WORKERS ACCOMMODATION

Southern Midlands Council officers have been involved in the SPO's Action Group dealing with the issue of farm workers accommodation in rural areas. This matter has long been a concern, with Council arguing there needs to be a planning approval pathway to enable such accommodation on farms. Many other rural Councils have also expressed this view.

The Action Group dealing with this issue is now progressing the matter quickly. The State Government included the resolution of this issue in its 'first 100 day plan' following the 2024 election.

The attached 'fact sheet' provides a good level of information on the how the draft amendment would work. As detailed, it is intended to address this issue by creating a new

category of the Residential Use Class and adding new development and use standards to the Agriculture Zone and the Rural Zone.

Agricultural Workers Accommodation will therefore be treated by planning schemes separately to similar types of residential use, such as Single Dwellings or Visitor Accommodation, noting that approval will be able to be sought for seasonal Agricultural Workers Accommodation to be used for Visitor Accommodation in the off season.

CONCLUSION

The draft amendment appears to be well considered and well drafted. It provides a degree of flexibility and multiple options. This change to the State Planning Provisions will address an issue with which Council has long been concerned, and it should be supported.

No amendments are suggested.

RECOMMENDATION

That the information be received, and that Council note its support for Draft Amendment 05-2024 to the State Planning Provisions, thereby enabling the approval of accommodation for agricultural workers in rural areas.

DECISION

Moved by Cllr A E Bisdee OAM, seconded by Cllr B Campbell

THAT the information be received, and that Council note its support for Draft Amendment 05-2024 to the State Planning Provisions, thereby enabling the approval of accommodation for agricultural workers in rural areas.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

12.4.2 Review of the Southern Tasmanian Regional Land Use Strategy (STRLUS): Community Consultation.

Author: SPECIAL PROJECTS OFFICE (DAMIAN MACKEY)

Date: 21 AUGUST 2024

Attachment(s):

Southern Tasmanian Regional Land Use Strategy review and update

PURPOSE

The purpose of this report is to advise Council of the community consultation options currently being considered for the Review of the Southern Tasmania Regional Land Use Strategy (STRLUS).

Council needs to consider how the community consultation for the STRLUS Review will interact with our own community consultation for the revision of the Bagdad-Mangalore Structure Plan, which may overlap.

BACKGROUND

The Southern Tasmania Regional Land Use Strategy (STRLUS) is a long-term plan to facilitate and manage change, growth, and development, whilst protecting our natural values, within Southern Tasmania to 2035.

Since the preparation of the existing STRLUS in 2009-2010, the Southern Tasmanian region has experienced population growth, and new economic and social conditions are driving change. There have also been changes to the Tasmanian planning framework including the introduction of the Tasmanian Planning Scheme. Furthermore, draft Tasmanian Planning Policies (TPPs) are currently under consideration and the STRLUS will need to be consistent with the TPPs, if and when they are approved by the Minister for Planning.

In the context of these changes, the 12 Southern Councils committed to conduct a comprehensive review and update of the STRLUS. This is co-funded by the 12 Councils and the State Government.

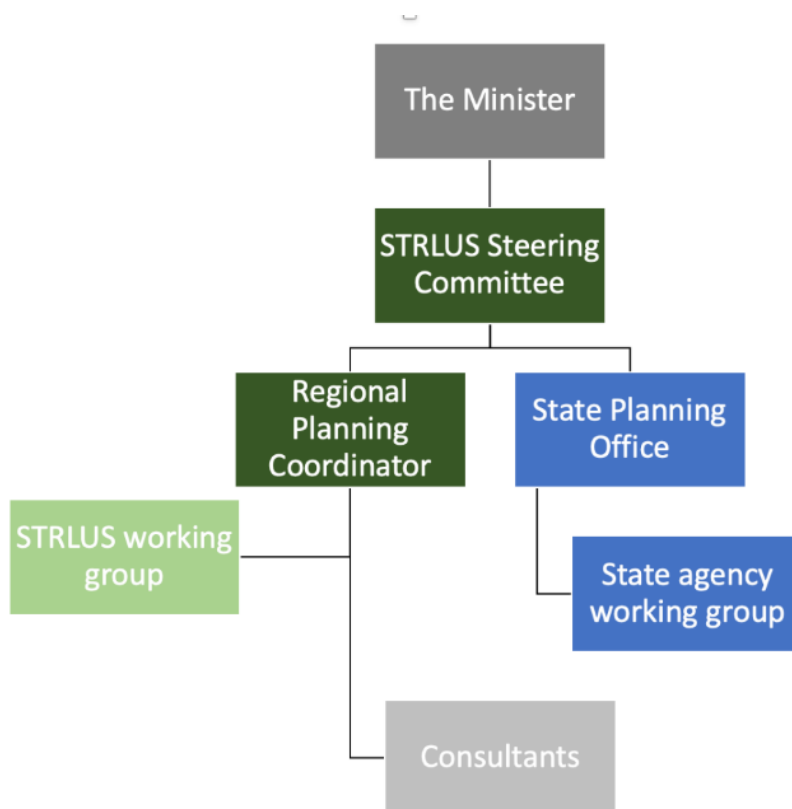
In February 2023, a Steering Committee was established and in August 2023 a Regional Planning Coordinator was appointed. The Regional Planning Coordinator is responsible for working with the Southern Councils, the State Planning Office and relevant State Agencies to conduct the review.

A STRLUS Working Group consisting of Council and State Government planning officers was then established. Council staff are actively involved with the review.

ETHOS Urban, a leading consultancy comprising planners, economists, social strategists, and designers, has been engaged to support the delivery of major components of the updated STRLUS.

Capire Consulting Group, a specialist community engagement consultancy with expertise in regional planning, community development & social impact, and public policy has been engaged to support with communication and engagement.

The STRLUS Review structure:



GOING FORWARD

The first major output of the STRLUS Review, the 'State of Play Report', was presented to Council at the July Council meeting, for noting. This will now be used to begin initial consultation with stakeholders and the community. Relevant material will be provided to Council for this purpose.

It is anticipated that a draft revised STRLUS will be provided to Council for endorsement in early 2025. It will then be placed on public exhibition.

It is anticipated the final STRLUS will be provided to the Minister for consideration in mid-2025.

COMMUNITY CONSULTATION OPTIONS

For the initial public consultation, which is expected to run from mid-September to mid-December 2024, the State of Play report and associated materials are to be made publicly accessible via a project website.

Each Council within the region has been requested by the STRLUS Review Steering Committee to publicly exhibit the State of Play Report, make copies available for viewing by the public at Council premises and via Council's website, and through linking Council's website to the project's website.

Specifically, the STRLUS Review has suggested that Councils consider the following:

As a project we intend to do the heavy lifting on engagement however, Councils are requested to:

1. *Make documents available in Council chambers.*
2. *Link to the project website.*
3. *Support communications e.g. social media broadcasts.*
4. *Support the staffing of 'pop up's.*

We will organise a way to catch up and communicate on what is happening in the communications and engagement space in the region. For now, the project is seeking advice on:

1. *Pop ups for early engagement September to December. Who, what and where?*
2. *Possible 'community champions'.*

The STRLUS Review Update includes further information on community consultation options.

DISCUSSION

It is proposed that Council does at least the following.

- Posters on community notice boards.
- Information on Council's website, including link to the STRLUS Review website.
- Items in community newspaper.
- One, or more, information drop-in session (called 'pop-ups' in the STRLUS Review Update).
 - These could run from mid-afternoon to early evening on a weekday.
 - Two, at least, should be run in Oatlands and Kempton (or Bagdad).
 - Question: should other information drop-in sessions be run in other towns, for example in Campania?

The STRLUS Review also suggests the consultation method of 'community champions', whereby Councils choose a small number of trusted and respected members of the community to firstly attend a seminar to learn about the STRLUS Review, and then to work within the community to provide information and encourage interested people to lodge submissions.

INTERACTION WITH TOWNSHIPS STRUCTURE PLANNING CONSULTATION

Council needs to consider how the community consultation for the STRLUS Review will interact with the community consultation for the revised Bagdad-Mangalore Structure Plan, which may overlap.

The risk is that community members may suffer from ‘consultation fatigue’ and/or become confused by too many planning-related consultation processes, and therefore become disengaged.

On the other hand, there may be benefits in combining some consultation processes, such as information drop-in sessions and newsletter items. This would provide the opportunity to explain the differences.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Cllr A E Bisdee OAM, seconded by Deputy Mayor K Dudgeon

THAT the information be received.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

**[THIS CONCLUDES THE SESSION OF COUNCIL
ACTING AS A PLANNING AUTHORITY]**

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr D Blackwell

THAT the meeting be adjourned for morning tea at 11.22 a.m.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr D Blackwell

THAT the meeting reconvene at 11.40 a.m.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

13.1 Roads

Strategic Plan Reference 1.1
Maintenance and improvement of the standard and safety of roads in the municipal area.

Nil.

13.2 Bridges

Strategic Plan Reference 1.2
Maintenance and improvement of the standard and safety of bridges in the municipality.

Nil.

13.3 Walkways, Cycle Ways and Trails

Strategic Plan Reference 1.3
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 1.4
Ensure adequate lighting based on demonstrated need / Contestability of energy supply.

Nil.

13.5 Buildings

Strategic Plan Reference 1.5
Maintenance and improvement of the standard and safety of public buildings in the municipality.

Nil.

13.6 Sewers / Water

Strategic Plan Reference(s) 1.6
Increase the capacity of access to reticulated sewerage services / Increase the capacity and ability to access water to satisfy development and Community to have access to reticulated water.

Nil.

13.7 Drainage

Strategic Plan Reference 1.7
Maintenance and improvement of the town storm-water drainage systems.

Nil.

13.8 Waste

Strategic Plan Reference 1.8

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

Nil.

13.9 Information, Communication Technology

Strategic Plan Reference 1.9

Improve access to modern communications infrastructure.

Nil.

13.10 Officer Reports – Infrastructure & Works

13.10.1 Manager – Infrastructure & Works Report

Author: MANAGER INFRASTRUCTURE & WORKS (DAVID RICHARDSON)

Date: 22 AUGUST 2024

Roads Program

Culvert cleaning and drainage works are underway in various areas and will continue as weather permits.

Maintenance grading works will continue throughout the municipality.

A number of sealed roads have been identified that require edge break repairs to be undertaken, these works are programmed to be completed over the coming Months.

Current Capital Works

Interlaken Road upgrade works are progressing well AWC are currently working around the 10km area from the Midlands Highway with drainage and verge widening.

Sealing works are planned for the prepared sections of Interlaken Road as soon as weather conditions allow.

Bagdad shared walkway works have commenced starting at the Bagdad Community centre heading north.

Two new upgraded pedestrian footbridges have been installed as part of the project.



Before and after Midland Highway, Bagdad Footpath/Shareway - Gangells Lane footbridge

Parks and Reserves

Maintenance of recreation grounds, parks and playgrounds ongoing as required.

Crews busy cleaning up leaves and mowing grass around our towns.

Annual sports grounds maintenance works will be commencing shortly –top dressing, verti-draining and fertilizing as required.

Bridge Works

Minor works on some bridges to be scheduled as resources permits.

Building Services Unit

Construction of 2 accommodation units in Oatlands progressing well, fit-out, landscaping and parking area works are almost completed.

Planned Works

- Drainage and pavement repairs various roads;
- Undertake various bridge maintenance repairs;
- Continue construction of accommodation units Oatlands;
- Continue Interlaken Road upgrade works;
- Continue footbridge/pathway works Bagdad;
- Commence planning of works for Kempton-Mood Food Pathway;
- Commence Station Street Colebrook drainage works;
- Commence Tunbridge Kerb replacement works main road Tunbridge.

Tunbridge Bridge Replacement

The Manager Infrastructure and Works met with contractor Hazell Bros who have been awarded the contract to re-construct the Tunbridge Bridge, on Monday the 15 July for a pre-start meeting these works are progressing.

The project is expected to take between 4-6 Months for completion.

QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

Mayor E Batt – Requested an update on Mood Food Pathway at Kempton

Manager Infrastructure & Works – Awaiting Grant Deed. Once this has been received and Bagdad walkway is completed, works can begin.

Deputy Mayor K Dudgeon – Nala Road, Inglewood to York Plains – pot holes and slippery.

Manager Infrastructure & Works – Taken on notice

Deputy Mayor K Dudgeon – Road is quite broken up at Woodsdale Road near Runnymede and at the entrance to the Gadtech Quarry.

Manager Infrastructure & Works – Works team are working on this area at the moment in the Road Rehabilitation Program. Quarry Owner, Gadtech is also required to contribute to costs related to road damage.

Clr B Campbell – Woodsdale Road and Eldon Road– Roads are cracked and has many pot holes, and guide posts are missing.

Manager Infrastructure & Works – Taken on notice

Clr B Campbell – Tunnack area – rubbish appearing on the sides of the road, guideposts missing, when are these replaced?

Manager Infrastructure & Works – Taken on notice.

Clr B Campbell – Colebrook Road – Rubbish on a property
Manager Infrastructure & Works – Council do not have jurisdiction in this area. Councillors advised to report to Department of State Growth.

Clr D Blackwell – Thank you to the works team for the clean-up of rubbish at Cliftonvale Road near Dysart.

RECOMMENDATION

THAT the Infrastructure & Works Report be received and the information noted.

DECISION

Moved by Clr D Fish, seconded by Clr A E Bisdee OAM

THAT the Infrastructure & Works Report be received and the information noted.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 Residential

Strategic Plan Reference 2.1

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

Nil.

14.2 Tourism

Strategic Plan Reference 2.2

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

Nil.

14.3 Business

Strategic Plan Reference 2.3

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

Nil.

14.4 Industry

Strategic Plan Reference 2.4

Retain and enhance the development of the rural sector as a key economic driver in the Southern Midlands / Increase access to irrigation water within the municipality.

Nil.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

15.1 Heritage

Strategic Plan Reference – Page 22

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

15.1.1 Heritage Project Program Report

Author: HERITAGE PROJECTS OFFICER (ALAN TOWNSEND)

Date: 24 AUGUST 2024

ISSUE

Report from the Heritage Projects Officer on various Southern Midlands Heritage Projects.

