

AGENDA ATTACHMENTS

20TH OCTOBER 2020

ORDINARY COUNCIL MEETING

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Central Highlands Council

Draft Minutes – ORDINARY MEETING – 15TH SEPTEMBER 2020

Draft Minutes of an Open Ordinary Meeting of Central Highlands Council held at Hamilton Council Chambers, on Tuesday 15th September 2020, commencing at 9am.

1.0 OPENING

The Mayor advises the meeting and members of the public that Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website.

Mayor L Triffitt opened the meeting at 9.00am.

2.0 ACKNOWLEDGEMENT OF COUNTRY

3.0 PRESENT

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer (attended at 9.15 a.m.), Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner, Cllr J Poore, Mrs Lyn Eyles (General Manager), Mr Adam Wilson (Deputy General Manager) and Mrs Katrina Brazendale (Minutes Secretary).

4.0 APOLOGIES

NIL

5.0 PECUNIARY INTEREST DECLARATIONS

In accordance with Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor requests Councillors to indicate whether they or a close associate have, or are likely to have a pecuniary interest (any pecuniary or pecuniary detriment) or conflict of interest in any Item of the Agenda.

NIL

6.0 CLOSED SESSION OF THE MEETING

Regulation 15 (1) of the *Local Government (Meeting Procedures) Regulations 2015* states that at a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in sub-regulation (2).

As per *Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015*, this motion requires an absolute majority

Moved: Cllr A Campbell

Seconded: Cllr A W Bailey

THAT pursuant to *Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015*, Council, by absolute majority, close the meeting to the public to consider the following matters in Closed Session

Item Number	Matter	Local Government (Meeting Procedures) Regulations 2015
1	Confirmation of the Minutes of the Closed Session of the Ordinary Meeting of Council held on 18 August 2020	Regulation 15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential
2	Quotes Vehicle Replacements	Regulation 15 (2)(d) – contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal
3.	Tenders Supply and Delivery of Bitumen Reseals	Regulation 15 (2)(d) – contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal
4	Legal Advice	Regulation 15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential
5	General Manager's Report	Regulation 15 (2)(g) – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential
6	Application for Assistance under Policy No 2020-58 Commercial Addendum to Financial Hardship Assistance Policy	Regulation 15 (2)(j) – the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area
7	Consideration of Matters for Disclosure to the Public	Regulation 15 (8) - While in a closed meeting, the Council, or Council Committee, is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues

CARRIED**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

6.1 MOTION OUT OF CLOSED SESSION**Moved:** Cllr A Campbell**Seconded:** Cllr J Honner**That** the Council:

- (1) Having met and dealt with its business formally move out of the closed session; and
- (2) Resolved to report that it has determined the following:

Item Number	Matter	Outcome
1	Confirmation of the Minutes of the Closed Session of the Ordinary Meeting of Council held on 18 August 2020	Minutes of the Closed Session of the Ordinary Meeting of Council held on 18 August 2020 were confirmed
2	Quotes Vehicle Replacements	Council accepted the quotes from

3	Tenders Supply and Delivery of Bitumen Reseals	Council accepted the tender from Fulton Hogan for Councils 2020/21 reseal works
4	Legal Advice	The advice provided was noted
5	General Manager's Report	The report provided was received and noted
6	Application for Assistance under Policy No 2020-58 – Commercial Addendum to Financial hardship Assistance Model Policy	A Remission of \$1,000 on rates was granted to the applicant as per Council's policy
7	Consideration of Matters for Disclosure to the Public	Matters were considered

CARRIED**FOR the Motion:**

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A Archer, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

OPEN MEETING TO PUBLIC

Due to COVID-19 a limit of 4 members of the public, at any one time will be applied.

7.0 DEPUTATIONS

10.15 - 10.30 Members of the HATCH Executive to present to Council

10.30 – 10.45 Ms Allie Bock & Ms Vanessa Fletcher - Parasitic Infestations Causing Death in Native Wildlife in the Central Highlands

11.00 – 11.30 Damian Mackey – Update on Draft Local Provisions Schedule

7.1 PUBLIC QUESTION TIME**8.0 MAYORAL COMMITMENTS**

13 August 2020	Business of Council
13 August 2020	Meeting with Ratepayer
17 August 2020	Business of Council
18 August 2020	Ordinary Meeting of Council Bothwell
19 August 2020	HATCH Meeting at Bothwell Football Club & Community Centre
20 August 2020	Business of Council
20 August 2020	Photo Shoot Hollow Tree
24 August 2020	Business of Council
25 August 2020	Business of Council
26 August 2020	Business of Council
26 August 2020	Meeting with Councillor
27 August 2020	Business of Council
1 September 2020	Business of Council

2 September 2020	Meeting with Deputy Mayor & Ratepayers RE Fentonbury Memorial
3 September 2020	Business of Council
3 September 2020	Meeting with Councillor
7 September 2020	Business of Council
8 September 2020	By-Law Workshop at Bothwell Football Club & Community Centre
9 September 2020	Meeting Yingina / Great Lake Adventure Trial
9 September 2020	Meeting with John Tucker MP

8.1 COUNCILLOR COMMITMENTS

Clr A Campbell

18 August 2020	Ordinary Meeting, Bothwell
19 August 2020	HATCH Meeting, Bothwell
24 August 2020	Audit Panel Meeting, Hamilton
27 August 2020	Health and Wellbeing Working Group Meeting, Hamilton
08 September 2020	By-Law Workshop, Bothwell
09 September 2020	HATCH, Healthy Connect Project Working Group Meeting, Hamilton

Clr R Cassidy

18 August 2020	Ordinary Council Meeting Bothwell
08 September 2020	By-Law Workshop

Clr J Honner

18 August 2020	Ordinary Council Meeting Bothwell
1 September 2020	Football Club & Community Centre Meeting
08 September 2020	By-Law Workshop

STATUS REPORT COUNCILLORS

Item No.	Meeting Date	Agenda Item	Task	Councillor Responsible	Current Status	Completed Date
1	18-Feb-20	12.1	Derwent Catchment Project - Strategic Plan for the development of Agriculture and Tourism	Deputy Mayor Allwright	On going to provide Council with updates each Council meeting	
2	18-Feb-20	16.3	AFLT Statewide Facilities Plan	Deputy Mayor Allwright	On going to provide Council with updates each Council meeting	
3	18-Feb-20	16.5	Cattle Hill Wind Farm Community Fund Committee	Mayor Triffitt, Clr Campbell & Clr Honner	On going to provide Council with updates each Council meeting	

8.2 GENERAL MANAGER'S COMMITMENTS

18 August 2020	Council Meeting
20 August 2020	Meeting re Hollow Tree Road Safety Audit
24 August 2020	Audit Panel Meeting
27 August 2020	Health & Wellbeing Meeting
7 September 2020	Meeting A Benson & Anthony McConnor
8 September 2020	Plant Committee Meeting
8 September 2020	Council Workshop proposed By-Law
9 September 2020	Meeting with Matt Fishburn & Tony Hart
9 September 2020	Meeting Mayor and John Tucker MP
14 September 2020	South Central Sub-Committee Meeting

8.3 DEPUTY GENERAL MANAGER'S COMMITMENTS

18 August 2020	Ordinary Council Meeting
19 August 2020	LGAT Lunchtime Webinar Series - Mr Graeme Lynch
24 August 2020	Audit Panel Meeting
25 August 2020	Southern Region Social Recovery Committee Meeting
1 September 2020	Bothwell Football Club & Community Centre Management Committee Meeting
2 September 2020	Southern Council Recovery Committee Meeting
3 September 2020	Central Highland Visitor Centre Management Committee
8 September 2020	Southern Region Social Recovery Committee Meeting
16 September 2020	Central Highlands Council ASU Bargaining EBA Meeting

9.0 NOTIFICATION OF COUNCIL WORKSHOPS HELD

By-Law Workshop 8th September 2020 Bothwell

9.1 FUTURE WORKSHOPS

Meeting with the President & CEO of LGAT – date to be determined

10.0 MAYORAL ANNOUNCEMENTS

The Mayor read a letter that was received from Minister Ferguson regarding the Florentine River Bridge

11.0 MINUTES

11.1 RECEIVAL DRAFT MINUTES ORDINARY MEETING

Moved: Clr J Honner

Seconded: Clr A Campbell

THAT the Draft Minutes of the Open Council Meeting of Council held on Tuesday 18th August 2020 be received.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

11.2 CONFIRMATION OF MINUTES ORDINARY MEETING

Moved: Clr J Honner

Seconded: Clr J Poore

THAT the Minutes of the Open Council Meeting of Council held on Tuesday 18th August 2020 be confirmed.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

11.3 RECEIVAL DRAFT MINUTES BOTHWELL FOOTBALL CLUB & COMMUNITY CENTRE MANAGEMENT COMMITTEE MEETING

Moved: Clr J Honner

Seconded: Clr J Poore

THAT the Draft Minutes of the Bothwell Football Club & Community Centre Management Committee Meeting held on Tuesday 1st September 2020 be received.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