DETAIL

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

- Preparation for and participation in the Heritage & Bullock Festival, which included:
 - 'Elemental' exhibition in the Gaoler's Residence
 - Speaker series at the Court House
 - Heritage wallpaper samples & printing display
 - Family History research centre

- All of the above were very well received with good crowds at each event
- Induction of our new volunteer, Rubee Dano. Rubee is interested in researching various aspects of midlands history
- AiRSpace currently empty and undergoing cleaning & painting ready for our next Artist in Residence
- Ongoing participation in Heritage Highway Regional Tourism Association

RECOMMENDATION

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

DECISION

Moved by Cllr A E Bisdee OAM, seconded by Cllr D Blackwell

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

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

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 NRM Unit – General Report

Author: NRM PROGRAMS MANAGER (MARIA WEEDING)

Date: 20 AUGUST 2024

DETAIL

- Maria has been busy with works relating to the proposed toilet block at Callington Park. Works commenced on the 12th August - immediately after the Oatlands Bullock Festival. Works were focused on a connection to the sewer pit at the foreshore toilet block. Protech are undertaking the work. It became apparent that line on the foreshore, was not as expected in regard to the location, as well as the proximity to the rising main sewer pump line (which needs to be avoided). The data from TasWater was not fully across the actual system in place at the site. Works ceased and two on site meetings have been held to sort out the options for a connection point. The hydraulic engineer has some updated information re the actual location of the lines at the site. An amended hydraulic plan is to be drawn up, subject to the levels, and sign off by TasWater. The amended plan will then need to go back to Council for the issue of an amended Plumbing Permit. TasWater have been on site and are working directly with Council, the Hydraulic Engineer and Protech to expedite the review and sign off on the amended plan to enable on ground works to recommence in a timely manner.
- The Kempton town clock is going to have an updated program installed. The program has been specifically set for Tasmanian time (day light saving dates are sometimes different to the mainland). The clock is currently out by three or four minutes. The fully automated clock was initially programmed in Victoria before the components were installed in the clock tower early in 2024. An original programming error set the daylight saving time correction to be the wrong way – so the clock became two hours out when daylight saving finished in Tasmania at the end of March 2024. Maria and Helen, under instruction from the programmer in Victoria, adjusted the clock settings by two hours. The three or four minutes the clock is out is directly attributed to the amount of time it took the programming adjustment works to occur! The person to update the program is Peter Reading, a clock expert from Hobart. Peter will be under instruction from Ingrams Time Systems (Victoria), the people that automated the clock/ installed the system.
- Helen and Maria placed updated dog exercise signage on existing signs at various locations on the foreshore of Lake Dulverton, as some of the signage was not clear in terms of interpretation.
- Helen has been involved with working with the Councillors in regard to On Line Governance training. Southern Midlands is now well advanced in meeting the Local Government training expectations for Councillors.
- Maria and Helen spent time working on some pre spring plant maintenance on sections of the Lake Dulverton foreshore, including Lairmairenepair Park area.
- Maria worked with Mary to put in a grant application to NRM North for an on ground search and survey of the only known area of serrated tussock in the Southern Midlands.

The grant will provide funds for a search beyond the core infestation area, as an added precaution to ensure strategic management of the site. The grant has been successful.

Weeds Officer Report, Mary Smyth

15th July – 19th August 2024

Enquiries/feedback

A local shop owner had cause to visit the council office in early August and was impressed to see the display of tree lucerne and accompanying booklets with further information.

Sent a 'thank you' email to a Runnymede property owner who, in response to a letter sent out regarding a couple of large Pampas grass plants, has reduced said plants to charred remains.

Site visits

Total = 19 plus.

A follow-up spray of new weeds germinating around all blackwoods and banksias at the Pound at Oatlands. The 10 banksias are still alive (only a couple looking a bit sick) but a few of the larger blackwoods have died recently. Replacements to be planted in a couple of weeks. This site is still proving quite difficult to get plants established...

Visited the mounds at Kempton Recreation Ground with Helen G to remove all remaining boxthorn seedlings. 5 native plant seedlings which did not survive the summer were replaced, and an additional 10 plants put in to fill gaps.

Completed site surveys of properties owned by recipients of the annual Spanish heath reminder notices, and have updated the database where required. Letters imminent.

Completed cut & paste removal of all large roadside Spanish heath bushes in the vicinity of St Matthias' Anglican Church at Woodsdale.

All flowering roadside Spanish heath plants cut & pasted in a small section of Kandara Crt, Campania. Follow-up covered sprayer work to dispatch the tiny seedlings is imminent. It is pleasing to note that both white and pink flowered native heaths (*Epacris impressa*) are growing in this area so hopefully they can take over once the exotic and invasive Spanish heath has been eradicated.

The previously sprayed Spanish heaths at the old Levendale Primary School oval are looking decidedly sick, as are many of the plants in the Woodsdale Cemetery and the isolated patch on a spur road off D Road, Levendale. All plants at the quarry on D Road removed by contactors.

Communication

Continuing liaison with a Levendale resident regarding potential sources of volunteers to assist him with Spanish heath control next year.

Submitted an article to Southern Midlands Regional News on Spanish heath and Boneseed.

Submitted an article to the SMC Ratepayers' Newsletter on declared thistles which need controlling (saffron, cotton, stemless, nodding, slender and Californian), with a call out to let me know if anyone spots the also declared but not-currently-found-in-SMC African thistle, Artichoke thistle and Star thistle.

Liaising with Council's weed contractor to secure a list of all the roadside woody weeds sprayed last season. List received and work will ensure high priority sites are completed this spring, with assistance from NRM team in selected areas.

The latest batch of waypoints mapping some new Spanish heath and Stemless thistle sites processed by Graham G at Kempton.

Liaising with the State Growth Weed Management Officer regarding upcoming control works for roadside St John's wort, and clarifying ownership of a couple of parcels of land where this occurs.

Serrated tussock: liaising with a local landowner, and the weed contractor/handler of "Fonz" the weed detecta dog, regarding some Spring survey work on serrated tussock in selected native and improved pastures surrounding the core infestation (monitor zones). On a separate plan, some Weeds Action Fund grant money is available through the State Government invasive perennial grasses project for additional serrated tussock survey work on this same property, but with different contractors and further afield than the core infestation and monitor zones surrounding it. Some SMC NRM staff assistance to be provided during this WAF survey. Winter flupropanate work recently completed in the core zone by a third contractor, and discussions are continuing regarding glyphosate follow-up later in the year.

Related and extra-curricular activities

A phone call to the NRM unit regarding condemned sheep meat and a disease transmitted by cats – sarcocystis – resulted in a small article on responsible cat ownership being submitted to the Ratepayers' Newsletter.

Assisted Helen G with counter checking and some branch pruning on the Dulverton walking track, and in collecting some old tree stakes behind Parattah Jubilee Hall.

Weeds Action Fund – Stemless thistle

Co-contribution work continues with this project. A site visit by Helen and myself perused the thistle density in the core infestation, prior to heading further afield into a couple of adjoining paddocks. 10 small sites were located and mapped, and in all but two of these patches, the thistle seedlings were hand dug. Follow-up work to spray all remaining thistles this month (weather permitting). It is interesting to note that this population of stemless thistle has seeds that are able to germinate during every month of the year. This increases the challenge to eradicate it.

Training and development

Attended the State Weed Forum at the Grange in Campbell Town on Thursday 1st August, the first such gathering for 5 years. In excess of 80 people attended. Scheduling was very tight so questions were limited, but topics ranged from an update on Biosecurity Act and Regulations (including status of Foxglove declaration), Weeds Action Fund update, the Invasive Perennial Grasses project, Parks and Wildlife Service Biosecurity Team, biochar, new and emerging weed threats, biological control of sea spurge, Tasmanian Weed Society reboot, and various weed updates. An excellent day, but next time some more time and space might be needed!

Weed of the Week

Tree mallow, Spanish heath, tree lucerne (tagasaste), mallow and periwinkle displayed this month. The tree lucerne was from an isolated bush I spotted on Brown Mountain Road on the way to my weekend tip work. As I was passing again the following morning, I simply cut and pasted the bush and used some stems for weed of the week!

RECOMMENDATION

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

DECISION

Moved by Clr B Campbell, seconded by Clr D Fish

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

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

15.3 Cultural

Strategic Plan Reference 3.3

Ensure that the cultural diversity of the Southern Midlands is maximised.

Nil.

15.4 Regulatory (Development)

Strategic Plan Reference 3.4

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

Nil.

15.5 Regulatory (Public Health)

Strategic Plan Reference 3.5

Monitor and maintain a safe and healthy public environment.

Nil.

15.6 Regulatory (Animals)

Strategic Plan Reference 3.6

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

15.6.1 Animal Management Report

Author: ANIMAL MANAGEMENT OFFICER (RACHEL COLLIS)

Date: 21 AUGUST 2024

Enclosure:

Animal Management Statement 2024

ISSUE

Consideration of the Animal Management/Compliance Officer's report for August 2024

The purpose of the report is twofold:

1. To inform Council and the Community of infringements issued by Council Officers in relation to Animal Management for the period August; *and*
2. Provide a brief summary of actions and duties undertaken by Council Officers in relation to animal management.

This in turn informs the community of the requirements and expectations of the Council to uphold and enforce the relevant legislation. This reminds Council and the community of the importance of responsible ownership of animals.

The infringements detailed in this report were all issued under the *Dog Control Act 2000*.

Resource Sharing

Southern Midlands Council currently provide Animal Management services to the Central Highlands Council through resource sharing arrangements. Jobs of note are itemised in the enclosed statement.

RECOMMENDATION:

THAT the Animal Management Report be received and the information noted.

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr B Campbell

THAT the Animal Management Report be received and the information noted.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

ENCLOSURE
Agenda Item 15.6.1

**YTD ANIMAL MANAGEMENT STATEMENT
 2024**

DOG IMPOUNDS	RECLAIMED	ADOPTED/DOGS HOME	EUTHANISED	OTHER IMPOUNDS
15	12	3		1 – goat 1 – ram 1 – Weather 4 – Sheep

**JOBS ATTENDED
 August 2024**

DOGS AT LARGE	DOG ATTACKS	DOG BARKING	DOG GENERAL
		4	7
NEW KENNEL LICENCES	WELFARE	STOCK	Central Highlands
1 new licences in the process	1	2	4

REGISTERED DOGS: 1409 registered – 353 pending
KENNEL LICENCES: 66
INFRINGEMENTS ISSUED: 0

15.7 Environmental Sustainability

Strategic Plan Reference 3.7

Implement strategies to address the issue of environmental sustainability in relation to its impact on Councils corporate functions and on the Community.

Nil.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

16.1 Community Health and Wellbeing

Strategic Plan Reference 4.1

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

Nil.

16.2 Recreation

Strategic Plan Reference 4.2

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

16.2.1 Oatlands Aquatic Centre – Coordinators Report

Author: OATLANDS AQUATIC CENTRE COORDINATOR (ADAM BRIGGS)

Date: 21 AUGUST 2024

ISSUE

Oatlands Aquatic Centre – Coordinator’s Report for the month of July, 2024.

BACKGROUND

The Oatlands Aquatic Centre opened to the public on Monday 14th November 2022.

DETAIL

The purpose of the report is twofold:

1. To report on the financial performance of the Centre compared to budget for the relevant month ending; and
2. To provide details regarding usage of the facility.

Financial Reporting:

OATLANDS AQUATIC CENTRE - OPERATING BUDGET

INCOME	Annual Budget 2024/25	July 2024	July 2023	2024/25 Year to Date	% of Budget 2024/25
Admission Fees	\$237,500	\$14,785	\$11,034	\$14,785	6.2%
Sale of Goods	\$12,500	\$986	\$686	\$986	7.9%
Charging Station Energy Use Reimbursement	\$14,000	\$0	\$0	\$0	0.0%
Sub-Total	\$264,000	\$15,771	\$11,720	\$15,771	6.0%

EXPENDITURE	Annual Budget 2024/25	July 2024	July 2023	2024/25 Year to Date	% of Budget 2024/25
Salaries (incl. On-Costs)	\$473,945	\$38,265	\$39,067	\$38,265	8.1%
Operating Costs - Other	\$260,395	\$27,124	\$16,992	\$27,124	10.4%
Total Expenditure	\$734,340	\$65,390	\$56,059	\$65,390	8.9%

Budgeted Deficit	-\$470,340	-\$49,619	-\$44,339	-\$49,619	10.5%
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Group Bookings & Programs – July (17/7/24 - 20/8/24):

Event / Booking	School / Group	Participation Numbers
Centre Hire	Education Department Program	50 participants
Physio Rehab Sessions	Annabel Butler – Physiotherapist	6 individual bookings
Lane Hire	Midlands Swimming Club	1 individual booking
Learn to Swim: Kinder-G2	Bothwell District School	24 participants
Learn to Swim: Kinder-G2	Kempton Primary School	27 participants
Centre Hire/Student Visits	Oatlands District School	7 group bookings

**USAGE FOR THE PERIOD 17/7/2024 – 20/8/2024
PAID UPFRONT**

Type	Units
Gym & Fitness	
Gym & Fitness Class Passes/10 Sessions	1
Gym & Fitness Class Passes/5 Sessions	0
Gym & Fitness Class Session (17 years) PAYG	1
Gym & Fitness Class Session (Concession) PAYG	0
PAYG Class Pass (16 years)	0
Gym	
PAYG Gym (17 years)	28
PAYG Gym (Concession)	2
Personal Training	
Personal Training – 30 Mins	0
Personal Training – 1 Hr	0
Learn to Swim (Total Numbers)	
Term 3, 2024 Program Enrolments (Currently)	104
Adult Learn to Swim	0
Pool	
Pool Passes 10 Sessions (Child/Concession)	6
Pool Pass 10 Session (17 years)	1
Upfront 6 Months Pool Membership (17 +)	0
Upfront 6 Months Pool Membership (concession)	0
Upfront 6 Months Pool Membership (Family)	0
PAYG – Pool (4 years and under)	76
PAYG - Pool (5-16)	227
PAYG - Pool (17)	237
PAYG - Pool (Concession)	202
PAYG - (Family)	25
Pool/Gym Combo PAYG	4
GYM/Pool Pass 10 Session (17 years)	1
GYM/Pool Pass 10 Session (Concession)	0

DIRECT DEBITS – Current Numbers

Type	Units
DD Pool/Gym	12
DD Gym	7
DD 6 Months Pool – 17 years +	1
DD 6 Months Pool – Child/Concession	21
DD 6 Months Pool – Family	0

Grant Applications & General Information

See below an update on the current Grant Application:

- Austswim Learn to Swim Course:**
 Unfortunately Austswim have cancelled the Learn to Swim Teachers course on 26th & 27th August due to low numbers enrolled. Feedback I received was due to the course being scheduled on a Monday & Tuesday it made it difficult for patrons to attend, this feedback has been provided to Austswim.
- Royal Life Saving Tasmania Learn to Swim Course:**
 Due to Austswim cancelling their course I decided to approach Royal Life Saving to deliver a teachers course. After discussions we have been able to lock away a course to be conducted at the Oatlands Aquatic Centre on Sunday 15th September, this course will open the opportunity to the local community for further employment options.

Human Resources & Financial Implications – Refer above detail.

Community Consultation & Public Relations Implications – Not applicable.

Policy Implications – N/A

Priority - Implementation Time Frame – Not applicable.

RECOMMENDATION

THAT the information be received and noted.

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr A E Bisdee OAM

THAT the information be received and noted.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

16.3 Access

Strategic Plan Reference 4.3

Continue to explore transport options for the Southern Midlands community / Continue to meet the requirements of the Disability Discrimination Act.

Nil.

16.4 Volunteers

Strategic Plan Reference 4.4

Encourage community members to volunteer.

Nil.

16.5 Families

Strategic Plan Reference 4.5

Ensure that appropriate childcare services as well as other family related services are facilitated within the community / Increase the retention of young people in the municipality / Improve the ability of seniors to stay in their communities.

Nil.

16.6 Education

Strategic Plan Reference 4.6

Increase the educational and employment opportunities available within the Southern Midlands

Nil.

16.7 Capacity & Sustainability

Strategic Plan Reference 4.7

Build, maintain and strengthen the capacity of the community to help itself whilst embracing social inclusion to achieve sustainability.

Nil.

16.8 Safety

Strategic Plan Reference 4.8

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

Nil.

16.9 Consultation & Communication

Strategic Plan Reference 4.8

Improve the effectiveness of consultation & communication with the community.

16.9.1 Oatlands Village Square Development

Author: DEPUTY GENERAL MANAGER (ANDREW BENSON)

Date: 22 AUGUST 2024

ISSUE

The development process for the establishment of the Village Square in Oatlands, which was a recommendation that was identified in the Oatlands Structure Plan.

BACKGROUND

The Oatlands Structure Plan was adopted by Council in September 2021 and there were a number of recommendations that came out of the Community Consultation and the final report that acknowledged the creation of the Oatlands Village Square, as identified below in extracts from the Oatlands Structure Plan.

Oatlands Structure Plan 2021 [Extracts]

Fostering and Enlivened and Historic Rural Town

1.0 Executive Summary

Key Actions of the Structure Plan are to:

- Create an Oatlands Town square in front of Oatlands Town Hall and the Old State School fronting High Street as a focal point for town events;***
- Improve the recreational activities on Lake Dulverton by creating an accessible walk into the lake (including information on the importance of the local habitat) and creating a destination point (such as an art installation) on the eastern end of the lake utilizing the 4km pathway to it along the lake edge.*
- Encourage affordable housing and rural support opportunities within the town and boost local employment;*
- Improve the streetscape by developing a streetscape palette for landscaping, street furniture and finishes for the town and undertake an urban design plan for Main Street;*
- Upgrade parking, vehicle access and pedestrian wayfinding across the town, including the possibility of a widening of the Esplanade, creating designated Recreational Vehicle and bus parking points, and installing signage and refuges to improve pedestrian movement; and*
- Increase the resilience of the town to climate change by undertaking a bushfire management plan for the town and exploring options of power resilience.*

These actions have been developed through the community and stakeholder engagement process, and are both costed and prioritised in the Implementation Plan. They will deliver the vision for Oatlands as an enlivened historic rural township which balances its functions as a rural service centre and a major tourist destination.

(Oatlands Structure Plan page 5)

Action 1.1 - Create an Oatlands Town square fronting High Street.

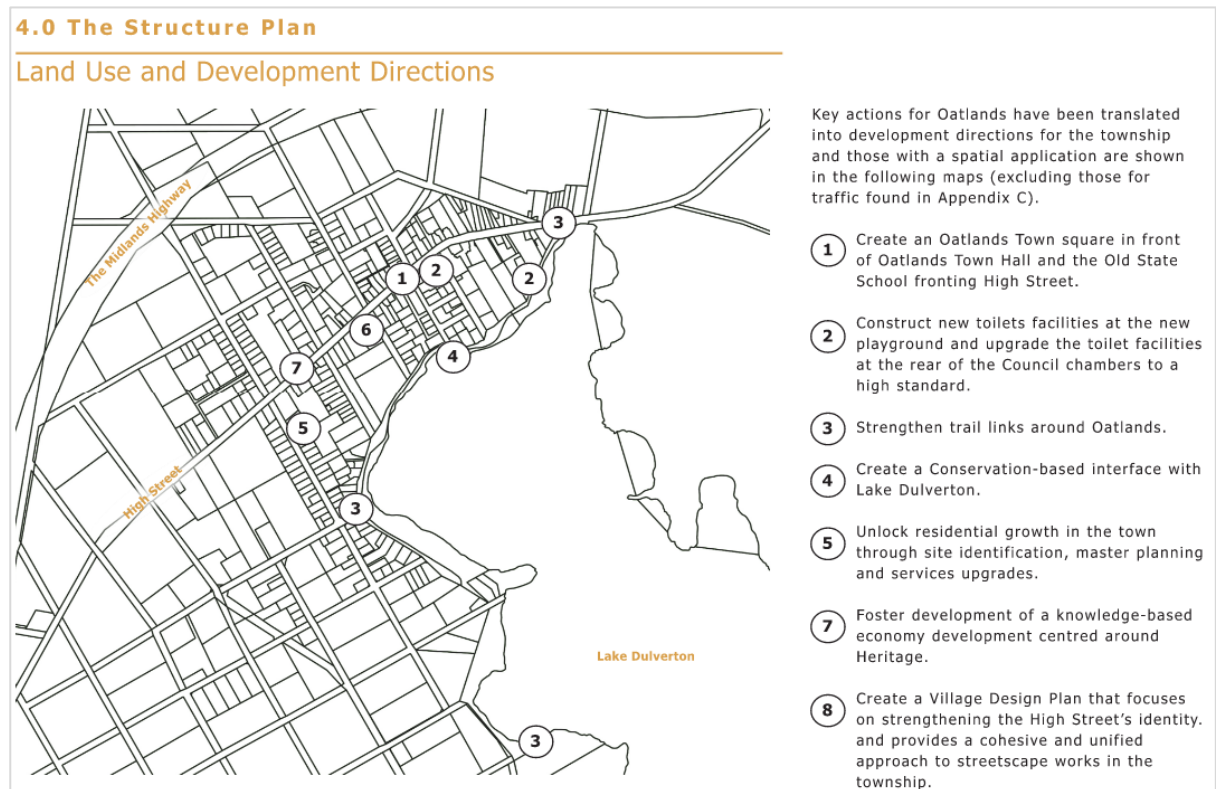
1. Improved Passive Recreation Opportunities

There is an opportunity to create a space to support public events, festivals and markets in an area that includes the forecourts of both the Oatlands Town Hall and the Old State School fronting High Street. The space crosses Stutzer Street, thus some urban design treatment would be required to delineate this part of the street as a pedestrian zone.

The Town square can connect to the Barrack Street Car Park (via Mason Street) or the Military Precinct and Lake Dulverton via Campbell Street. The hub would act as an important focal point on the main street and the main pedestrian link to and from Lake Dulverton, the residential areas to the south-west, and the community facilities to the north of High Street.

A town square design plan (or master plan) is to be prepared and include public consultation prior to a final design being prepared for implementation.

(Oatlands Structure Plan page 43)



(Oatlands Structure Plan page 57)

4.0 The Structure Plan

Proposed Town Square Precinct



(Oatlands Structure Plan page 62)

Appendices

A. Implementation Plan

STRATEGIES	ACTION	RESPONSIBILITY	EST. COSTS (APPROX)	PRIORITY (HIGH, MEDIUM, LOW) & TIMING
1. IMPROVED PASSIVE RECREATION OPPORTUNITIES.	Action 1.1 - Design and co-create an Oatlands Town Square in front of Oatlands Town Hall and the Old State School fronting High Street.	Council	\$600K	High
	Action 1.2 - Continued development of the playground.	Council	\$800K	High
	Action 1.3 - Construct new toilets facilities at the new playground; upgrade the toilet facilities at the rear of the Council chambers (potentially other public spaces) to a high standard.	Council	\$1M	High
	Action 1.4 - Promote the former rodeo paddock for events.	Council	Operational Budget	Medium
	Action 1.5 - Increase conservation-based activities on Lake Dulverton (pathway and focal point).	Council	\$850K	Medium
	Action 1.6 - Increase walking activities around Lake Dulverton (pathway and interpretation point)	Southern Midlands Council/ PWS	\$350K	Medium

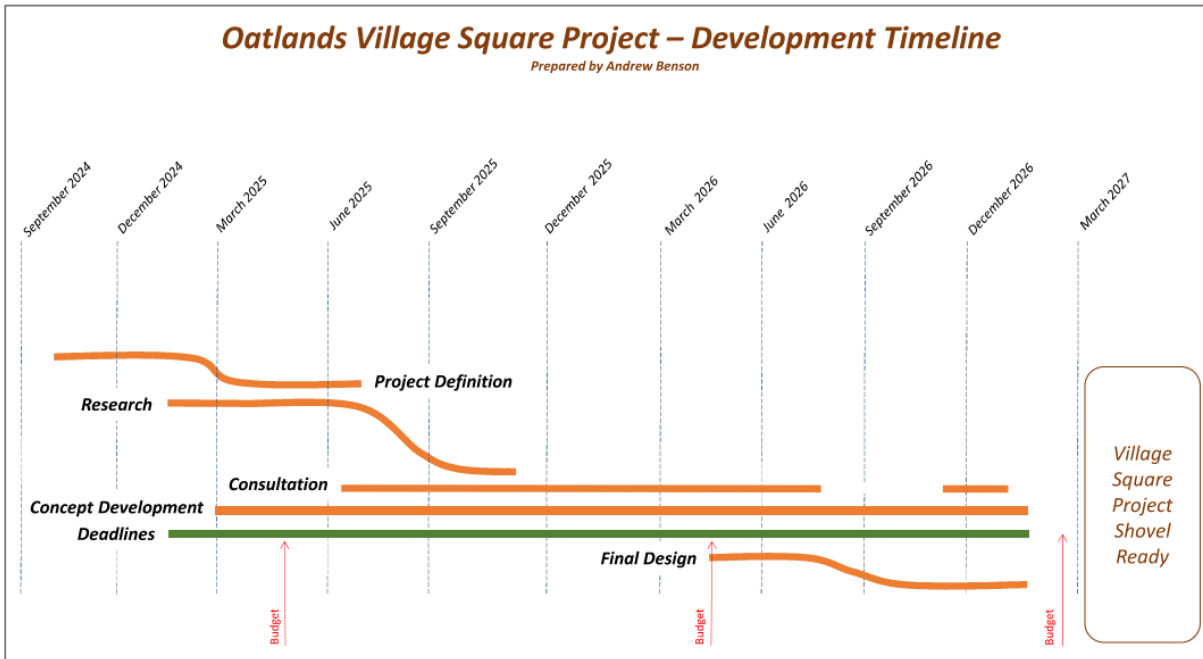
(Oatlands Structure Plan page 66)

Oatlands Structure Plan 2021 [End of Extract]

This matter was listed for preliminary discussion at the August 2024 Council Workshop. The Deputy General Manager proposed a preliminary timeline, consisting of the following elements;

- Tranche 1 – Project Definition
- Tranche 2 – Project Research
- Tranche 3 – Project Consultation
- Tranche 4 – Project Concept Development
- Tranche 5 – Project Deadlines
- Tranche 6 – Project Final Design

Many of these Tranche elements overlap to ensure the integrity of the development process, and of course the Community Consultation Tranche would be a major element in the development process, building on the consultation from the Oatlands Structure Plan project.



DETAIL

This is a project that can be scoped and developed by Council’s in-house team. They have a range of skills and knowledge that would underpin the solid progression of the project, rather than contracting a consultant to undertake the development / design process. If the project is undertaken in this manner, the recommendations from the Oatlands Structure Plan can be implemented in a cost effective manner, albeit taking some additional time to deliver the end design result. Time can be a ‘friend’ rather than an impediment, when undertaking a project that will have such a major impact on the Village of Oatlands



Site Plan

It is recommended that a Project Steering Committee be established to undertake the project as shown in the *Development Timeline* above, and that Committee consist of the following members;

Deputy Mayor Karen Dudgeon - Committee Chair
Clr Tony Bisdee OAM
Clr Don Fish
Deputy General Manager Andrew Benson – Project Manager
Manager Heritage Projects – Brad Williams
Manager Infrastructure & Works – David Richardson
Manager Development & Env. Services – Grant Finn
Manager Natural Resource Management – Maria Weeding
Manager Community & Corporate Development – Wendy Young
Executive Assistant – Jemma Thomas

Human Resources & Financial Implications – Steering Committee Members as detailed above and in-house officer time.

Community Consultation & Public Relations Implications – The Oatlands Structure Plan consultations provide an excellent basis to move this project forward, with a continuing public consultation framework as shown in the proposed development timeline on the previous page

Policy Implications – Nil at this time

Priority - Implementation Time Frame – Commence as soon as possible with periodic progress reports being provided to future Council meetings.

RECOMMENDATION

That Council:

- 1. Receive and note the Report;**
- 2. Establish the Oatlands Village Square, as identified within the Oatlands Structure Plan, as a project of significance, with it being implemented in accordance with the proposed timeline;**
- 3. Appoint the Project Steering Committee as detailed within the Report, to have the carriage of the project; and**
- 4. Require periodic reporting to Council on the progress of the project.**

DECISION

Moved by Cllr A E Bisdee OAM, seconded by Deputy Mayor K Dudgeon

That Council:

1. Receive and note the Report;
2. Establish the Oatlands Village Square, as identified within the Oatlands Structure Plan, as a project of significance, with it being implemented in accordance with the proposed timeline;
3. Appoint the Project Steering Committee as detailed within the Report, to have the carriage of the project; and
4. Require periodic reporting to Council on the progress of the project.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell		✓
Cllr D Fish	✓	
Cllr F Miller	✓	

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 Improvement

Strategic Plan Reference 5.1

Improve the level of responsiveness to Community & Developer needs / Improve communication within Council / Improve the accuracy, comprehensiveness and user friendliness of the Council asset management system / Increase the effectiveness, efficiency and use-ability of Council ICT systems / maintain the Business Process Improvement & Continuous Improvement framework

17.1.1 Policy Review – Code of Conduct for Elected Members

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 10 AUGUST 2024

Enclosure(s):

Code of Conduct (Elected Members)

ISSUE

Council to review the Code of Conduct for Elected Members in accordance with section 28T of the *Local Government Act 1993*.