12.0 BUSINESS ARISING

- 15.1 Correspondence sent by Development & Environmental Services Manager
- 15.2 Correspondence sent by Mayor
- 15.5 Comments to be reviewed by Development & Environmental Services Manager
- 16.1 Correspondence sent by Acting Works and Service Manager
- 16.2 Correspondence sent by Acting Works and Service Manager
- 16.3 Correspondence sent by Acting Works and Service Manager
- 16.4 Correspondence sent by General Manager
- 17.1 Correspondence sent by Deputy General Manager
- 17.2 Correspondence sent by Deputy General Manager
- 17.3 Council policy on council website
- 17.4 Council policy on council website
- 17.5 Council policy on council website
- 17.6 Council policy on council website
- 17.7 Correspondence sent by General Manager
- 18.1 Correspondence sent by Deputy General Manager
- 18.2 Correspondence sent by Deputy General Manager
- 18.3 Correspondence sent by Mayor

13.0 DERWENT CATCHMENT PROJECT REPORT

Moved: Clr A Campbell

Seconded: Clr J Poore

THAT the Derwent Catchment Project report be received.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

14.0 FINANCE REPORT

Moved: Clr J Honner

Seconded: Clr A W Bailey

THAT the Finance Reports be received.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

15.0 DEVELOPMENT & ENVIRONMENTAL SERVICES

In accordance with Regulation 25(1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

Moved: Clr R Cassidy

Seconded: Clr A W Bailey

THAT the Development & Environmental Services Report be received.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

Tracey Turale, Pip Allwright Members of the HATCH Executive and Graham Rogers (Manager Development Services) attended the meeting at 10.10 a.m.

15.1 POLICY NO 2017-49 PUBLIC COMMENT ON PLANNING AGENDA ITEMS AT COMMITTEE MEETINGS

Moved: Deputy Mayor J Allwright

Seconded: Clr R Cassidy

THAT Council approve Policy 2017-49 Public Comment on Planning Agenda Items at Committee Meetings.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

15.2 SECURITY CAMERAS AT BOTHWELL FOOTBALL CLUB AND COMMUNITY CENTRE

Moved: Deputy Mayor J Allwright

Seconded: Clr A Campbell

THAT Council defer item 15.2 until the October 2020 ordinary meeting to seek further information from the supplier and if any grants are available for the project.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

Moved: Clr J Poore

Seconded: Clr A Campbell

THAT Council move back to **Item 7.0.**

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

Aly Bock and Garry Davd attended the meeting at 10.18 a.m.

Tracey Turale and Pip Allwright (members of the HATCH Executive) provided an update to Council on the activities and developments that have been occurring in the Municipality area since their previous updates. The discussions concluded at 10.32 a.m. and they left the meeting.

Aly Bock attended the meeting to discuss parasitic infestations causing death in native wildlife in the Central Highlands and wants Council's support to raise awareness of these issues.

Damian Mackey attended the meeting at 10.47 a.m.

Moved: Clr A Archer

Seconded: Clr R Cassidy

THAT Council support the request and write a letter to Minister Barnett on behalf of Aly Bock, seeking resources be made available to these project and that the Central Highlands Council is very supportive of looking after our native wildlife.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

The discussions concluded at 10.54 a.m. and Aly Bock and Garry Davd left the meeting.

Damian Mackey attended the meeting to provide Council with an Update on Draft Local Provisions Schedule. The discussions concluded at 11.35 a.m. and Damian Mackey left the meeting.

Moved: Deputy Mayor J Allwright

Seconded: Clr J Honner

THAT Council move back to **Item 15.3**

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

Clr A Archer and Clr R Cassidy left the meeting at 11.36 a.m.

15.3 HEAT PUMP AT BOTHWELL FOOTBALL CLUB & COMMUNITY CENTRE

Moved: Clr J Honner

Seconded: Clr S Bowden

THAT an extra \$5,000 be allocated in the 2020-2021 Budget to allow for the installation of three 10.5kW Wall Mounted Reverse Cycle Heat Pumps and two ceiling fans at the Bothwell Recreation Ground and Community Centre.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr J Honner and Clr J Poore.

15.4 REVIEW OF DOG MANAGEMENT POLICY

Moved: Clr J Poore

Seconded: Clr J Honner

THAT all comments on the Dog Management Policy be forwarded to the Manager Development and Environmental Services by Friday 2nd October 2020.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr J Honner and Clr J Poore.

Clr R Cassidy returned to the meeting at 11.41 a.m.

15.5 CLIMATE CHANGE POLICY

Moved: Deputy Mayor J Allwright

Seconded: Clr A W Bailey

THAT Item 15.5 be deferred and obtain further advice.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

15.6 AIR QUALITY BOTHWELL OFFICE

Noted

15.7 COVID 19 UPDATE

Noted

15.8 EMERGENCY MANAGEMENT - COVID 19 REQUIREMENTS

Noted

15.9 WASTE UPDATE

Noted

15.10 FIRE SERVICE ACT REVIEW

Moved: Deputy Mayor J Allwright

Seconded: Clr A Campbell

THAT any feedback on the review of the Fire Services Act and all subordinate legislation in 2018 be provided to the Manager of Development and Environmental Services by 12.00noon and further discussions take place tomorrow at the Bothwell Council Chambers at 12.00 noon for those Councillors who wish to attend. This will allow the Manager of Development and Environmental Services to lodge the feedback with the Local Government Association of Tasmania by the COB on the 16 September 2020.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

15.11 TASMANIAN WILDERNESS WORLD HERITAGE AREA MANAGEMENT PLAN

Noted

15.12 DRAFT MOU BETWEEN CENTRAL HIGHLANDS COUNCIL AND THE SALVATION ARMY - EMERGENCY CATERING

Moved: Deputy Mayor J Allwright

Seconded: Clr A W Bailey

THAT comment on the draft MOU between Central Highlands Council and the Salvation Army – Emergency Catering be provided to the Manager Development and Environmental Services by Friday 25th September 2020.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

15.13 DES BRIEFING REPORT

PLANNING PERMITS ISSUED UNDER DELEGATION

The following planning permits have been issued under delegation during the past month.

NO PERMIT REQUIRED

DA NO.	APPLICANT	LOCATION	PROPOSAL
2020 / 00051	J & M Jones	19 Jones Road, Miena	Dwelling
2020 / 00054	R G Dykes	2 Wilburville Road, Wilburville	Outbuilding
2020 / 00053	Quanex	7 Reynolds Neck Road, Reynolds Neck	Outbuilding
2020 / 00058	Simmons Wolfhagen Lawyers	30 & 32 Thiessen Crescent, Miena	Adhesion Order

PERMITTED

DA NO.	APPLICANT	LOCATION	PROPOSAL
2020 / 00052	W W Prior, M L Amy	199 Bradys Lake Road, Bradys Lake	Change of Use to Visitor Accommodation

DISCRETIONARY

DA NO.	APPLICANT	LOCATION	PROPOSAL
2020 / 00041	Triffett Holdings Pty Ltd	56 Woodmoor Road, Ouse	Extractive Industry (Level 1 Quarry)
2020 / 00045	J Chaplin	69 Richardsons Road, National Park	New Dwelling
2020 / 00046	N A Bunney	16 Elizabeth Street, Bothwell	Outbuilding

ANIMAL CONTROL**IMPOUNDED DOGS**

No dogs have been impounded over the past month.

STATISTICS AS OF 9 SEPTEMBER 2020**Registrations**

Number of Dogs Registered – 883

Number of Dogs Pending Re-Registration – 87

Kennel Licences

Number of Licences Issued – 29

Number of Licences Pending Renewal – 1

The meeting was suspended for lunch at 12.05 p.m. and resumed at 12.45 p.m. Jason Branch Manager Works and Service was in attendance when the meeting resumed.

16.0 WORKS & SERVICES

Moved: Clr J Honner

Seconded: Clr R Cassidy

THAT the Works & Services Report be received.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

16.1 WADDAMANA ROAD FLOODING DAMAGE

Moved: Clr R Cassidy

Seconded: Clr A W Bailey

THAT Council cover the cost of the repairs to the flood damage that occurred during the June rain event, and that Councils Works and Service Manager continue to liaise with Goldwind for any contribution towards the road repairs.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

16.2 HAMILTON TOWNSHIP SIGN

Moved: Clr J Poore

Seconded: Clr R Cassidy

THAT Works and Services Manager liaise with Mrs Madden to choose the colour for the painting of the sign.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

16.3 WORKS TO REPAIR DEFECTS ON HOLLOW TREE ROAD

Moved: Clr A W Bailey

Seconded: Clr R Cassidy

THAT Council allocates the \$45,000 from reserves to repair the defects on Hollow Tree Road and the Works and Services Manager accept the lowest quote received.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

16.4 CLYDE RIVER HAMILTON FOOT BRIDGE

Moved: Clr J Poore

Seconded: Clr S Bowden

THAT Council defer the recommendation and write to the Minister requesting assistance for a 'public walkway' that currently imposes a safety hazard over the Clyde River at Hamilton.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

Jason Branch Manager Works and Service left the meeting at 1.15 p.m.