BACKGROUND

The Local Government Model Code of Conduct Amendment Order 2018 came into effect on 26 December 2018. This provide an updated 'Model Code of Conduct' which was adopted by the Southern Midlands Council without variation in February 2019.

Under section 28T (3) of the Local Government Act 1993, any variation or adoption of a substitute model code of conduct must be approved by the Minister.

DETAIL

Section 28T (7) requires a Council to review its code of conduct within 3 months of each ordinary election.

A review was not undertaken following the October 2022 election as the Government was undertaking a review of the Code of Conduct provisions at that time and with the expectation that a new "model" code would be developed.

Pending completion of the review by the State Government, it is recommended that Council maintain the status quo and adopt the Code of Conduct for Elected Members without amendment.

Human Resources & Financial Implications – Nil.

Community Consultation & Public Relations Implications – N/A.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT Council, pursuant to section 28T of the Local Government Act 1993, adopt the Model Code of Conduct for Elected Members as set out in the Local Government (Model Code of Conduct) without variation.

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr D Blackwell

THAT Council, pursuant to section 28T of the Local Government Act 1993, adopt the Model Code of Conduct for Elected Members as set out in the Local Government (Model Code of Conduct) without variation.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

ENCLOSURE
Agenda Item 17.1.1



INTRODUCTION

Purpose of Code of Conduct

This Code of Conduct sets out the standards of behaviour expected of the councillors of the Southern Midlands Council, with respect to all aspects of their role.

As leaders in the community, councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each councillor's primary goal of acting in the best interests of the community.

Councillors therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct for elected members.

This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister for Local Government.

Application of Code of Conduct

This Code of Conduct applies to a councillor whenever he or she:

- conducts council business, whether at or outside a meeting;
- conducts the business of his or her office (which may be that of Mayor, Deputy Mayor or Councillor); or
- acts as a representative of the Council.

A complaint or failure to comply with the provisions of the Code of Conduct may be made where the councillor fails to meet the standard of conduct specified in the Model Code of Conduct.

STANDARDS OF CONDUCT PRESCRIBED UNDER THE MODEL CODE OF CONDUCT

The model code of conduct provides for the following eight standards of conduct as detailed in Schedule 1:

1. Decision making

A councillor is to bring an open and unprejudiced mind to all matters being considered in the course of his or her duties, so that decisions are made in the best interests of the community.

2. Conflict of interests that are not pecuniary

A councillor effectively manages conflict of interest by ensuring that personal or private interests do not influence, and are not seen to influence, the performance of his or her role and acting in the public interest.

3. Use of office

A councillor uses his or her office solely to represent and serve the community, conducting himself or herself in a way that maintains the community's trust in the councillor and the Council as a whole.



SOUTHERN MIDLANDS COUNCIL CODE OF CONDUCT (ELECTED MEMBERS)

4. Use of resources

A councillor uses Council resources and assets strictly for the purpose of performing his or her role.

5. Use of information

A councillor uses information appropriately to assist in performing his or her role in the best interests of the community.

6. Gifts and benefits

A councillor adheres to the highest standards of transparency and accountability in relation to the receiving of gifts or benefits, and carries out his or her duties without being influenced by personal gifts or benefits.

7. Relationships with community, councillors and council employees

A councillor is to be fair in his or her conduct, communication and relationships with members of the community, fellow councillors and Council employees in a way that builds trust and confidence in the Council.

8. Representation

A councillor is to represent himself or herself and the Council appropriately and within the ambit of his or her role, and clearly distinguish between his or her views as an individual and those of the Council.

PRINCIPLES OF GOOD GOVERNANCE

By adopting this Code of Conduct, councillors commit to the overarching principles of good governance by being:

Accountable – Explain, and be answerable for, the consequences of decisions made on behalf of the community.

Transparent – Ensure decision making processes can be clearly followed and understood by the community.

Law-abiding – Ensure decisions are consistent with relevant legislation or common law, and be within the powers of local government.

Responsive – Represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.

Equitable – Provide all groups with the opportunity to participate in the decision making process and treat all groups equally.

Participatory and inclusive – Ensure that anyone affected by or interested in a decision has the opportunity to participate in the process for making that decision.

Effective and efficient – Implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for the community.

Consensus oriented – Take into account the different views and interests in the community, to reach a majority position on what is in the best interests of the whole community, and how it can be achieved.



SOUTHERN MIDLANDS COUNCIL CODE OF CONDUCT (ELECTED MEMBERS)

Legislation

The code of conduct framework is legislated under the *Local Government Act 1993* (the Act). The Act is available to view via the Tasmanian Legislation Website at www.thelaw.tas.gov.au.

Code of Conduct

Tasmanian councillors are required to comply with the provisions of the Council's Code of Conduct while performing the functions and exercising the powers of his or her office with the Council.

The Code of Conduct incorporates the Model Code of Conduct (made by order of the Minister responsible for local government) and may include permitted variations included as attached schedules to the Model Code of Conduct.

MAKING A CODE OF CONDUCT COMPLAINT

A person may make a code of conduct complaint against one councillor in relation to the contravention by the councillor of the relevant council's code of conduct.

A person may make a complaint against more than one councillor if the complaint relates to the same behaviour and the same code of conduct contravention.

Code of conduct complaints are lodged with the General Manager of the relevant council and must comply with legislative requirements, as outlined below.

A complaint may not be made by more than two complainants jointly.

A code of conduct complaint is to –

- be in writing;
- state the name and address of the complainant;
- state the name of each councillor against whom the complaint is made;
- state the provisions of the relevant code of conduct that the councillor has allegedly contravened;
- contain details of the behaviour of each councillor that constitutes the alleged contravention;
- be lodged with the general manager within six months after the councillor or councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and
- be accompanied by the code of conduct complaint lodgement fee.

Once satisfied that the code of conduct complaint meets prescribed requirements, the General Manager forwards the complaint to the Code of Conduct Panel.

Code of Conduct complaint lodgement fee

The code of conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The current lodgement fee is 50 fee units.



SOUTHERN MIDLANDS COUNCIL CODE OF CONDUCT (ELECTED MEMBERS)

Councillor dispute resolution

Councillors commit to developing strong and positive working relationships and working effectively together at all times.

Prior to commencing a formal code of conduct complaint, the councillors who are parties to any disagreement should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to act in the best interests of the community.

A council's internal dispute resolution process should be the first step that is taken when there is a dispute between councillors.

A councillor who is party to any disagreement should request the Mayor (or Lord Mayor) or the General Manager to assist that councillor in resolving the disagreement informally.

If the informal assistance does not resolve the disagreement, the General Manager may, with the consent of the parties involved, choose to appoint an external mediator to assist in the resolution of the disagreement. If an external mediator is appointed, councillors who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal code of conduct complaint.

Councillors should only invoke the provisions of the Code of Conduct in good faith, where it is perceived that another councillor has not complied with the provisions or intent of the Code of Conduct.

Complaints under the *Local Government Act 1993*

The Director of Local Government is responsible for the investigation of complaints regarding alleged breaches of the Act.

Any person can make a complaint to the Director, via the Local Government Division (contact details below), in accordance with section 339E of the Act, where it is genuinely believed that a council, councillor or general manager may have committed an offence under the Act or failed to comply with the requirements of the Act.

To make a complaint, it is recommended that you first contact the Local Government Division to discuss whether the matter is something that the Division can assist with.

Public Interest Disclosure

Any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources or substantial risk to public health or safety or to the environment should be reported in accordance with the *Public Interest Disclosures Act 2002*. Disclosures may be made to the Tasmanian Ombudsman or the Tasmanian Integrity Commission.



SOUTHERN MIDLANDS COUNCIL
CODE OF CONDUCT (ELECTED MEMBERS)

Key contacts

Department of Premier and Cabinet's Local Government Division
Level 5, 15 Murray Street, HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: (03) 6232 7022 Fax: (03) 6173 0257
Email: lqd@dpac.tas.gov.au
Web: www.dpac.tas.gov.au/divisions/local_government

Local Government Association of Tasmania
326 Macquarie Street, HOBART TAS 7000
GPO Box 1521, HOBART TAS 7001
Phone: (03) 6233 5966
Email: admin@lgat.tas.gov.au
Web: www.lgat.tas.gov.au

The Tasmanian Integrity Commission
Surrey House, Level 2, 199 Macquarie Street, HOBART TAS 7000
GPO Box 822, HOBART TAS 7001
Phone: 1300 720 289
Email: mper@integrity.tas.gov.au
Web: www.integrity.tas.gov.au

Ombudsman Tasmania
NAB House, Level 6, 86 Collins Street, HOBART TAS 7000
GPO Box 960, HOBART TAS 7001
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au

Attachments

APPENDIX A **Schedule 1 of the *Local Government (Model Code of Conduct) Order 2016***

APPENDIX B **Local Government Code of Conduct Flowchart**



SOUTHERN MIDLANDS COUNCIL
CODE OF CONDUCT (ELECTED MEMBERS)

APPENDIX A

SCHEDULE 1 – *Model* Code of Conduct

Clause 4

PART 1 – DECISION MAKING

1. A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.
2. A councillor must make decisions free from personal bias or prejudgement.
3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.
4. A councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

PART 2 – CONFLICTS OF INTEREST THAT ARE NOT PECUNIARY

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –
 - (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
7. This Part does not apply in relation to a pecuniary interest.



SOUTHERN MIDLANDS COUNCIL
CODE OF CONDUCT (ELECTED MEMBERS)

PART 3 – USE OF OFFICE

1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.
2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

PART 4 – USE OF RESOURCES

1. A councillor must use Council resources appropriately in the course of his or her public duties.
2. A councillor must not use Council resources for private purposes except as provided by Council policies and procedures.
3. A councillor must not allow the misuse of Council resources by any other person or body.
4.

PART 5 – USE OF INFORMATION

1.
2. A councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.
3.
4. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

PART 6 – GIFTS AND BENEFITS

1. A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.
2. A councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.
3.
4.
5.
6.
7.
8.



SOUTHERN MIDLANDS COUNCIL CODE OF CONDUCT (ELECTED MEMBERS)

PART 7 – RELATIONSHIPS WITH COMMUNITY, COUNCILLORS AND COUNCIL EMPLOYEES

1. A councillor –
 - (a) must treat all persons fairly; and
 - (b) must not cause any reasonable person offence or embarrassment; and
 - (c) must not bully or harass any person.
2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.
3.
4. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
5. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

PART 8 – REPRESENTATION

1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.
2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.
5. A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

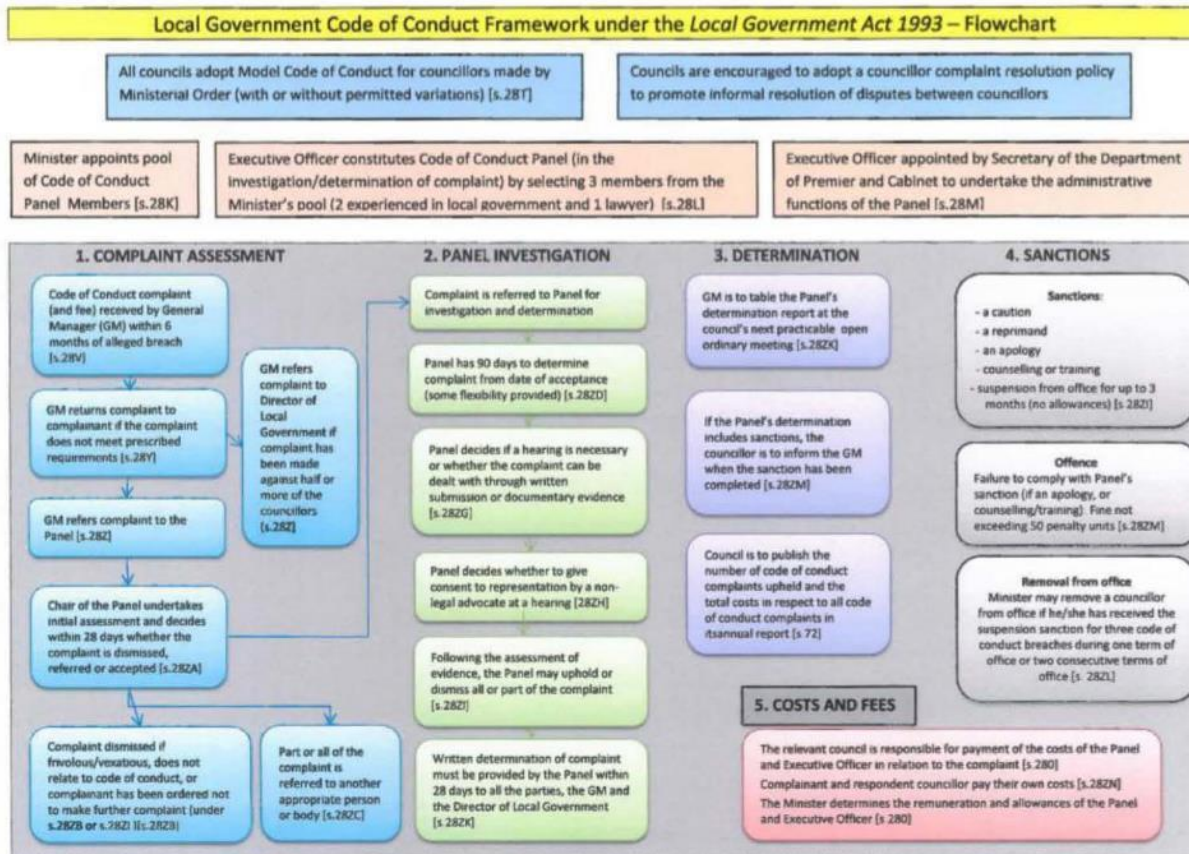
PART 9 – VARIATION OF CODE OF CONDUCT

1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.



SOUTHERN MIDLANDS COUNCIL
CODE OF CONDUCT (ELECTED MEMBERS)

APPENDIX B



17.1.2 Public Open Space (POS) Policy

Author: MANAGER – DEVELOPMENT & ENVIRONMENTAL SERVICES
(GRANT FINN)

Date: 21 AUGUST 2024

Enclosure(s):
Public Open Space Policy

Issue

The *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act) provides for Council to require land for Public Open Space or a payment instead of increasing public open space.

Background

Currently, Council does not have a specific policy.

This policy gives recognition of the Council's powers and obligations in respect to Public Open Space (POS) under the provisions of the *Local Government (Buildings and Miscellaneous Provisions) Act 1993* (LGBMP).

The Policy will assist Council to deliver a consistent approach to the consideration of POS.

Discussion

The Policy is based on the constraints of the enabling legislation, established planning principles and provides a structured and robust framework to assist with the implementation of other adopted Council strategies as they relate to the delivery POS and associated networks.