17.0 ADMINISTRATION

17.1 REQUEST FOR RATES REMISSION

Moved: Clr J Poore

Seconded: Clr A Campbell

CARRIED

THAT Council change the current garbage charges to the standard domestic rate of \$263.00 for property 01-0805-03694.

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

17.2 REVIEW OF TASMANIAN'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK

Noted

17.3 REQUEST FOR RATES REMISSION

Moved: Clr R Cassidy

Seconded: Clr J Honner

THAT Council remit the rates on property 04-0017-03967 for the amount of \$528.17.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

17.4 REQUEST FOR RATES REMISSION

Moved: Clr J Honner

Seconded: Clr J Poore

THAT Council remit 50% of the General Rate \$204.71 and the Solid Waste Charge \$160.00 which is a total remission of \$364.71 for property 01-0805-02805.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

17.5 BUSHFIRE RECOVERY GRANTS FOR PRIMARY PRODUCERS

Noted

17.6 REGIONAL TOURISM BUSHFIRE RECOVERY GRANTS

Moved: Clr R Cassidy

Seconded: Clr J Poore

THAT Council consider what type of projects they would like to apply for under the Stream 1 of the Regional Tourism Bushfire Recovery (RTBR) grants program.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

17.7 THE MERCURY TASMANIAN TOURISM RELIEF OFFER

Moved: Clr R Cassidy

Seconded: Clr J Honner

CARRIED

THAT Council allocated \$5,000 for a graphic designer and advertising in the Mercury.

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

17.8 FEASIBILITY STUDY FOR THE GREAT LAKE TRAIL

Noted

17.9 REQUEST FROM BAPTCARE - ANTI-POVERTY WEEK

Moved: Clr A Campbell

Seconded: Clr R Cassidy

THAT Council support Anti-Poverty Week by approving a donation of \$500.00.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

17.10 ROYAL COMMISSION INTO BUSHFIRES "INTERIM OBSERVATIONS"

Noted

17.11 ELECTRIC VEHICLE CHARGER AT OUSE

Moved: Cllr J Honner

Seconded: Cllr J Poore

That Council support the installation of an electric vehicle charger at Ouse subject to any development application requirements.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

17.12 COUNCIL REPRESENTATIVE HATCH

Moved: Cllr R Cassidy

Seconded: Cllr A W Bailey

THAT Cllr Anita Campbell be appointed as Council's representative on the Health Action Team Central Highlands (HATCH) Committee with Cllr Julie Honner as proxy.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

17.13 ANNUAL END OF SCHOOL AWARDS

Moved: Cllr J Poore

Seconded: Cllr J Honner

THAT Council make the following end of year awards:

- New Norfolk High School – Central Highlands Continuing Education Bursary - \$300
- Bothwell District High School - Central Highlands Continuing Education Bursary - \$300
- Glenora District High School - Central Highlands Continuing Education Bursary - \$300
- Ouse District Primary School - Central Highlands Continuing Education Bursary - \$300
- Westerway Primary School - Central Highlands Continuing Education Bursary - \$300
- Westerway Primary School - Citizenship Award - \$50
- Glenora District High School – Citizenship Award - \$50
- Ouse District Primary School – Primary Value Award – 2 Awards of \$50 each
- Bothwell District High School - Primary Citizen Award - \$50
- Bothwell District High School – Primary Encouragement Award - \$50

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

17.14 AUDIT PANEL ANNUAL REPORT TO COUNCIL

Moved: Deputy Mayor J Allwright

Seconded: Clr J Poore

THAT Council receive and note the contents of the Central Highlands Council Audit Panel Annual Report to 30 June 2020.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

17.15 CODE OF CONDUCT PANEL DETERMINATION REPORT

Moved: Clr J Honner

Seconded: Clr A W Bailey

THAT in accordance with Section 28ZK (4) of the Local Government Act 1993 Council resolve to receive and note the Code of Conduct Panel Determination Report.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

17.16 TASMANIAN RECREATIONAL SEA FISHING STRATEGY

Moved: Clr A Campbell

Seconded: Clr S Bowden

THAT any feedback on the Discussion Paper – Towards a 10 Year Vision for Recreational Sea Fishing in Tasmania be provided to the General Manager by Friday the 16 October 2020 so that a submission can lodge by the COB on the 23 October 2020.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

17.17 FIFTH SOCIAL AND ECONOMIC IMPACT STUDY OF GAMBLING IN TASMANIA

Moved: Clr J Honner

Seconded: Clr R Cassidy

THAT any feedback on the Discussion Paper – Fifth Social and Economic Impact Study of Gambling in Tasmania be provided to the General Manager by Friday the 9 October 2020 so that a submission can lodge by the COB on the 16 October 2020.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A W Bailey, Clr S Bowden, Clr A Campbell, Clr R Cassidy, Clr J Honner and Clr J Poore.

17.18 2015-39 GRADING OF SNOW OFF COUNCIL ROADS POLICY

Moved: Deputy Mayor J Allwright

Seconded: Cllr A W Bailey

THAT Council approve Policy 2015-39 Grading of Snow off Council Roads.

CARRIED

FOR the Motion:

Mayor L Triffitt, Deputy Mayor J Allwright, Cllr A W Bailey, Cllr S Bowden, Cllr A Campbell, Cllr R Cassidy, Cllr J Honner and Cllr J Poore.

18.0 SUPPLEMENTARY AGENDA ITEMS

NIL

19.0 CLOSURE

The meeting closed at 2.00 p.m.

Attachment 1: Central Highlands draft LPS post lodgement conference - matters discussed

<i>Matters discussed</i>	<i>Outcomes and proposed action</i>
1. Zone mapping	
(a) Some instances of zoning change are not identified in the supporting report or appear to have been made in error. (b) Some instances of ‘rezoning’ may have not have been justified in the supporting report to the level required to demonstrate compliance with the LPS criteria (section 34(2) of the Act). (c) Some minor issues with the PDF maps, such as map legends and scale issues for interpretation.	(a) The Tasmanian Planning Commission (TPC) to provide the planning authority (PA) with a list of zoning issues (refer to Attachment 2). PA to confirm intended zoning of each identified zone change by providing comments in column 4 of the table in Attachment 2. (b) PA to provide justification for applying the zone changes, suitable for inclusion as an amendment, or as an addendum, to the Supporting Report. If the zoning comprises an error, the PA is to advise the appropriate zone. (c) PA to rectify and in due course provide amended zone maps in accordance with section 2.8 of Practice Note 7. Note, changes to the zone mapping will <u>not</u> be required until the section 35(5)(b) directions to modify notice has been issued.
2. Code mapping	
(a) Spatial application of: <ul style="list-style-type: none"> (i) the Waterway and Coastal Protection overlay; (ii) the Priority Vegetation Area overlay; (iii) the Local Heritage Place overlay; and (iv) the Electricity Transmission Infrastructure Protection overlay. (b) Some minor technical aspects of the overlay mapping: <ul style="list-style-type: none"> (i) clearly identifying the map legends and scale issues for interpretation. 	(a) and (b) – PA to review the items in the overlay clarification table (refer to Attachment 3) and make a response in column 3. If the PA identifies any mapping changes are needed in response to the issues raised, include a brief description (to assist the TPC drafting a direction in the anticipated section 35(5) notice to modify). Depending on the PA comments provided, any alterations to mapping will be specified in the directions to modify notice under s.35(5) of the Act and in accordance with section 3 of Practice Note 7 and LPS Requirement LP1.7. <u>PA to note:</u> Changes to the overlay mapping by the PA will <u>not</u> be required until the section 35(5)(b) directions to modify notice has been issued.
3. New SAP and section 32(4) of the Act	
(a) Justification in accordance with section 32(4) of the Act for CHI-S1.0	(a) and (b) –

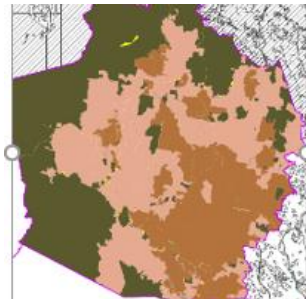
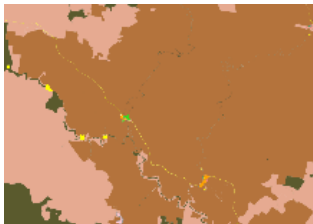
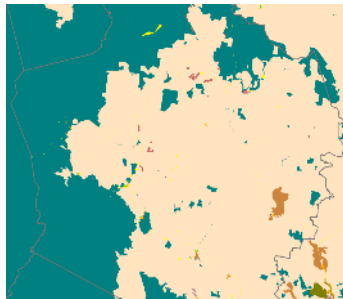
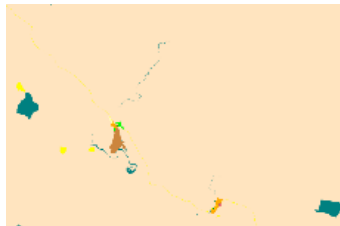
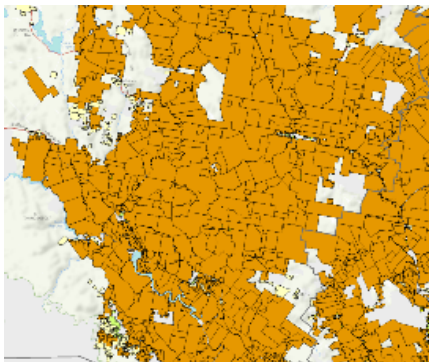
<p>Lake Meadowbank Specific Area Plan (SAP) as it is a new SAP.</p> <p>(b) Clarification of the intended planning policy outcome, and other drafting issues (refer to Attachment 5).</p>	<p>PA to provide further explanation and clarification on:</p> <ul style="list-style-type: none"> (i) how the SAP meets section 32(4)(a) or section 32(4)(b) of the Act, explaining why it would provide for significant social; or economic; or environmental benefit to the State, the region or the municipality (s.32(4)(a)) <u>or</u> why it relates to an area of land that has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs (s.32(4)(b)); (ii) the intended planning policy outcome of the SAP, and what the issues are with the existing SAP that warrant the approach in the new SAP; (iii) whether it is intended that the allowable uses in the SAP may occur across the entire SAP area, including land zoned Environmental Management in the northern part of the SAP, and further consider whether this northern part of the SAP should be removed from the spatial extent of the SAP; (iv) how the SAP is intended to work with the underlying zoning and the Natural Assets Code and the Bushfire-Prone Areas Code; and (v) how the local area objectives detailed in CHI-S1.3 are intended to work, and consider removing them and incorporating into the plan purpose statements (more detail in Attachment 5). <p>The delegates are open to a second Post Lodgement Conference with the PA to review the specific drafting of the SAP, once the PA has considered the issues raised above, the items in the drafting modification table in Attachment 5, and prepared a revised draft SAP to address all issues raised.</p> <p>Note: the delegates confirm that the SAP can address protection of Aboriginal heritage values, in accordance with Schedule 1, Part 2 Objective (g) of the Act.</p>
<p>4. Applied, Adopted or Incorporated Documents</p>	
<p>(a) Inclusion of all Applied, Adopted or Incorporated Documents</p>	<p>(a) It was noted that there are no Applied, Adopted or Incorporated Documents included in the draft LPS.</p>
<p>5. Drafting</p>	

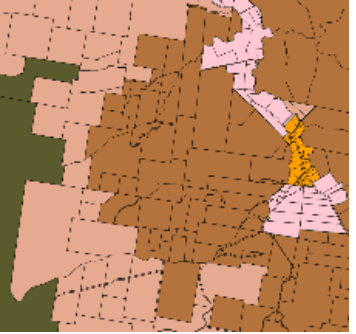
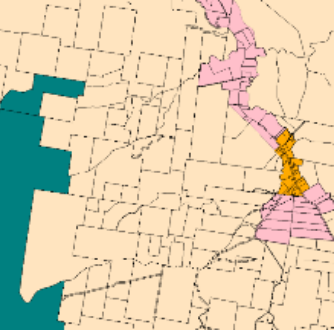
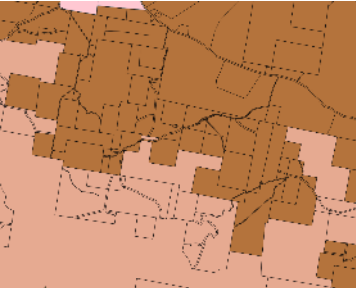

<p>(a) Drafting review of written document, including operational issues, use of purpose statements, local area objectives, and development standards in the SAP. Discussion of Table C6.1 Local Heritage Places.</p> <p>(b) Discussion of other suggested drafting modifications.</p>	<p>(a) and (b) –</p> <p>TPC has reviewed the drafting of the LPS for consistency with SPP LPS requirements and Guidelines. A ‘track changes’ version showing minor editorials is provided in Attachment 4. PA to review and inform the TPC of any issues or concerns.</p> <p>The SAP and code-applying provisions drafting are discussed in the table titled Central Highlands draft LPS - suggested drafting clarifications table (see Attachment 5):</p> <ul style="list-style-type: none"> (i) PA to confirm if the SAP is transitioning or is a new SAP; and (ii) PA to review Table C6.1 Local Heritage Places to ensure it meets code-applying provision requirements as a transitioning provision, and ensure it is in accordance with Practice Note 8. <p>Various matters beyond structural and minor editorial are discussed in the table titled Central Highlands draft LPS - suggested drafting clarifications table (see Attachment 5). PA to review and complete response in column 6 of the table in Attachment 5.</p>
<p>6. Supporting justification report</p>	
<p>(a) Further explanation of several matters, and format for providing revised and additional information. There are numerous instances where further justification is required to be inserted in the supporting report or made as an addendum (will have been identified from issues above and below).</p>	<p>PA to make modifications to supporting report to reflect any necessary changes from the issues raised above and below or to provide further explanation as outlined in the attachments.</p> <p>PA to consider the best way to make such modifications to supporting report – either by inserting changes into the report (and providing to the Commission as track changes) or made as an addendum.</p> <p>Specifically, the following issues are noted:</p> <ul style="list-style-type: none"> (i) further explanation of how land has been zoned Rural and Agriculture in the context of the <i>Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones</i>, and the specific application guidelines in Guideline No 1; (ii) explanation on the intended outcomes of applying the Utilities Zone to infrastructure assets of the Clyde Water Trust, including an explanation on the implications of the Trust to land use decision-making and the application of this zone to weirs on the Clyde River; (iii) explanation on how the Environmental Management Zone has been spatially applied


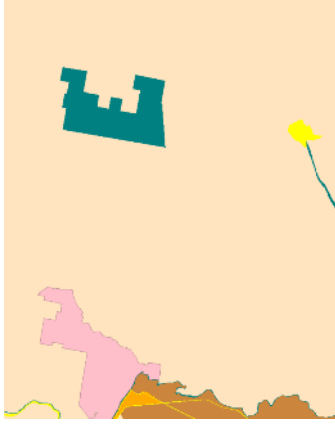


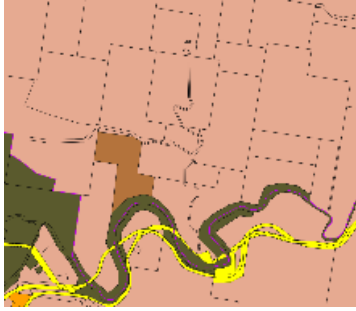

	<p>as another section in 5.4 of the supporting report, including the specific application guidelines in Guideline No 1 that have been applied and the application of this zone to lakes, rivers, water bodies and riparian reserves;</p> <p>(iv) explanation on how private reserves/conservation covenants have been considered in the Central Highlands municipality;</p> <p>(v) clarification on whether the SAP is transitioning or a new SAP – and if new, justification on how the new SAP meets section 32(4)(a) or section 32(4)(b) of the Act, including the intended purpose of the proposed standards and the rationale for the inclusion and operation of each local area objective; and</p> <p>(vi) justification to support any changes made to the listings of Local Historic Heritage Places, including an explanation of changes made to correct errors and anomalies to addresses and title references.</p> <p>At the post lodgement conference, the PA advised that it is likely more substantial modifications to the Supporting Report will need to go back to Council for endorsement.</p>
7. Amendments to IPS since draft LPS prepared	
<p>(a) All recent amendments have been incorporated in the draft LPS.</p> <p>(b) What happens if other amendments are proposed?</p>	<p>(a) It is noted that all recent amendments have been incorporated in the draft LPS.</p> <p>(b) PA to monitor certification of new amendments to the IPS, and accordingly advise the TPC if they request such changes to be reflected and included in the draft LPS.</p>
8. Process for further clarifications	
<p>(a) Confirmation of draft LPS endorsement by Council.</p> <p>(b) Overview of process from here including how notices will be issued by the delegates.</p> <p>(c) Publishing post lodgement conference agenda on iplan and the Council website.</p>	<p>(a) PA to submit the Planning Authority's confirmed Minutes.</p> <p>(b) PA identified that once the TPC has issued a section 35(5) notice to modify the draft LPS, the modified draft LPS may need to go back to the PA for Resolution.</p> <p>(c) PA agreed to the publishing of the agenda on iplan and the Council's website.</p>