The adoption of the Policy will assist agencies, community groups, clubs, developers and residents to understand Council's position and provides guidance on:

- The assessment of POS in terms of supply, demand, location and suitability;
- How to determine when to take a cash contribution in lieu of POS as part of the subdivision process;
- The acquisition of POS;
- The nature and standard of improvements to POS required to be completed prior to transfer of the land to Council;
- The management of accumulated POS cash contributions;
- When, where and how to spend POS contributions; and
- Flexibility where unique circumstances warrant it.

This Policy will ensure the delivery of adequate and appropriate Public Open Space (POS) to serve the needs of the existing and future population in Southern Midlands.

Human Resources and Financial Implications

The assessment and application of the Policy will require both officer time and other operational resources.

Policy Implications

Adoption of new policy where previously none has existed.

RECOMMENDATION

THAT Council:

- 1. Receive and note the report; and**
- 2. Council adopt the Public Open Space Policy**

DECISION

Moved by Clr B Campbell, seconded by Clr D Blackwell

THAT Council:

- 1. Receive and note the report; and**
- 2. Council adopt the Public Open Space Policy at the September 2024 Council Meeting subject to any Council amendments.**

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

ENCLOSURE
Agenda Item 17.1.2



Council Policy
PUBLIC OPEN SPACE
Approved by: Council
Approved date: 28 Aug 2024 (TBC)
Review date: 28 Aug 2027

1. PURPOSE

The Southern Midlands Council is committed to providing public open space that is fit for purpose and valued by the community.

2. OBJECTIVE

To establish a consistent approach on the contribution of land for public open space and the calculation of payment instead of the land for public open space, as well as the associated expenditure of those funds.

3. BACKGROUND

The *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act) provides for Council to require land for Public Open Space or a payment instead of increasing public open space.

In addition to ensuring Council meets the requirements of the Act, this policy will:

- (a) Facilitate a strategic approach to the development of a contemporary and well-planned open space network.
- (b) Clarify the process of determining whether a land or cash in lieu contribution is required as part of a subdivision development.
- (c) Provide criteria for determining suitability of land contributions for public open space.
- (d) Provide guidance on how public open space contributions are to be determined and paid.
- (e) Provide guidance on how funds obtained through cash in lieu contributions will be utilised.
- (f) Ensure developers contribute to the provision of public open space commensurate with the scale and type of their development.

4. DEFINITIONS

Council	refers to the Southern Midlands Council.
Lot	means a block of land created by subdivision of a larger block of which it was part.
Public Open Space	means space for public recreation or public gardens or for similar purposes.
Subdivide	means to divide the surface of a block of land by creating estates or interests giving separate rights of occupation otherwise than by: <ol style="list-style-type: none">a) a lease of a building or of the land belonging to and contiguous to a building between the occupiers of that building; orb) lease of air space around or above a building; orc) a lease of a term not exceeding 10 years or for a term not capable of exceeding 10 years; ord) the creation of a lot on a strata scheme or a staged development scheme under the <i>Strata Titles Act 1998</i>; ore) an order adhering existing parcels of land.
Subdivision	means the act of subdividing or the lot subject to an act of subdividing.



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Suitably Qualified Person means a person who can adequately demonstrate relevant tertiary qualifications (or equivalent) and experience in a recognised field of knowledge, expertise or practice with direct relevance to the matter under consideration.

Valid Final Plan A final plan lodged in accordance with section 88 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

5. POLICY

That:

- 5.1 Council will require a Public Open Space contribution by way of either:
 - (a) A maximum of five percent of the subdivision land area that could result in an increase in demand for public open space allocated as Public Open Space and transferred to Council's ownership; **or**
 - (b) A cash in lieu contribution or either cash in lieu or land, equal to five percent of the unimproved value of the land not including the balance lot, that is calculated in accordance with s117(2) of the Act.
- 5.2 This policy applies to applications for subdivisions in the Southern Midlands, where new lots are created in the following zones;
 - General Residential Zone
 - Low Density Residential Zone
 - Rural Living Zone
 - Village Zone
 - Local Business Zone
 - General Business Zone or
 - Otherwise where a subdivision results in an increased demand and/or utilisation of Public Open Space – to be assessed on its merits in accordance with this Policy.
- 5.3 This policy does not apply to strata developments, minor boundary adjustments where no new lots are created, or subdivision for the development of public utilities, as detailed in the Act
- 5.4 Public Open Space contributions in excess of this policy may be offered by the developer or in all other circumstances as resolved at a General Council meeting.
- 5.5 Cash in lieu is the preferred public open space contribution.
- 5.6 Council will use its discretion in determining the open space contribution and each subdivision will be assessed having regard to its individual facts and circumstances.
- 5.7 The Policy enables Council to refuse a subdivision if it is of the opinion that the proposal should be altered to include (or omit) public open space.



Council Policy
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6. GENERAL PRINCIPLES

6.1 Procedure to Determine Public Open Space Requirements

- 6.1.1 A decision as to whether land or cash-in-lieu is provided will be dependent upon whether the proposed subdivision provides an opportunity to obtain land that meets the public open criteria detailed at section 6.3 of this policy. If the development is not able to provide public open space of community benefit and in accordance with the criteria for land contributions, then cash-in-lieu will be required. The preference for land versus cash-in-lieu will be at the discretion of Council, based on:
- The attributes of the site
 - The need for public open space provision in the area
 - Benefit and value to the community
 - Compliance with this policy; and
 - Council's Community Infrastructure Plan or any future Public Open Space Strategy or public open space projects endorsed by Council.
- 6.1.2 The planning officer's report supporting the decision of a subdivision application must include a section as to how the relevant parts of the Act and this Policy are complied with.
- 6.1.3 If a subdivision contains land that is of strategic importance in providing for the open space needs of the community and those needs can only be satisfied by requiring public open space to be provided in excess of 5% of the area of the land in the plan of subdivision, Council may require an additional area (more than 5%) to be provided as public open space, subject to the payment of compensation in accordance with s116 of the Act.
- 6.1.4 Where a subdivision is submitted in the form of a staged development and a cash-in-lieu contribution is required, the public open space contribution may be paid proportionately in each stage, subject to a new valuation if required, in accordance with 6.2 below.
- 6.1.5 Where a cash-in-lieu contribution is required, the developer will be required to provide a current valuation of the land calculated in accordance with s117(2) of Act and prepared by a suitably qualified person, having regard to the following:
- (a) The valuation is to be based on the whole area in the plan of subdivision contributing to the increase in demand for Public Open Space, regardless of zoning and/or previous subdivisions, less any area provided for public open space in the final plan and any area created by the final plan of riparian reserve; and
 - (b) The valuation is to be based on the status of the land as at the date of valid lodgement of the final plan, inclusive of any works required to facilitate the subdivision but excluding any improvements in existence at the time of lodgement of the application for subdivision (i.e. existing structural improvements on the land, such as a dwelling/outbuildings); and
 - (c) The valuation must be completed not more than 3 months prior to the date of valid lodgement of the final plan, noting the requirements of Part 6.1.5 (b) above.
- 6.1.7 If Council doubts that the valuation provided by the developer properly reflects the true value of the land, Council reserves the right to ask for a revised valuation or seek its own valuation advice and, if necessary, refer the matter for determination as a disputed claim for compensation under the Land Acquisition Act 1993. Costs to be borne by the subdivider.
- 6.1.8 All money received by way of contribution shall be reserved exclusively for the purposes of Public Open Space acquisition or improvement.



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6.2 Payment of Public Open Space Contributions

- 6.2.1 The cash in lieu of land must be paid prior to the sealing of the Final Plan of Subdivision.
- 6.2.2 If a land transfer is to occur, it must occur at the time of the sealing of the Final Plan, or in a staged subdivision, as part of the first stage.
- 6.2.3 If this is not possible, the transfer is to occur as early as possible during the subdivision.
- 6.2.4 All monies received will be reserved exclusively for the purposes of Public Open Space acquisition or improvement in accordance with s117(5) of the Act and have regard to a future Public Open Space Strategy, Community Infrastructure Plan or any public open space projects endorsed by Council.
- (a) Expenditure from the Public Open Space Contributions Account (or similar) will be subject to a report to Council for consideration.
 - (b) Interest earned on the account will be rolled over into that account.
- 6.2.5 In a staged subdivision, payment shall be made in accordance with Part 6.4 of this policy.

6.3 Criteria for Land Contributions

- 6.3.1 A public open space land contribution will only be considered where one or more of the following apply:
- (a) Acquisition of the land would be consistent with one or more the following principles
 - (i) it would further the objectives of any adopted Council policy or strategic document
 - (ii) the land is the best location for POS in the wider area where the subdivision is located and there is low likelihood of alternative sites
 - (iii) the land is convenient, accessible and fit for purpose (i.e. useable and not overly constrained by topography, shape, natural hazards or infrastructure) and does not duplicate nearby POS
 - (iv) the land provides or improves permeability through the site or surrounding area
 - (v) the land provides or improves connectivity to other existing or prospective open space areas or public destinations
 - (vi) the land enhances the general amenity and urban character of the area
 - (vii) the land has special values (for example native flora, fauna, habitat, geomorphology, water catchment or cultural heritage values)
 - (viii) the land provides for a riparian reserve or habitat corridor
 - (ix) the land can be sustainably managed having regard to Council's Community Infrastructure Plan.
- 6.3.2 Land used for the following purposes shall not be transferred to Council for public open space;
- (a) Stormwater detention basins or drainage swales and natural water courses that would otherwise form part of the overall drainage infrastructure within the subdivision
 - (b) Above or below ground infrastructure that would limit the use of the land or landscaping treatments
 - (c) Pedestrian footways or other kinds of ways dedicated under section 95 of the LG BMP Act;
 - (d) Inaccessible estuarine/riverine areas, and
 - (e) Land burdened by easements or rights of way.



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- 6.3.3 The following will be considered in the decision to acquire land for public open space;
- (a) the existing provision of public open space in the area
 - (b) whether the land is conveniently located to service existing or future users
 - (c) whether the land is fit for propose in terms of size, shape, topography, gradient, infrastructure, conservation covenants, is not burdened by evasive weeds or other encumbrances; Where evasive weeds are present, Council will require a financial contribution from the subdivider to eliminate evasive weeds to ensure the open space area is 'fit for purpose.'
 - (d) the extent to which the land contributes to Council's ability to support a diversity of recreational activities
 - (e) the biodiversity value, extent and condition of existing vegetation/habitat
 - (f) the best location for public open space in the area and the likelihood of alternative sites
 - (g) the land's vulnerability to natural hazards
 - (h) The size, shape and location of land is consistent with established *Crime Prevention Through Environmental Design* (CPTED) Principles.

7. LEGISLATION & RELATED DOCUMENTS

Local Government (Building & Miscellaneous Provisions) Act 1993

Local Government Act 1993

Tasmanian Planning Scheme

Tasmanian Open Space Policy and Planning Framework

8. DOCUMENT ADMINISTRATION

This Instruction is a managed document and is to be reviewed every three (3) years or as directed by the General Manager.

This document is Version 1.0 effective 28-08-2024. The document is maintained by Development & Environmental Services for the Southern Midlands Council.

17.1.3 Local Government (Appointment and Performance of General Managers) Order 2024 (Information Item)

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 19 AUGUST 2024

Attachment(s):

Local Government (Appointment and Performance of General Managers) Order 2024 Information Sheet – General Manager Performance Monitoring
Information Sheet – General Manager Recruitment

ISSUE

To inform Council that the *Local Government (Appointment and Performance of General Managers) Order 2024* was gazetted on 24th July 2024 and has immediate effect.

BACKGROUND

The *Local Government (Miscellaneous Amendments) Act 2023* introduced amendments to the *Local Government Act 1993* (the Act) in relation to the appointment of general managers within councils.

It reintroduced a legislated requirement that councils appoint staff based upon a merit assessment and that they seek applications for general manager vacancies in most instances.

Under section 61A of the Act, the Minister for Local Government may make an Order in relation to the selection, appointment, re-appointment, and performance monitoring of a general manager.

DETAIL

The Minister for Local Government has now made an Order, completing the new regulatory framework that applies to the recruitment and performance assessment of general managers of Tasmanian councils.

This follows consultation with the sector undertaken in 2023.

The Order introduces requirements in respect of:

- a) conflicts of interest in the recruitment of general managers;
- b) sets high-level guiding principles; and
- c) requires councillors to obtain professional support; and establishes an annual performance review cycle based on agreed success measures.

The advice provided by the Acting Director of Local Government includes comment that while many councils meet these requirements already, it is expected that this statutory baseline, complimented by supporting material to be issued by the Office of Local Government and the Local Government Association of Tasmania, will harmonise good practice across the local government sector.

Human Resources & Financial Implications – Compliance with this Order will have financial implications. The annual review process of the General Manager will now require

the engagement of external resources to assist and provide information to Council to assist with the performance review process.

It is also noted that if a council is reappointing a general manager, the content of the general manager's most recent performance is to be taken into account.

Community Consultation & Public Relations Implications – N/A.

Priority - Implementation Time Frame – The Order was gazetted on 24 July 2024 and has come into effect.

RECOMMENDATION

THAT Council acknowledge that the *Local Government (Appointment and Performance of General Managers) Order 2024* was gazetted on 24th July 2024 and has immediate effect.

DECISION

Moved by Cllr A E Bisdee OAM, seconded by Cllr D Blackwell

THAT Council acknowledge that the *Local Government (Appointment and Performance of General Managers) Order 2024* was gazetted on 24th July 2024 and has immediate effect.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

17.2 Sustainability

Strategic Plan Reference 5.2

Retain corporate and operational knowledge within Council / Provide a safe and healthy working environment / Ensure that staff and elected members have the training and skills they need to undertake their roles / Increase the cost effectiveness of Council operations through resource sharing with other organisations / Continue to manage and improve the level of statutory compliance of Council operations / Ensure that suitably qualified and sufficient staff are available to meet the Communities need / Work co-operatively with State and Regional organisations / Minimise Councils exposure to risk / Ensure that exceptional customer service continues to be a hallmark of Southern Midlands Council

17.2.1 Tabling of Documents

Nil.

17.2.2 Elected Member Statements

An opportunity is provided for elected members to brief fellow Councillors on issues not requiring a decision.

Deputy Mayor K Dudgeon – Congratulated the organising Committee and volunteers for putting together the 2024 Heritage & Bullock Festival. This was an extremely successful and highly attended event. The Golf Club alone sold 880 lamb rolls and 700 loaves of bread were sold from the Commissariat at 79 High Street . Congratulations to the Works team who worked behind the scenes.

Deputy Mayor K Dudgeon – ODFA Grand Final was held 17th August 2024 between Bothwell and Triabunna with Bothwell victorious on the day. With 1500 recorded attendees it was a record breaking crowd.

Clr B Campbell – Advised Council of his attendance at the Chauncy Vale Wildlife Sanctuary Management Committee Meeting as proxy with Clr Blackwell being unable to attend on the day. It was also noted that Graham Green will soon be retiring and was commended for the fantastic job he has done over the years. Would like a card to be signed by Councillors showing Councils appreciation.

17.3 Finances

Strategic Plan Reference 5.3

Community's finances will be managed responsibly to enhance the wellbeing of residents / Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation / Council's financial position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses.

17.3.1 Monthly Financial Statement (Period ending 31 July 2024)

Author: FINANCE OFFICER (MANDY BURBURY)

Date: 12 AUGUST 2024

ISSUE

Provide the Financial Report for the period ending 31st July 2024.

BACKGROUND

The Operating Expenditure Report includes a Year to Date (YTD) Budget Column, with variations (and percentage) based on YTD Budgets.

Note: Depreciation is calculated on an annual basis at the end of the financial year. The budget and expense for depreciation are included in the June period.

DETAIL

The enclosed Report incorporates the following: -

- Statement of Comprehensive Income – 1 July 2022 to 31 July 2024.
- Operating Expenditure Report – 1 July 2022 to 31 July 2024.
- Capital Expenditure Report – 1 July 2022 to 31 July 2024.
- Cash Flow Statement – 1 July 2022 to 31 July 2024.

OPERATING EXPENDITURE (OPERATING BUDGET)

Overall operating expenditure to end of July was \$857,388 which represents 84.0% of the Year to Date Budget.

Whilst there are some variations within the individual Program Budgets (refer following comments), expenditure is consistent with the Budget.

Strategic Theme - Infrastructure

Nil.

Strategic Theme – Growth

Nil.

Strategic Theme – Landscapes

Nil.

Strategic Theme – Community

Nil.

Strategic Theme – Organisation

Nil.

CAPITAL EXPENDITURE PROGRAM

Capital expenditure projects are colour coded to signify the grant program and show the completion deadlines. A legend of the colour coding is as below:

Legend – Source and completion deadlines for grant funded projects

Roads to Recovery	It is the Government's intention that the full allocation is budgeted and spent in the year allocated
Local Road and Community Infrastructure (LRCI)	Phase 3 - 30 June 2024 / Phase 4 – 30 June 2025 (use or lose)
Other Specific Purpose Grants	Completion date as per grant deed or approved extension date

RECOMMENDATION

THAT the Financial Report be received and the information noted.

DECISION

Moved by Clr D Blackwell, seconded by Clr A E Bisdee OAM

THAT the Financial Report be received and the information noted.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

STATEMENT OF COMPREHENSIVE INCOME
for the period 1 July 2024 to 31 July 2024

	Annual Budget \$	Year to Date Actual \$	%	Comments
Income				
Rates	7,375,148	7,344,170	99.6%	Includes Interest & Penalties on rates
User Fees (refer Note 1)	1,304,313	145,317	11.1%	Includes Private Works
Interest	486,000	53,662	11.0%	
Government Subsidies	11,700	0	0.0%	Heavy Vehicle Licence Fees
Other (refer Note 2)	232,400	5,776	2.5%	Includes TasWater Distributions
Sub-Total	9,409,561	7,548,926	80.2%	
Grants - Operating	4,426,800	0	0.0%	
Total Income	13,836,361	7,548,926	54.6%	
Expenses				
Employee benefits	-5,735,244	-404,814	7.1%	Less Roads - Resheeting (Capitalised)
Materials and contracts	-3,996,965	-453,472	11.3%	Less Roads - Resheeting (Capitalised), Includes Land Tax & Private Works
Depreciation and amortisation	-4,120,000	-127,720,000	3100.0%	Percentage Calculation (based on year-to-date)
Finance costs	-4,979	-2,577	51.8%	Interest
Contributions	-287,371	0	0.0%	Fire Service Levies
Other	-173,993	-9,853	5.7%	Audit Fees and Councillor Allowances
Total expenses	-14,318,552	-128,590,716	898.1%	
Surplus (deficit) from operations	-482,191	-121,041,789	25102.5%	
Grants - Capital (refer Note 3)	3,905,575	61,680.00	1.6%	
Sale Proceeds (Plant & Machinery)	0	0		
Sale Proceeds (Land & Buildings)	0	0		
Sale Proceeds (Other Assets)	0	159		
Net gain / (loss on disposal of non-current assets)	0	0		
Surplus / (Deficit)	3,423,384	-120,979,950	-3533.9%	

STATEMENT OF COMPREHENSIVE INCOME
for the period 1 July 2024 to 31 July 2024

NOTES	Annual Budget \$	Year to Date Actual \$	%	Comments
1. Income - User Fees				
- All other Programs	919,613	125,776	13.7%	
- Private Works	384,700	19,542	5.1%	
	<u>1,304,313</u>	<u>145,317</u>	11.1%	
2. Income - Other				
- Tas Water Distributions	182,400	0	0.00%	
- Public Open Space Contributions	50,000	0	0.00%	
- Regional Community Learning Centre Levendale Contribution	0	776		
- TasWater Contribution to OAC Sculpture	0	5,000		
	<u>232,400</u>	<u>5,776</u>	2.5%	
3. Grants - Capital				
- Roads To Recovery	665,531	0	0.00%	
- Rural & Remote Roads Program	2,673,090	0	0.00%	Interlaken Road Project (\$1,069,236 in 2022-23 budget)
- LRCI - Phase 4	397,584	0	0.00%	
- Aust Govt - BS Bushfire Recovery Grant - The Haven	0	0		Broadmarsh/Elderslie Progress Association Inc Grant
- Vulnerable Road User Program	130,124	0		Included in 2022-23 budget
- Tas Govt (Better Active Transport) - Bagdad Shared Walkway	0	0		
- Tas Govt (Bus Stop Program) - Oatlands & Campania	39,246	0		1st Instalment - Total of grants \$39,246
- Tas Govt (Dept Health) - Oatlands Medical Accommodation	0	0		
- Tas Govt (State Growth) - VRUP Round 1 1st Instalment	0	0		2024-25 budget items - 2 Projects Reeve St & 1 Project Cimie St. Campania
- Tas Govt (State Growth) - Safer Rural Roads	0	55,000		2023-24 Projects - Woodsdale & Green Valley Rds Guard Rail
- Aust Govt - DVA Saluting their Service	0	6,680		
	<u>3,905,575</u>	<u>61,680</u>	1.58%	
4. Grants - Operating				
- FAGS 2024/25	4,426,800	0	0.00%	
	<u>4,426,800</u>	<u>0</u>	0.0%	

**SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2024/25
SUMMARY SHEET**

PROGRAM	ACTUAL (as at 31 July 24)	BUDGET (as at 31 July 24)	YTD VARIANCE	YTD %	FULL YEAR BUDGET - INC. GRANTS & OTHER
INFRASTRUCTURE					
Roads	118,016	110,949	-7,067	106.37%	3,695,184
Bridges	-	4,269	4,269	0.00%	459,620
Walkways	15,889	19,497	3,608	81.49%	243,503
Lighting	-	7,828	7,828	0.00%	84,790
Public Toilets	7,556	7,771	215	97.23%	96,102
Sewer/Water	-	-	-	-	-
Stormwater	1,229	2,477	1,248	49.62%	85,679
Waste	61,680	124,789	63,108	49.43%	1,373,747
Information, Communication	-	1,667	1,667	0.00%	20,000
INFRASTRUCTURE TOTAL:	204,371	279,247	74,876	73.19%	6,058,625
GROWTH					
Residential	-	-	-	-	-
Tourism	19,684	21,467	1,783	91.69%	47,718
Business	25,171	28,045	2,874	89.75%	391,418
Industry	-	-	-	-	-
GROWTH TOTAL:	44,855	49,512	4,657	90.59%	439,136
LANDSCAPES					
Heritage	28,347	52,098	23,751	54.41%	471,709
Natural	15,454	18,746	3,292	82.44%	206,318
Cultural	-	1,667	1,667	0.00%	25,000
Regulatory - Development	79,147	85,185	6,037	92.91%	1,050,886
Regulatory - Public Health	1,080	1,685	605	64.08%	20,220
Regulatory - Animals	8,888	9,114	225	97.53%	115,108
Environmental Sustainability	-	417	417	0.00%	5,000
LANDSCAPES TOTAL:	132,916	168,911	35,995	78.69%	1,894,241
COMMUNITY					
Community Health & Wellbeing	21,716	30,831	9,115	70.44%	313,472
Recreation	121,649	161,783	40,134	75.19%	1,212,694
Access	-	-	-	-	-
Volunteers	248	1,250	1,002	19.85%	51,000
Families	418	500	82	83.56%	10,000
Education	-	-	-	-	-
Capacity & Sustainability	799	3,467	2,669	23.03%	49,605
Safety	48	2,829	2,781	1.71%	33,950
Consultation & Communication	677	3,108	2,432	21.77%	37,300
LIFESTYLE TOTAL:	145,554	203,768	58,214	71.43%	1,708,021
ORGANISATION					
Improvement	-	6,877	6,877	0.00%	80,289
Sustainability	327,415	309,205	-18,210	105.89%	2,928,058
Finances	2,277	3,625	1,348	62.83%	355,238
ORGANISATION TOTAL:	329,692	319,707	-9,985	103.12%	3,363,585
TOTALS	\$857,388	\$1,021,145	\$163,757	84.0%	\$13,463,607

CAPITAL EXPENDITURE PROGRAM 2024-25
As at 31 July 2024

		BUDGET \$	EXPENDITURE \$	BALANCE \$	COMMENTS	COMPLETION DEADLINE
INFRASTRUCTURE						
ROAD ASSETS						
Resheeting Program	Roads Resheeting	700,000	8,379	691,621	LRCI - \$113,893	
Reseal Program	Roads Reseal Program (as below)	571,500	-	571,500	Roads to Recovery - \$101,400	30 June 2025
	Sealed Roads - Edge Breaks	300,000	-	300,000		
Minor Seals (New)	Oatlands - Bentwick Street	20,000	-	20,000	Budget c/f	
Reconstruct & Seal	Colebrook - Station Street (includes drainage)	45,000	-	45,000		
	Kempton - Sugarloaf Road (Junction with Main Street to Bridge) - 150 metres	28,875	-	28,875	Roads to Recovery - \$28,875	30 June 2025
	York Plains - Vicinity of 'Handroyd' - 800 metres	168,000	-	168,000	Roads to Recovery - \$168,000	30 June 2025
	Woodsdale - Woodsdale Road (1.5 kms Cricket Ground towards Quarry)	288,750	-	288,750	Roads to Recovery - \$288,750	30 June 2025
Construct & Seal	Oatlands - Interlaken Road	5,746,180	3,049,694	2,696,486	23/24 WIP - \$2,983,324	31 December 2024
Junction / Road Realignment	Andover - Nala Road Junction with Inglewood Road (Asphalt junction)	30,000	-	30,000		
Other	Campania - Car Park Improvements	67,600	-	67,600	LRCI - \$65,816	30 June 2025
	Campania - Estate Road (vicinity Mallow property)	49,000	14,974	34,026	Budget c/f - WIP \$14,974	
	Campania - Structure Plan - Town Gateway and Streetscape	40,000	-	40,000		
	Elderslie - Cliftonvale Road (Guard Rail) - 600 metres	90,000	-	90,000	Roads to Recovery - \$78,506	30 June 2025
	Oatlands - Hasting Street Junction	15,000	959	14,041	Budget c/f - WIP \$959	
	Oatlands - Stanley Street (from Midland Highway junction to Nelson Street)	35,000	17,636	17,364	Shoulder Repairs & Drainage (i.e. piping)	
	Oatlands - William Street (from Wellington Street towards Stanley Street)	13,500	-	13,500	Approx. 100 metres - Shoulder Repairs & Drainage (i.e. piping)	
	Tunbridge - Main Street (Kerb & Gutter Renewal)	40,000	-	40,000		
	Tunnack - Link Road Landslip	25,000	107	24,893	Budget c/f - WIP \$107	
	York Plains Road (vicinity of Rooney's Road) - Guard Rail - approx. 50 metres	7,250	-	7,250		
		8,280,655	3,091,748	5,188,907		
BRIDGE ASSETS	Nil	-	-	-		
		-	-	-		
WALKWAYS	Footpaths - General Streetscapes	40,000	-	40,000		
	Bagdad - Midland Highway Pathway (Primary School north to Community Club)	240,000	-	240,000	Election Commitment - \$150,000	
	Bagdad - Midland Highway Pathway (north of Bagdad Community Club)	645,840	15,423	630,417	Better Active Transport in Tas - \$370K; LRCI - \$145	30 September 2024
	Campania - Climie Street (Across Railway)	41,250	5,845	35,405	VRUP Grant - \$35,250	31 December 2024
	Campania - Reeve Street (adjacent to Flour Mill Park)	100,209	-	100,209	VRUP Grant - \$58,616	31 December 2024
	Campania - Reeve Street (Rec Ground entrance to Villeneuve Street)	51,158	-	51,158	VRUP Grant - \$36,258	31 December 2024
	Campania - Reeve Street - Footpath through to Hall	30,000	432	29,568	Budget c/f	
	Campania - Reeve Street Bus Stop - All Access All Weather Bus Stop Upgrade Progra	40,696	120	40,576	Bus Stops Grant - \$26,246	31 December 2024
	Kempton - Burnett Street to Mood Food	425,565	561	425,004	\$147,565 Budget c/f	
	Oatlands - High Street Bus Stop - All Access All Weather Bus Stop Upgrade Program	28,300	120	28,180	2024-25 budget project	21 December 2024
	Oatlands - Stanley Street (High Street to Nelson - 280 metres - kerb & footpath)	75,000	114,676	-	LRCI P4 - \$75,000	30 June 2025
	Oatlands - Campbell Street (scope of works expanded to include kerb/gutter)	85,000	85,074	-	LRCI P4 - \$85,000	30 June 2025
	Oatlands - Church Street (5th Parade to William St - north, side - Footpath - 130 m)	30,000	-	30,000		
		1,833,018	222,251	1,610,767		