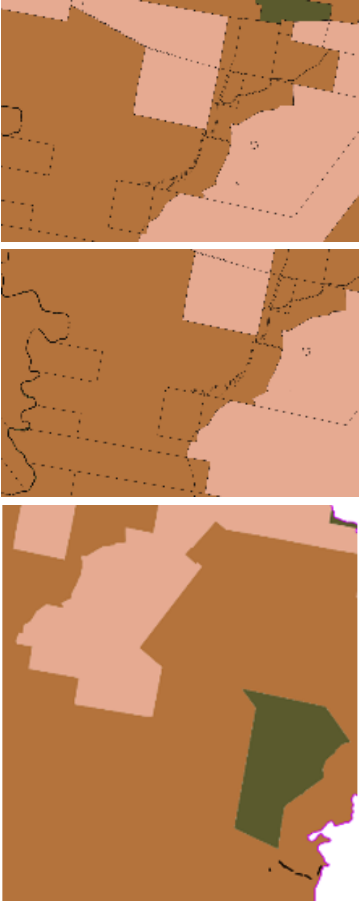
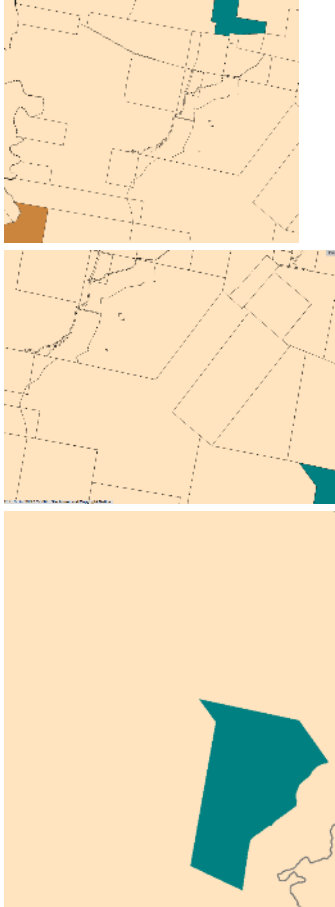
ATTACHMENT 2

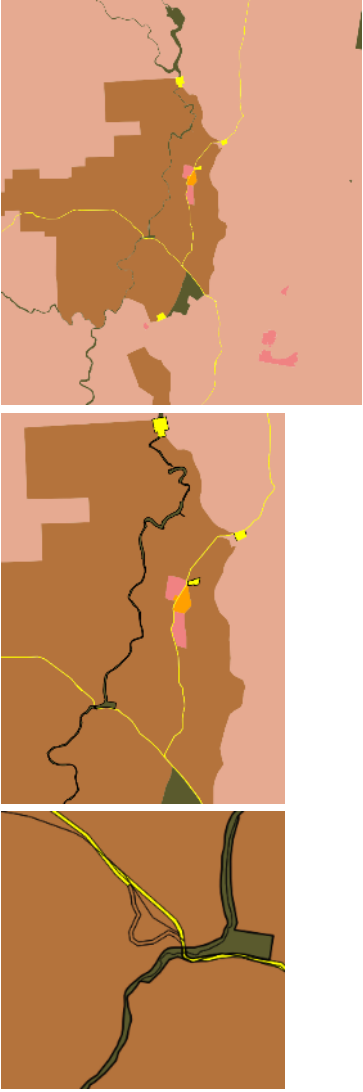
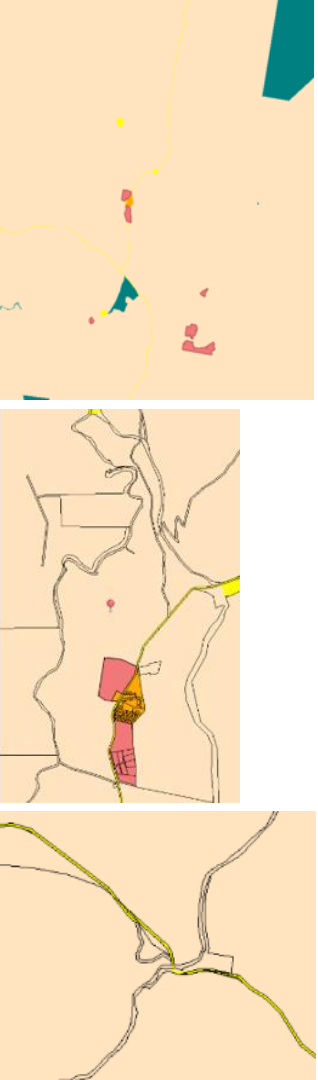


Central Highlands Draft Local Provisions Schedule - Zoning Clarification Table

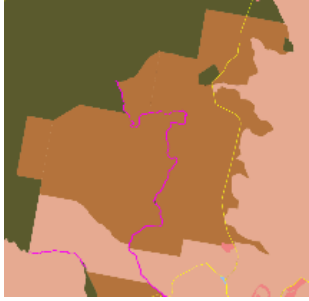
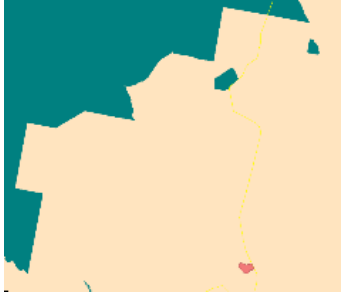

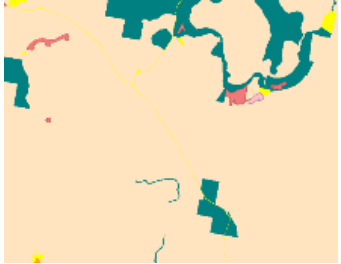
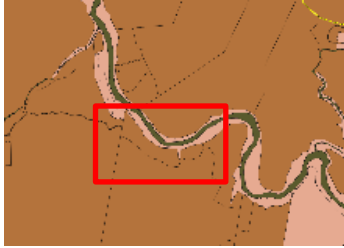

Location	Map Comparison		Commission Comments/Questions	Planning Authority Comments
1: ZONING CHANGES APPLYING THE RURAL AND AGRICULTURE ZONES				
1.1 Zoning changes across the municipality	<div>LPS</div>  <div>Ouse / Hamilton area</div> 	<div>IPS</div>  <div>Ouse / Hamilton area</div> 	<p>A large proportion of the Central Highlands municipal area appears to be unconstrained (see below) under the ‘Land Potentially Suitable for the Agriculture Zone’ layer on The LIST. AZ1 of Guideline No. 1 states that application of the Agriculture Zone should be based on this layer, while having regard to a range of criteria.</p> <p>Attachment H to the draft LPS supporting report (PAs supporting report) includes a <i>Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones</i> (Decision Tree) that has been developed by AK Consulting.</p> <p>PA to provide general explanation on how land has been zoned Rural and Agriculture in the context of the Decision Tree, relevant Regional Policies of the Southern Tasmania Regional Land Use Strategy (STRLUS), and the specific application guidelines in Guideline No 1. PA may use the examples below (1.2-1.11) to assist in demonstrating the methodology.</p> <p>Has AK Consulting provided further advice on ‘areas of interest’ that are included in the PAs supporting report?</p>	<p>As per AZ1 of Guideline No1 Council has based its Agriculture Zone / Rural Zone spatial allocation on the ‘Land Potentially Suitable for the Agriculture Zone’ layer (the LPSAZ) together with the ‘Decision Tree & Guidelines for Mapping the Agriculture and Rural Zones’ prepared for the Councils in Southern Tasmanian by AK Consultants. The latter document is given substantive weight by Guideline No1 as an agricultural land analysis undertaken at the regional level which incorporates more recent analysis, better aligns with on-ground features and addresses inaccuracies in the LPSAZ, and which is prepared by a suitably qualified person and adopted by all the Southern Councils, (AZ1(a)). Furthermore, AZ6(a) provides for alternative zoning if local or region strategic analysis has identified or justifies the need – which the application of the Decision Tree rules facilitates.</p> <p>The LPSAZ utilised generic decision rules and desktop GIS analysis to generate the layer. It did not include local on-ground verification. As explained in the Decision Tree document, the constraints analysis that was utilised in the LPSAZ mapping was not designed to provide a comprehensive analysis of all the factors that may contribute to the constraint of agricultural land as it was perceived to not be feasible to develop a model at the state-wide scale that could incorporate all factors of each individual title that need to be considered.</p> <p>Fundamentally, the LPSAZ is therefore a broad-brush tool and not necessarily correct at the individual property level. Its outcomes are merely a starting suggestion and, whilst correct in the majority of cases, they need to be measured against more detailed local-level analysis. This is the approach Council has taken, using the Decision Tree as a guide.</p> <p>Furthermore, several titles raised in the TPC comments were omitted from the LPSAZ altogether. They were simply not assessed as being either suitable, constrained or unsuitable for the Agriculture Zone. The fact they are not shown in the LPSAZ as potentially suitable for the Agriculture Zone is not in itself a reason for not applying the zone.</p> <p>Council has not obtained further advice from AK Consulting. It is not the case that further advice should be sought merely to depart from the LPSAZ. As set out in the Decision Tree document, further advice is recommended if the application of the Decision Tree rules does not produce an outcome.</p> <p>The Decision Tree rules, together with AZ1 to AZ7 of Guideline No1, set out the circumstances where land included in the LPSAZ should be zoned Rural and land not included in the LPSAZ should be zoned Agriculture. Data sources include the LPSAZ, the Land Use 2015 LIST layer, the Agricultural Land Capability layer (i.e. Class 1 to 7 under the Protection of Agricultural Land State Policy), aerial photography layers, PTRs, Conservation Covenants & Mining Lease layers, local knowledge and site inspection.</p> <p>The TPC comments have raised a number of cases where, upon review, Council has determined to change the proposed zoning. These are detailed below, along with those were the initial proposed zoning is considered appropriate.</p>
	<div>Land potentially suitable for agriculture</div> 			