CAPITAL EXPENDITURE PROGRAM 2024-25
As at 31 July 2024

		BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION DEADLINE	
		\$	\$	\$			
PUBLIC TOILETS	Oatlands - Callington Park	203,000	26,556	176,444	Election Commitment - \$45,000 & 23/24 Budget c/f of \$158,000		
	General Public Toilets - Upgrade Program	20,000	-	20,000	Budget c/f		
		223,000	26,556	196,444			
DRAINAGE	Stormwater System Management Plans (<i>Urban Drainage Act 2013</i>)	50,000	456	49,544			
	Bagdad / Mangalore - Hydraulic Assessment (Flood Mapping)	221,460	142,794	78,666	Grant Funding \$80,830 WIP \$127,285	30 September 2024	
		271,460	143,251	128,209			
WASTE	Wheelee Bins and Crates	5,000	-	5,000			
	WTS Safety & Operational Improvements	25,000	-	25,000			
		30,000	-	30,000			
GROWTH TOURISM	Oatlands - Heritage Interpretation Panel renewal	2,000	-	2,000			
	Oatlands Accommodation Facility	-	42,283	- 42,283	WIP \$42,283 (Offset by Barrack Street Property)		
		2,000	42,283	- 40,283			
LANDSCAPES HERITAGE	Jericho - Memorial Avenue - Plaques	20,000	4,300	15,700	Budget c/f WIP \$4,300		
	Kempton - Memorial Avenue Park - Interps	19,545	155	19,390	Budget c/f WIP \$155		
	Melton Mowbray - Recognition plaque JH Bisdee VC OBE (DVA Grant)	8,480	240	8,240	Saluting Their Service Grant \$7,480	30 November 2024	
	Oatlands - Callington Mill - Structural Repair & External painting	40,000	-	40,000			
	Oatlands - Council Chambers - Internal Toilets & Access Upgrade	100,000	9,357	90,643	Budget c/f WIP \$9,357		
	Oatlands - Court House (Wall Stabilisation)	15,000	4,764	10,236	WIP \$1,187		
	Oatlands - Gaolers Residence (Chimney Capping & Fireplace Repairs)	5,000	-	5,000			
	Oatlands Gaolers Residence (Wingwall)	23,000	-	23,000	Budget \$15K c/f		
	Oatlands - Heritage Buildings (Security Upgrades)	10,000	-	10,000			
	Oatlands - Heritage Collections Store	10,000	3,700	6,300	Budget c/f WIP \$3,700		
	Oatlands - Roche Hall (Building Improvements)	90,000	-	90,000			
	Oatlands - Roche Hall Forecourt (Interps - Planning Condition of Approval)	40,000	7,820	32,180	Budget c/f WIP \$7,820		
	Parattah - Railway Station - Shed for Gangers Trolley	2,000	10,555	- 8,555	Budget c/f		
		383,025	40,891	342,134			
	NATURAL	Campania - Bush Reserve / Cemetery	300,000	93,616	206,384	WIP \$93,346	
		Chauncy Vale - Day Dawn Cottage Improvements	12,000	8,557	3,443	WIP \$8,557	
		Chauncy Vale - Toilet & Interps Upgrade	45,000	-	45,000	Election Commitment \$45,000	
	357,000	102,173	254,827				
CULTURAL	Oatlands - Aquatic Centre (Forecourt - Art Installation)	20,000	24,083	- 4,083	TasWater Contribution \$5,000		
		20,000	24,083	- 4,083			

CAPITAL EXPENDITURE PROGRAM 2024-25
As at 31 July 2024

	BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION DEADLINE
	\$	\$	\$		
LANDSCAPES					
REGULATORY					
- DEVELOPMENT					
Master / Structure Plans (Bagdad / Mangalore / Campania)	50,000	1,711	48,289		
Kempton Council Chambers - Office Furniture & Equipment	7,500	-	7,500		
Property Purchase - 10 Barrack Street, Oatlands (Police Residence)	530,000	-	530,000		
Oatlands - Stanley Street Master Plan	20,000	172	19,828	Budget c/f WIP \$172	
Oatlands - MMPC Church Street Sub-Division	-	5,219	- 5,219	WIP \$4,988 Offset by sale of property	
	607,500	7,101	600,399		
REGULATORY					
- PUBLIC HEALTH					
Oatlands - GP Accommodation Units	500,000	277,516	222,484	Council Commitment \$100K (grant funded)	
	500,000	277,516	222,484		
ANIMAL CONTROL					
Oatlands - Off-Lead Dog Park	35,000	-	35,000	LRCI - \$35,000	
	35,000	-	35,000		
COMMUNITY					
RECREATION					
Facilities & Recreation Committee	40,000	-	40,000		
Bagdad - Bagdad Community Club (Precinct Plan)	25,000	23,817	1,183	Budget c/f WIP \$17,417	
Bagdad - Iden Road Park Development	75,000	-	75,000		
Broadmarsh - Broadmarsh Hall "The Haven"	1,747,054	1,717,054	30,000	Administration of Progress Assoc. Grant (incl SMC Cont \$30K)	
Campania - Justitia Court POS - Shelter Hut	16,000	15,516	484	LRCI P4 - \$16,000	30 June 2025
Campania - Memorial Hall (External Repainting)	10,600	-	10,600		
Campania - Recreation Ground (Electronic Scoreboard)	47,875	-	47,875	Election Commitment - \$35,000 & LRCI - \$12,875	
Campania - Recreation Ground (All abilities Car Parking)	26,750	-	26,750	Election Commitment - \$18,000	
Campania - Recreation Ground (Ground Improvements - Landscaping & Tiered Seating)	270,000	-	270,000	Election Commitment - \$200,00 & LRCI - \$70,000	
	1,100,000	3,850	1,096,150	LRCI - \$100,000 - Balance Subject to Grant Funding	
Campania - Recreation Ground (Upgrade Change rooms)					
Kempton - Recreation Ground (Irrigation)	60,000	1,637	58,363	LRCI P4 - \$60,000; WIP \$1637	30 June 2025
Kempton - Recreation Ground (Site Dev and Play Equipment)	24,250	5,837	18,413	Budget c/f	
Mangalore - Recreation Ground (Upgrade Horse Arena)	6,400	-	6,400	Election Commitment (to be reallocated)	
Mangalore - Recreation Ground (Dust Remediation - Tree planting etc.)	5,000	-	5,000		
Melton Mowbray - Streetscape Works (Trough / Shelter etc)	60,000	16,323	43,677		
Oatlands - Aquatic Centre (Courtyard Development - Shelter / BBQ)	30,000	-	30,000		
Oatlands - Aquatic Centre (Reception - Sliding Counter Window)	6,000	-	6,000		
Oatlands - Aquatic Centre (Gymnasium - Mirror & Equipment)	16,400	-	16,400		
Oatlands - Gay Street, Hall (Air Lock & Heating)	30,000	-	30,000		
Oatlands - Midlands Community Centre (External Painting - Front of Building)	8,000	-	8,000		
Oatlands - Old Swimming Pool (Staged demolition)	200,000	26,081	173,919	WIP \$15,756	
Oatlands Recreation Ground Redevelopment	-	7,950	- 7,950	Subject to Grant Funding	
Woodsdale Recreation Ground	45,000	-	45,000		
Water Bottle Refill Stations	7,980	-	7,980	Budget c/f	
	3,857,309	1,818,064	2,039,245		

CAPITAL EXPENDITURE PROGRAM 2024-25
As at 31 July 2024

		BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
		\$	\$	\$		DEADLINE
CAPACITY & SUSTAINABILITY	Property Purchase - 9 Barrack Street, Oatlands (Police Residence)	73,248	49,528	23,720	Budget \$519,490 less \$446K spent in 22/23	
		73,248	49,528	23,720		
ORGANISATION SUSTAINABILITY	Monitors; PC's; Keyboards & UPS's	7,500	-	7,500		
	Communications Link (possible transfer to Tasmanet)	16,000	-	16,000		
	WIFI Equipment	7,000	-	7,000		
	Council Website - Upgrade	25,000	-	25,000		
	Oatlands - Town Hall (General - Incl. Office Equip/Furniture)	7,500	-	7,500		
		63,000	-	63,000		
WORKS	Minor Plant Purchases	12,000	-	12,000		
	Survey Equipment (Road Layout & Stormwater Projects) - 2024-25 Budget Item	25,000	-	25,000		
	Variable Message Board	20,000	-	20,000		
	Radio System	5,000	-	5,000		
	Plant Replacement Program					
	Heavy Vehicles - Refer separate Schedule (Trade Allowance - \$227)	1,044,800	-	1,044,800		
	Light Vehicles (Net Changeover) (Trade Allowance - \$178)	340,257	-	340,257		
		1,447,057	-	1,447,057		
GRAND TOTALS		17,983,271	5,845,443	12,137,828		

Southern Midlands Council
Minutes – 28th August 2024

CASH FLOW 2024/2025	INFLOWS	INFLOWS	INFLOWS	INFLOWS	INFLOWS	INFLOWS	INFLOWS	INFLOWS	INFLOWS	INFLOWS	INFLOWS	INFLOWS	INFLOWS	INFLOWS
	(OUTFLOWS) July 2024	(OUTFLOWS) Aug 2024	(OUTFLOWS) Sep 2024	(OUTFLOWS) Oct 2024	(OUTFLOWS) Nov 2024	(OUTFLOWS) Dec 2024	(OUTFLOWS) Jan 2025	(OUTFLOWS) Feb 2025	(OUTFLOWS) Mar 2025	(OUTFLOWS) Apr 2025	(OUTFLOWS) May 2025	(OUTFLOWS) Jun 2025	(OUTFLOWS) (Total 2024/25)	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
Cash flows from operating activities														
Payments														
Employee costs	(407,267)													(407,267)
Materials and contracts	(1,651,885)													(1,651,885)
Interest	(2,577)													(2,577)
Other	(23,300)													(23,300)
	(2,085,029)	0	0	0	0	0	0	0	0	0	0	0	0	(2,085,029)
Receipts														
Rates	387,766													387,766
User charges	240,143													240,143
Interest received	53,662													53,662
Subsidies	0													0
Other revenue grants	0													0
Other	(69,151)													(69,151)
	612,421	0	0	0	0	0	0	0	0	0	0	0	0	612,421
Net cash from operating activities	(1,472,608)	0	0	0	0	0	0	0	0	0	0	0	0	(1,472,608)
Cash flows from investing activities														
Payments for property, plant & equipment	(211,844)													(211,844)
Proceeds from sale of property, plant & equipment	159													159
Proceeds from Capital grants	61,680													61,680
Proceeds from investments	0													0
Payment for investments	0													0
Net cash used in investing activities	(150,005)	0	0	0	0	0	0	0	0	0	0	0	0	(150,005)
Cash flows from financing activities														
Repayment of borrowings	(8,632)													(8,632)
Proceeds from borrowings	0													0
Net cash from (used in) financing activities	(8,632)	0	0	0	0	0	0	0	0	0	0	0	0	(8,632)
Net increase/(decrease) in cash held	(1,631,245)	0	0	0	0	0	0	0	0	0	0	0	0	(1,631,245)
Cash at beginning of reporting month	14,547,299	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	14,547,299
Cash at end of reporting period	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055	12,916,055

17.3.2 2023/2024 Southern Midlands Council – Complete set of Financial Statements

AUTHOR: GENERAL MANAGER (TIM KIRKWOOD) & FINANCE OFFICER (A BURBURY)

DATE: 14 AUGUST 2024

Attachment(s):

Southern Midlands Council – Financial Statements – 2023/2024 Financial Year
Heritage Building Solutions Pty Ltd – Year Ended 30 June 2024 (Information Only)
Heritage Education & Skills Centre Ltd – Year Ended 30 June 2024 (Information Only)

ISSUE

Tabling of Financial Statement(s) in accordance with section 84 of the *Local Government Act 1993*.

BACKGROUND

Section 84 of the *Local Government Act 1993* (the Act) requires the General Manager to prepare and forward to the Auditor-General a copy of the council's financial statements for each financial year in accordance with the *Audit Act 2008*.

The following is an extract from the *Local Government Act 1993*:

“84. Financial statements

(1) *The general manager is to prepare and forward to the Auditor-General a copy of the council's financial statements for each financial year in accordance with the [Audit Act 2008](#).*

(2) *Any financial statement for a financial year is to–*

(a)

(b) *specify any interests as notified to the general manager of any councillor in respect of any body or organisation with which the council has major financial dealings; and*

(c) *contain a comparison between the council's actual and estimated revenue and expenditure for that financial year; and*

(d) *contain a statement of any revenue and expenditure of a council committee, a special committee or a controlling authority; and*

(da) *contain a statement of the operating, capital and competitive neutrality costs in respect of each significant business activity undertaken by the council during that financial year together with a statement of the revenue associated with that activity; and*

(db) *contain financial management indicators, and asset management indicators, specified in an order under [subsection \(2A\)](#); and*

(e) *contain any other information the Minister determines.*

(2A) *The Minister, by order, may specify –*

(a) *financial management indicators; and*

(b) *asset management indicators –*

to be included in the financial statements of councils.

(2B) *The Minister is to consult with councils as to the matters to be included in an order under [subsection \(2A\)](#) .*

(3) *The general manager is to certify that, in accordance with this Act and any other relevant Act, the financial statements fairly represent –*

(a) the financial position of the council; and

(b) the results of the council's operations; and

(c) the cash flow of the council.

(4) *The general manager is to ensure that the certified financial statements are tabled at a meeting of the council as soon as practicable.*

(5) *In this section –*

competitive neutrality costs *means the costs required to be taken into account under the competitive neutrality principles.”*

The *Audit Act 2008* requires the statements to be lodged with 45 days after the end of each financial year.

DETAIL

Refer attached copy of the 2023/2024 Financial Report.

In relation to Heritage Building Solutions Pty Ltd and Heritage Education and Skills Centre Ltd), the Directors' Declaration was signed for Financial Statements for the two entities on 12th August 2024 (i.e. They are provided for information purposes, noting that the figures are consolidated into the Southern Midlands Council Statements).

It is confirmed that the Southern Midlands Council's Statement(s) were lodged with the Auditor-General (Tasmanian Audit Office) on Tuesday 13th August 2024 which is within the legislative timeframe of 45 days as required by the *Audit Act 2008*.

The draft Statements, which are still subject to audit, will be presented to Council's Audit Panel's meeting to be held in September 2024.