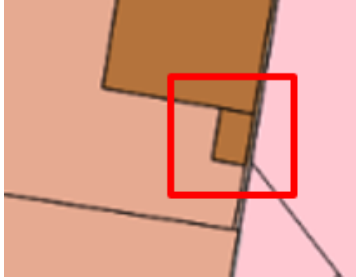
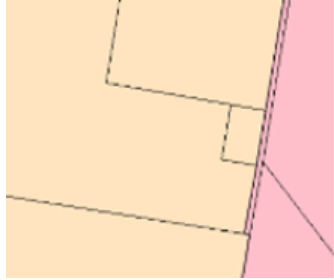
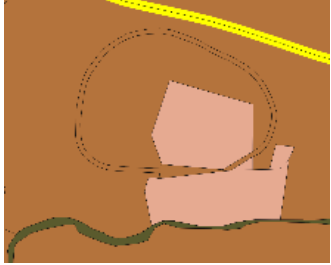
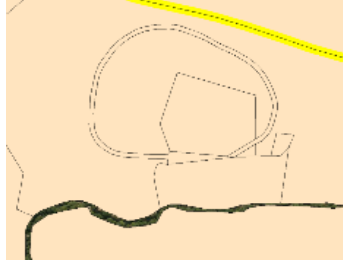
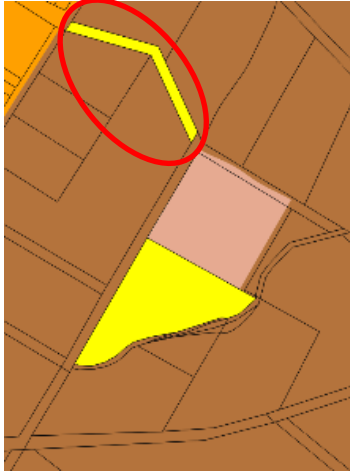
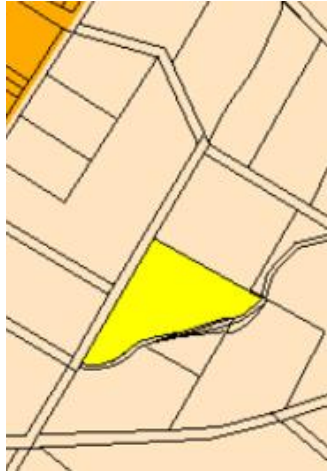
<p>1.2 Farming land west of Ellendale</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>Titles:</p> <p>FR 203554/1 FR108304/1 FR 34567/1 FR 233721/2 FR 133902/1 FR 44112/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>For this area, the PAs supporting report states:</p> <p><i>Large area of land comprised of small to medium sized farms. Mostly grazing land and light bushland. The titles are mapped as “potentially constrained” under the ALMP mapping. However, it is clear from desktop analysis and Officer knowledge of the area that the land is used for farming and will continue to do so. There are no other strategic reason to zone the land anything else. The land adjacent to this area is a mixture of State Forestry land and dense bush or private forestry (including private timber reserves). This land has been zoned as Rural Zone.</i></p> <p>It is noted the PA states that in most instances working forests, including State Forests and Private Timber Reserves (PTRs), are proposed to be zoned Rural rather than Agriculture. It is also noted that titles where Private Timber Reserves are attached to the land can be zoned Agriculture.</p> <p>FR 203554/1, FR 108304/1, FR 34567/1, FR 233721/2, FR 133902/1 and FR 44112/1 (and a small quarry reserve FR 64193/15) are not mapped as part of the State’s ‘Land Potentially Suitable for Agriculture Zone’ layer (see below).</p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • why some titles that are identified as being constrained land are proposed to be zoned Agriculture and other land that is identified as being unconstrained land is proposed to be zoned Rural; and • whether AK Consulting has provided further advice on this ‘area of interest’. 	<p>FR 203554/1</p> <p>Not in the LPSAZ but proposed to be zoned Agriculture. On boundary between Agriculture and Rural Zone. Majority native vegetation, but with some area in agricultural use. As majority is native vegetation: change to Rural Zone.</p> <p>FR 108304/1 and FR 34567/1</p> <p>Not in the LPSAZ but proposed to be zoned Agriculture. On boundary between Agriculture and Rural Zone. Majority native vegetation, but with significant area in agricultural use. As majority is native vegetation: change to Rural Zone.</p> <p>FR 233721/2</p> <p>Not in the LPSAZ but proposed to be zoned Agriculture. Relatively small title, predominantly native vegetation, surrounded by agricultural titles zoned Agriculture and in the same ownership. Farmed in conjunction with an agricultural enterprise. Avoid spot zoning and retain Agriculture Zone.</p> <p>FR 133902/1, FR 44112/1 and FR 64193/15</p> <p>Not in the LPSAZ but proposed to be zoned Agriculture. Relatively small titles. Agricultural use interspersed with patches of native vegetation. Surrounded by agricultural titles zoned Agriculture. Avoid spot zoning and retain Agriculture Zone.</p>
<p>1.3 Farming land south of Ellendale</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>Titles:</p> <p>FR 107858/1 FR 211913/1 FR 204606/1 FR 207821/1 FR 117127/3 FR 112772/2 FR 105673/3 FR 105673/2 FR 230826/1 FR 202204/1 FR 53146/6 FR 223076/1 FR 121227/2 FR 134455/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>The Ellendale / Fentonbury area appears to be unconstrained or constrained land as part of the ‘Land Potentially Suitable for the Agriculture Zone’ layer (see below). Other land is not mapped as part of this layer.</p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • why the land has been zoned Rural and Agriculture in the context of the methodology used to apply the Rural and Agriculture zones; and • why some titles that are identified as being constrained land are proposed to be zoned Agriculture and other land that is identified as being unconstrained land is proposed to be zoned Rural. 	<p>FR 107858/1</p> <p>In the LPSAZ and unconstrained but proposed to be Rural Zone. Native vegetation forest covered by a PTR. In a predominant forestry area. On boundary between Rural and Agriculture zones. Retain Rural Zone.</p> <p>FR 211913/1</p> <p>In the LPSAZ and unconstrained but proposed to be Rural Zone. Predominately native vegetation. A predominant forestry area. Relatively small title. Surrounded by PTRs. Retain Rural Zone.</p> <p>FR 204606/1</p> <p>In the LPSAZ and unconstrained but proposed to be Rural Zone. Mixture of native vegetation and agricultural land. A predominantly forestry area. Relatively small title. Surrounded on three sides by PTRs. Retain Rural Zone.</p> <p>FR 207821/1, FR 117127/3, FR 112772/2, FR 105673/3, FR 105673/2, FR 230826/1, FR 202204/1, FR 53146/6, FR 223076/1, FR 121227/2, FR 134455/1</p> <p>These titles are in the LPSAZ and potentially constrained. Either all or the majority of each title is cleared and used for agriculture. They are part of a larger Agricultural Zone area, which would become fragmented if these titles were zoned Rural. Retain Agriculture Zone.</p>

<p>1.4 Meadowbank area</p> <p>Change of zone from Rural Resource to Rural</p> <p>Titles:</p> <p>FR 18933/2 FR 163541/1 FR 163527/1 FR 7502/1 FR 49609/1 FR 163541/1 FR 138542/4 FR 163527/1 FR 163541/1 FR 248137/1 FR 247172/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>This area appears to be unconstrained in the ‘Land Potentially Suitable for the Agriculture Zone’ layer (see below).</p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • why the land has been zoned Rural and Agriculture in the context of the methodology used to apply the Rural and Agriculture Zones; and • why titles in this area that are identified as being unconstrained land are proposed to be zoned Rural. 	<p>FR 18933/2, FR 163541/1, FR 163527/1, FR 7502/1, FR 49609/1, FR 163541/1, FR 138542/4, FR 163527/1, FR 163541/1, FR 248137/ and FR 247172/1.</p> <p>These titles are in the LPSAZ and unconstrained but are proposed to be zoned Rural. All are:</p> <ul style="list-style-type: none"> • Native vegetation forest or forest planation. • Some minor areas are under PTRs. • Some larger areas are under Conservation Covenants. • The is little to no agricultural use, (Categories 1 and 2 on the LIST Land Use Layer 2015). • Land Capability is a mixture of Class 5 and Class 6. <p>Therefore: Retain Rural Zone.</p>
<p>1.5 Bluff Road Gretna area</p> <p>Change of zone from Rural Resource to Rural</p> <p>Titles:</p> <p>FR 140770/2 FR 141864/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>PA to clarify application of Rural Zone on land shown as unconstrained in the ‘Land Potentially Suitable for the Agriculture Zone’ layer (refer to RZ3 in Guideline No.1).</p>	<p>FR 140770/2</p> <p>This title is in the LPSAZ and unconstrained but is proposed to be zoned Rural. Native vegetation forest and mostly Class 6 Land Capability. Retain Rural Zone.</p> <p>FR 141864/1</p> <p>This title is in the LPSAZ and unconstrained but is proposed to be zoned Rural. This title has two ‘body’ portions joined by a narrow neck. One portion is predominantly native vegetation forest and is surrounded on three sides by similar land that is zoned Rural. The other section is used for agriculture and is surrounded on three sides by similar land that is zoned Agriculture. Retain Rural Zone on bush portion surrounded by Rural Zone land and change the agricultural portion surrounding by Agriculture Zone to that zone. Split-zone the title through the narrow neck.</p>
<p>1.6 National Park area</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>Belchers Road area, National Park</p> <p>FR 212406/1 FR 108511/1 FR 47969/1 FR 202421/1 FR 224691/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>FR 212406/1 is identified as being constrained in the ‘Land Potentially Suitable for the Agriculture Zone’ layer (see below). FR 108511/1, FR 47969/1, FR 202421/1 and FR 224691/1 are identified as being unconstrained land for agriculture.</p> <p>For this area, the PAs supporting report states:</p> <p><i>Cluster of 3 titles in separate ownership mapped as “potentially suitable for the Agriculture Zone”. The land is steep terrain, lifestyle lots, “potentially constrained land” and surrounded by forestry land. For consistency and recognising the potential constraints the land has been zoned as Rural Zone. The AK Consulting Decision Tree supports this position.</i></p> <p>PA to clarify application of Rural Zone on land shown as unconstrained in the ‘Land Potentially Suitable for the Agriculture Zone’ layer (refer to RZ3 and AZ6 in Guideline No.1).</p>	<p>FR 108511/1 FR 47969/1 FR 202421/1 FR 224691/1</p> <p>These titles are in the LPSAZ and identified as constrained. They are predominantly Class 6 Land Capability and are a mixture of native vegetation forest with some pasture. All are proposed to be zoned Rural. They are surrounded by forested land that is a mixture of reserved land and forestry land. Retain Rural Zone.</p> <p>FR 212406</p> <p>The proposed Agriculture Zone on this title represents a single ‘spot zoning’ within a broader Rural Zone consisting of native vegetation forestry and forestry plantations and native vegetation reserved land. Change to Rural Zone.</p>

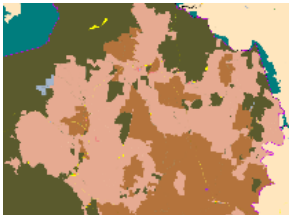
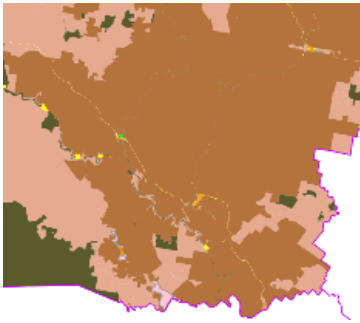

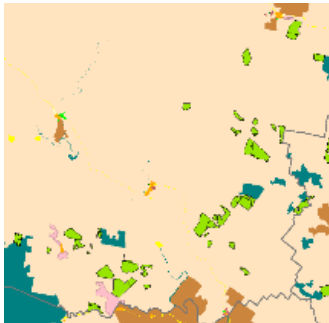
<p>1.7 Bothwell, Lower Marshes and Apsley areas</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>For example:</p> <p>1654 Dennistoun Road, Bothwell – FR 114269/1</p> <p>'The Quoin' - 1561 Dennistoun Road, Bothwell – FR 41704/1</p> <p>'Rotherwood' - 749 Rotherwood Road, Lower Marshes – FR 95950/4</p> <p>443 Woodspring Road, Bothwell – FR 53709/2</p> <p>580 Lower Marshes Road, Apsley – FR 221498/1 and FR 171108/2</p>	<p>LPS</p> 	<p>IPS</p> 	<p>For this area, the PAs supporting report states:</p> <p><i>The Decision Tree [developed by AK Consulting] was primarily used to refine and review the statewide “Land Potentially Suitable for Agriculture Zone” layer. Officers were then able to modify the layer as guided by the Guideline No.1 and the AK Consulting Decision Tree.</i></p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • why the land has been zoned Rural and Agriculture in the context of the methodology used to apply the Rural and Agriculture zones; and • why some titles that are identified as being constrained land or not mapped in the ‘Land Potentially Suitable for the Agriculture Zone’ layer are proposed to be zoned Agriculture and other land that is identified as being unconstrained land is proposed to be zoned Rural (see below). 	<p>FR 114269/1</p> <p>Not assessed in the LPSAZ. Proposed to be zoned Agriculture. Mostly Class 6 with some Class 5 under Land Capability mapping. Mix of grazing land and forest cover. LIST Land Use Layer 2015 Category 2. Change to Rural Zone.</p> <p>FR 41704/1</p> <p>Proposed to be zoned Agriculture. Mostly Class 6 with some Class 5 under Land Capability mapping. Majority of the title is PTR. LIST Land Use Layer 2015 Category 2. Change to Rural Zone.</p> <p>FR 95950/4</p> <p>Proposed to be zoned Agriculture. On boundary between Rural and Agriculture zones. Class 6 and Class 5 under Land Capability mapping. All PTR. Native vegetation forest. LIST Land Use Layer 2015 Category 2. Change to Rural Zone.</p> <p>FR 53709/2</p> <p>Not assessed in the LPSAZ. Proposed to be zoned Agriculture. Surrounded by agricultural land that is zoned Agriculture. Avoid spot-zoning. Retain Agriculture Zone.</p> <p>FR 221498/1 and FR 171108/2</p> <p>Not assessed in the LPSAZ. Proposed to be zoned Agriculture. Surrounded by agricultural land that is zoned Agriculture. Part of larger landholding and farmed in conjunction with an agricultural enterprise. Avoid spot-zoning. Retain Agriculture Zone.</p>
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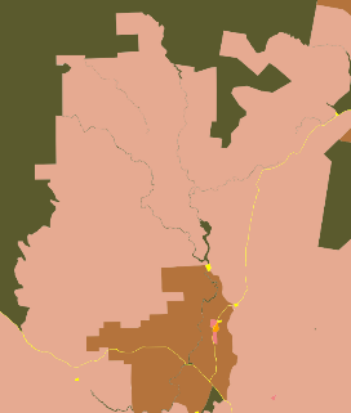
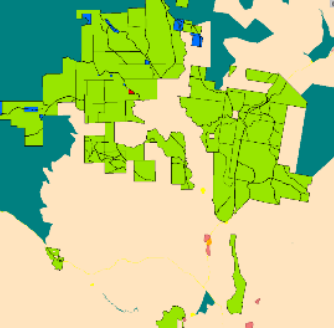
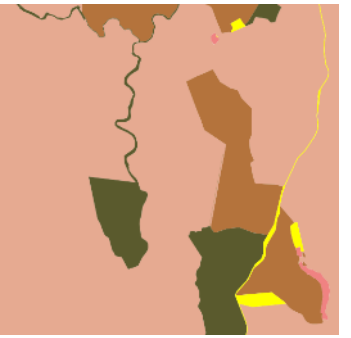
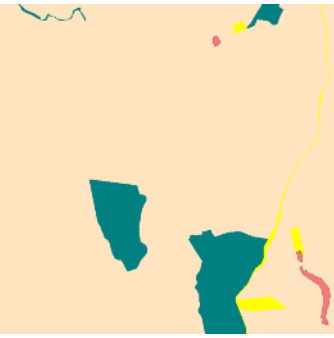
<p>1.8 Bronte Park area – London Lakes/Pine Tier Lagoon</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>317 Marlborough Road, Bronte Park</p> <p>FR 127909/2 (and also FR 86505/5)</p>	<p>LPS</p> 	<p>IPS</p> 	<p>The PAs supporting report states [for the London Lakes/Pine Tier Lagoon area]:</p> <p><i>Rural Resource Zone to Rural</i></p> <p><i>This large land area is a mixture of highland lake low scrub, vegetated hills and steep gorges, conservation land, tas land conservancy land and reserves. The agricultural potential of the land is constained by the vegetation the highland scrub and the steep topograhly. The area can be labelled as having extensive area of native vegetation and limited historical farming land use. The land is also class 5 and class 6 under the agricultural land capability. The AK Consulting Decision tree supports this position.</i></p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • why the land has been zoned Rural and Agriculture in the context of the methodology used to apply the Rural and Agriculture zones; • why some titles that are not mapped in the ‘Land Potentially Suitable for the Agriculture Zone’ layer (i.e. FR 127909/2 and FR 86505/5) are proposed to be zoned Agriculture (see below); and • whether AK Consulting has provided further advice on this ‘area of interest’. 	<p>FR 127909/2</p> <p>Not assessed in the LPSAZ. Proposed to be zoned Agriculture. Mostly surrounded by agricultural land that is zoned Agriculture. Used for grazing. Part of a larger area zoned Agriculture. Avoid spot-zoning. Retain Agriculture Zone.</p> <p>FR 86505/5</p> <p>Not assessed in the LPSAZ. Proposed to be zoned Agriculture. Mostly surrounded by agricultural land that is zoned Agriculture. Used for grazing. Part of a larger area zoned Agriculture. Avoid spot-zoning. Retain Agriculture Zone.</p>
<p>1.9 Little Pine Lagoon area and Ellis Plains/Burbury Creek area</p> <p>Change of zone from Rural Resource to Agriculture and Environmental Management</p> <p>FR 110117/4 FR 53504/3 FR 158054/2 FR 158054/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>FR 110117/4, FR 53504/3, FR 158054/2 and FR 158054/1 are proposed to be zoned Agriculture. However, they are either identified as constrained land or are not mapped as part of the ‘Land Potentially Suitable for the Agriculture Zone’ layer (see below).</p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • why the land has been zoned Rural and Agriculture in the context of the methodology used to apply the Rural and Agriculture Zones; and • why some titles that are identified as being constrained land for agriculture or are not mapped (FR 110117/4, FR 53504/3, FR 158054/2 and FR 158054/1) are proposed to be zoned Agriculture. 	<p>FR 110117/4, FR 53504/3, FR 158054/2, FR 158054/1.</p> <p>All of these titles are not assessed in the LPSAZ and are proposed to be zoned Agriculture. They are Class 6 and Class 7 Land Capability and are a mixture of pasture and native vegetation at high altitude and therefore only seasonal grazing use. Change to Rural Zone.</p>