The following information details some of the more significant variances in the 'Consolidated Statement of Profit or Loss and Other Comprehensive Income':

Southern Midlands Council

Minutes – 28th August 2024

	Budget \$	Actual \$	Variance \$	Comments
Consolidated Statement of Comprehensive Income				
RECURRENT INCOME				
User Fees	1,333	1,643	310	Volunteer Contributions of \$132K are not budgeted but recognised as Income – offset in Expenses Includes revenue raised on sale of properties for unpaid rates \$122K Rental and lease income was \$20K higher than budget. Regulatory fees were \$18K higher than budget.
Grants - Recurrent	4,206	4,328	122	The increase is largely due to \$48K in income for grants that weren't included in the budget, the largest being the Active Tasmanian Lifeguard accreditation program (\$30K). The balance is due to our budgeted estimate being lower than the 2023/24 FAGS Grant adjusted allocation and the percentage of the 23-24 and 24-25 allocation paid in advance.
Interest on Investments	435	783	348	Increased revenue due to a substantial increase in 'interest on investment' rates.
Other Income	107	397	290	Other income includes \$114K for Public Open Space Contributions against a budget of \$50. We also received contributions of \$199K that weren't budgeted. Includes the MMPHC Auxiliary contribution to the GP Units of \$100K and an AFL contribution to the Mt Pleasant Change Room Upgrade of \$34K.
NET CAPITAL INCOME				
Grants - Capital	3,201	5,669	2,468	Grant revenue of \$1.3m was received for grants that weren't included in the budget, including the Black Summer Bushfire Grant (\$465K for the Broadmarsh Community Hall - project being managed by SMC and \$1m for the Interlaken Road Upgrade was budgeted in 2022/23 but received in 2023/24. Capital Grant revenue is adjusted to include only funds expended in the financial year, with income not yet expended held in the Statement of Financial Position as Contract Liabilities.

Southern Midlands Council

Minutes – 28th August 2024

	Budget \$	Actual \$	Variance \$	Comments
EXPENSES FROM CONTINUING OPERATIONS				
Employee Benefits	5,534	4,755	779	Reduced employee costs are due to focus on Capital Works during the reporting period and extended vacancies.
Materials and Contracts	3,711	3,787	76	Although there were some variations within individual Programs, overall expenditure on Materials and Contracts was consistent with budget.
Depreciation	3,723	4,235	512	\$234K increase in Building Asset Depreciation – mainly relates to the completion and recognition of the Bagdad Child Care Centre Building, the Mt Pleasant Club Room Upgrade and the Oatlands Aquatic Centre; \$100K increase in Road Asset Depreciation; and \$67K increase in Bridge Asset depreciation due to a revaluation of Bridges. \$124K increase in Plant & Machinery Asset depreciation due to recent asset replacement purchases.
Other Expenses	170	611	441	Actual expenditure includes Private Works (\$437K), however the budget for Private Works is in Materials and Contracts.

Southern Midlands Council

Minutes – 28th August 2024

	Budget \$	Actual \$	Variance \$	Comments
Consolidated Statement of Financial Position				
Cash and Cash Equivalents		14,553		Cash and cash equivalents has reduced from \$17,451K on 30 June 2023 to \$14,553 on 30 June 2024. This reduction is due to the repayment of the Oatlands Aquatic Centre Loan. The loan repayment is also reflected in a reduction in Interest-bearing loans and borrowings liability.
Property, plant, equipment, infrastructure and intangibles		145,055		The increase in the value of assets of \$11m includes: Revaluation of Land Under Roads (increase of \$3.2m); Revaluation of Bridges (increase of \$2.8m); Capital acquisitions (including work in progress) of \$10.2m; Disposal of Land and Buildings \$576K (Levendale Community Learning Centre); Disposal of Plant \$432K; and Depreciation of \$4.3m
Contract Liabilities		593		Capital Grants received but not expended. The majority relates to the Bagdad Pathway (Better Active Transport Grant \$362K) and the Kempton to Mood Food Pathway (Tas. Govt. Grant \$147K).
Investment in Water Corporation		12,673		Council's equity share in TasWater increased by \$759K in 2023/24.

The General Manager and/or Finance Officer will provide any further explanation required and respond to any questions.

Human Resources & Financial Implications – Nil.

Community Consultation & Public Relations Implications – Not applicable.

Council Web Site Implications - A copy of the audited Statement will be included on the website as part of the 2023/24 Annual Report when completed.

Policy Implications – N/A.

Priority - Implementation Time Frame – Report completed and submitted to the Auditor General within the statutory timeframe.

RECOMMENDATION

THAT Council receive the following:

- 1. Southern Midlands Council - Complete set of Financial Statements 2023/24;**
- 2. Heritage Building Solutions Pty Ltd – Financial Statements for Year Ended 30 June 2024;**
- 3. Heritage Education and Skills Centre Ltd - Financial Statements for Year Ended 30 June 2024.**

DECISION

Moved by Clr A E Bisdee OAM, seconded by Clr D Blackwell

THAT Council receive the following:

- 1. Southern Midlands Council - Complete set of Financial Statements 2023/24;**
- 2. Heritage Building Solutions Pty Ltd – Financial Statements for Year Ended 30 June 2024;**
- 3. Heritage Education and Skills Centre Ltd - Financial Statements for Year Ended 30 June 2024.**

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

17.3.3 Reptile Rescue Incorporated – Request for Donation

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 15 AUGUST 2024

Enclosure(s):

Letter from Reptile Rescue Inc

ISSUE

Council to consider a request for a donation received from Reptile Rescue Inc.

DETAIL

In reference to the letter, Reptile Rescue Inc. is an incorporated charity that coordinates the removal of errant snakes in every municipality in Tasmania (State wide), relying on a network of trained and approved independent field operatives.

Whilst I am advised that property owners are generally charged a fee of \$50 for removal of a snake, it must be acknowledged that this would not fully meet the cost of providing such a service.

In considering this request, consideration should also take into account the fact that Council officers often refer ratepayers to Reptile Rescue to deal with snake related matters.

This organisation is not recognised in Council's 'Donations and Community Support Policy' and therefore the request is to be considered on merit.

Note: The Southern Midlands Council provided a donation of \$500 in March 2021 and \$250 in May 2019 in recognition and appreciation for the services provided by Reptile Rescue Inc.

Human Resources & Financial Implications – There is capacity in our community donations budget for 2023/24 for a \$500 donation.

Community Consultation & Public Relations Implications – Any support for a community based volunteer organisation would have positive public relations implications.

Policy Implications – N/A

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT Council donate an amount of \$500 to Reptile Rescue Inc. in recognition of the services provided by that organisation to the Southern Midlands community.

DECISION

Moved by Cllr B Campbell, seconded by Deputy Mayor K Dudgeon

THAT Council donate \$500 to Reptile Rescue Inc. in recognition of the services provided by that organisation to the Southern Midlands community.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

ENCLOSURE
Agenda Item 17.3.3



June 2024

Dcar, General Manager, Mayor & Councillors

Reptile Rescue Inc. is an incorporated charity that has been operating in Tasmania since 1999 which coordinates the removal of errant snakes in every municipality in Tasmania (State wide), relying on a network of trained and approved independent field operatives (rangers).

In order that this service can function, we are asking for financial assistance from every council throughout Tasmania. As Reptile Rescue Inc. is a non for profit organisation it still comes with costs i.e. phone, liability insurance, out of pocket expenses for the rangers use of own vehicles.

We receive approx. 8,000 calls per year, and the phone is voluntary monitored 24/7.

The 2023 – 2024 annual financial donations would be to meet the running costs of this service, which are quite substantial each year. Payment by clients for service is applied directly by independent rangers trained and equipped at their own expense. Reptile Rescue Inc. has approximately eighty voluntary rangers on record.

In order that we can adequately service the state, we kindly request that you consider assisting in the implementation of this state wide incentive.

For any enquires call 0447645953

Yours sincerely,

Jodie Jones
Secretary
Reptile Rescue Inc.

Bank Details: Reptile Rescue Inc. My State BSB: 807-009 ACC: 60041811
Email: Remittance advice to jjp7468@bigpond.com

18. MUNICIPAL SEAL

Nil.

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

19.1 Review and Amendment of Mobile Food Vendors Policy

Author: DEPUTY GENERAL MANAGER (ANDREW BENSON)

Date: 26 AUGUST 2024

Attachment(s):

Draft Revision – Mobile Food Vendors Policy – Version 3

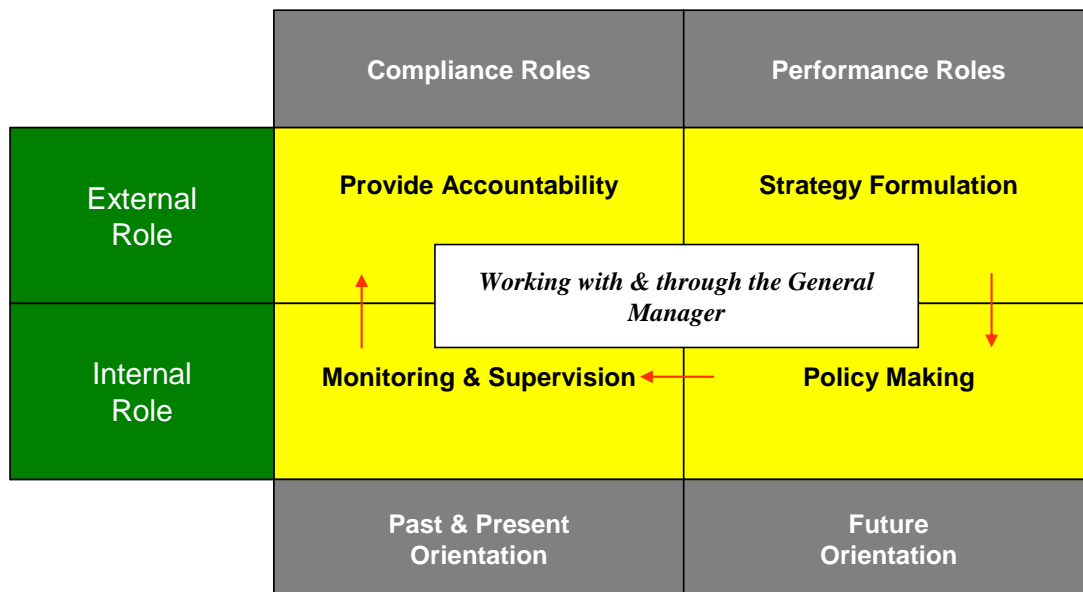
ISSUE

Council are required to review and update its various policies from time to time. The nominated policy has been reviewed, amendments made, and now requires consideration, then adoption by Council.

BACKGROUND

FRAMEWORK FOR ANALYSING COUNCIL’S GOVERNANCE FUNCTION

The diagram below along with its explanation has been the subject of previous presentations to Council; however, it is meaningful to reflect on this governance framework when policy documents are presented to Council.



DETAIL

This draft revision of the Mobile Food Vendors Policy is submitted for Council’s consideration. The review has identified a conflict in respect of the following clause and one of the identified sites;

[EXTRACT]

OBJECTIVES

2.3 Accommodate mobile food vendor trading on Council or community land in a reasonable manner which will:

- complement and not unreasonably compete with existing fixed address food businesses;

[END OF EXTRACT]

The author of this report was contacted, on the afternoon of Friday 23rd August 2024, by the Proprietor of the Campania Tavern. He was extremely disappointed that a Mobile Food Vendor had given notice via the Campania Community Facebook page, that they intended to set up their Vendor Food Van in the Campania carpark adjacent to the Campania Tavern, on Saturday 24th August 2024. The proprietor of the Campania Tavern stated that the Mobile Food Vendor would be setting up in direct competition to his business.

Further, it is noted that Council are undertaking works over this current financial year to upgrade the carpark in meeting burgeoning needs in the area. Therefore the inclusion of this site as a Mobile Food Vendor location under the policy would also be an impediment to safety and therefore a potential liability that Council could do without within the Council owned carpark.

The removal of the Campania carpark location within the policy is the significant change to this policy. It is noted that this policy would still permit a site in the Campania Recreation Ground being available to service the Campania area/events.

As Councillors are aware, the process for any policy document is, that it is tabled at one meeting and then “lays on the table” until the next meeting, to enable Councillors sufficient time to work through and consider all of the ramifications of the strategy/policy, before the document is finally considered for adoption at the following meeting, subject to any amendments agreed by Council.

The draft revision of the Mobile Food Vendor Policy is attached and shows some the changes to the document as discussed above. There are no changes required by legislation.

RECOMMENDATION

THAT Council

1. Receive and note the report;
2. Consider draft version 3 of the Mobile Food Vendors Policy in preparation for the adoption of the revised policy, at the September 2024 Council meeting, subject to any Council amendments.

DECISION

Moved by Deputy Mayor K Dudgeon, seconded by Clr D Fish

THAT Council

1. Receive and note the report;
2. Consider draft version 3 of the Mobile Food Vendors Policy in preparation for the adoption of the revised policy, at the September 2024 Council meeting, subject to any Council amendments.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

RECOMMENDATION

THAT in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following items are to be dealt with in Closed Session.

Matter	Local Government (<i>Meeting Procedures</i>) Regulations 2015 Reference
<i>Closed Council Minutes - Confirmation</i>	15(2)(g)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Property Matter</i>	15(2)(f)

DECISION

Moved by Clr D Blackwell, seconded by Clr B Campbell

THAT in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following items are to be dealt with in Closed Session.

Matter	Local Government (<i>Meeting Procedures</i>) Regulations 2015 Reference
<i>Closed Council Minutes - Confirmation</i>	15(2)(g)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Property Matter – Oatlands</i>	15(2)(f)
<i>Australia Day Awards</i>	15(2)(h)

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

RECOMMENDATION

THAT in accordance with Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session and the meeting be closed to members of the public.

DECISION

Moved by Cllr A E Bisdee OAM, seconded by Cllr B Campbell

THAT in accordance with Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session and the meeting be closed to members of the public.

CARRIED

DECISION (MUST BE BY ABSOLUTE MAJORITY)		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

CLOSED COUNCIL MINUTES

20. BUSINESS IN “CLOSED SESSION”

20.1 Closed Council Minutes - Confirmation

In accordance with the Local Government (Meeting Procedures) Regulations 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.

Item considered in Closed Session in accordance with Regulation 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.

20.2 Applications for Leave of Absence

In accordance with the Local Government (Meeting Procedures) Regulations 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.

Item considered in Closed Session in accordance with Regulation 15(2)(h) of the Local Government (Meeting Procedures) Regulations 2015.

20.3 Property Matter – Oatlands

In accordance with the Local Government (Meeting Procedures) Regulations 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.

Item considered in Closed Session in accordance with Regulation 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2015.

20.4 Australia Day Event

In accordance with the Local Government (Meeting Procedures) Regulations 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.

Item considered in Closed Session in accordance with Regulation 15(2)(h) of the Local Government (Meeting Procedures) Regulations 2015.

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

Moved by Clr D Fish, seconded by Clr B Campbell

THAT Council move out of “Closed Session”.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

OPEN COUNCIL MINUTES

21. CLOSURE

The meeting closed at 1.02 p.m.