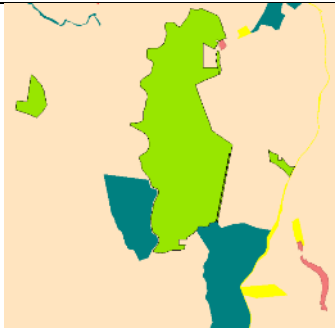
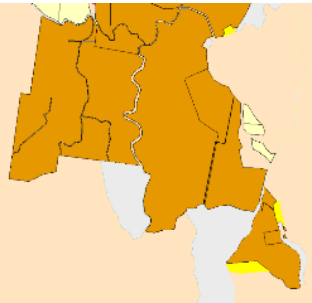
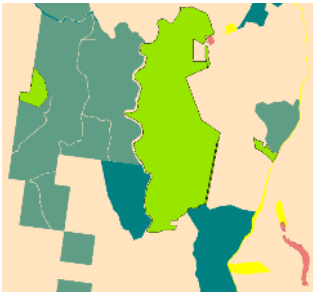
<p>1.10 Liawenee/Miena area</p> <p>Change of zone from Rural Resource to Agriculture</p> <p>FR 250486/2 FR 246605/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>FR 250486/2 and FR 246605/1 are proposed to be zoned Agriculture. However, they are not mapped as part of the 'Land Potentially Suitable for the Agriculture Zone' layer (see below).</p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • why the land has been zoned Rural and Agriculture in the context of the methodology used to apply the Rural and Agriculture Zones; and • why some titles that are not mapped in the 'Land Potentially Suitable for the Agriculture Zone' layer (FR 250486/2 and FR 246605/1) are proposed to be zoned Agriculture? 	<p>FR 250486/2 and FR 246605/1.</p> <p>These titles are not assessed in the LPSAZ and are proposed to be zoned Agriculture. They are Class 6 and Class 7 Land Capability and are a mixture of pasture and native vegetation at high altitude and therefore only seasonal grazing use. Change to Rural Zone.</p>
<p>1.11 Steps area around Penstock Lagoon/Lagoon of Islands</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>FR 100081/65 FR 36228/3</p>	<p>LPS</p> 	<p>IPS</p> 	<p>FR 100081/65 and FR 36228/3 are proposed to be zoned Agriculture. However, they are not mapped as part of the 'Land Potentially Suitable for the Agriculture Zone' layer (see below).</p> <p>Clarify:</p> <ul style="list-style-type: none"> • why the land has been zoned Rural and Agriculture in the context of the methodology used to apply the Rural and Agriculture zones; and • why some titles that are not mapped in the 'Land Potentially Suitable for the Agriculture Zone' layer (250486/2 and FR 246605/1) are proposed to be zoned Agriculture. 	<p>FR 100081/65, FR 36228/3.</p> <p>These titles are not assessed in the LPSAZ and are proposed to be zoned Agriculture. They are surrounded by land in the LPSAZ, used for grazing and proposed to be zoned Agriculture. Avoid spot zoning. Retain Agriculture Zone.</p>
<p>1.12 Lake Meadowbank</p> <p>Change of zone from Rural Resource to Agriculture / Rural</p> <p>475 Rockmount Road, Ellendale (Lake Meadowbank Foreshore) – FR 169820/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>For this area, the PAs supporting report states:</p> <p><i>A single title identified as land “potentially suitable for the Agriculture Zone” drafted as Rural Zone. The land is used for visitor accommodation and associated boating and recreation. The Rural Zone is the more appropriate Zone for this land. The land also adjoins a strata visitor accommodation site. The decision to zone this land Rural rather Agriculture is a strategic decision to encourage the visitor and recreation activities of Lake Meadowbank. This is supported by the SAP and Council’s Strategic Plan. The AK Consulting Decision tree supports this position.</i></p> <p>FR 169820/1 is identified as being unconstrained in the 'Land Potentially Suitable for the Agriculture Zone' layer and the evidence would suggest that it be zoned Agriculture (see below).</p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • what zoning is proposed, noting that the LPS mapping identifies FR 169820/1 to be zoned Agriculture but the supporting report proposes it to be Rural; • how the proposed zoning meets the State Policy on the Protection of Agricultural Land 2009 (PAL Policy); • how the Lake Meadowbank SAP and Council’s Strategic Plan support the zoning; • how the proposed zoning supports other identified values of the land; and • has AK Consulting provided further advice to support this position. 	<p>FR 169820/1</p> <p>This title was erroneously mapped as Agriculture Zone. The use of this land is focused on the recreational use of Lake Meadowbank, a lake with local, regional and statewide significance in terms of its intensive fresh water based recreational use and associated infrastructure. The land is within the Special Area Plan for Lake Meadowbank. Change to Rural.</p> <p>FR 139247/2</p> <p>This title neighbours FR 169820 and is also proposed to be zoned Agriculture. It is owned by the Meadowbank Ski Club and accommodates associated recreational infrastructure. Change to Rural.</p> <p>Both of the above titles’ major use is active recreation. This is an existing use. It is not Prime Agricultural Land under the State Policy on the Protection of Agricultural Land 2009 (PAL Policy).</p>

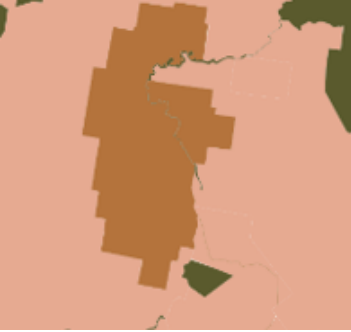
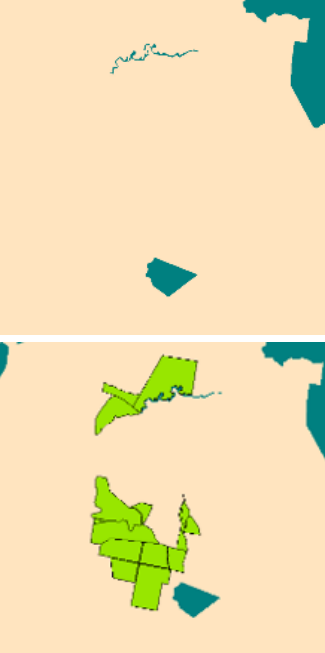
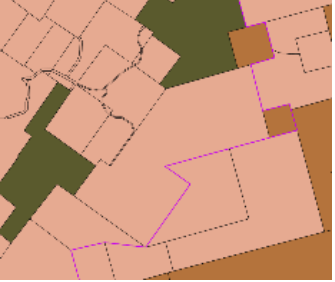
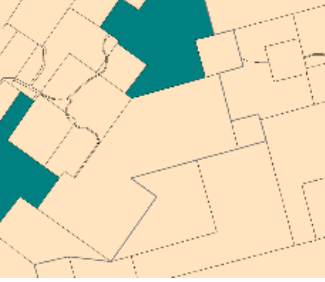
1.13 McCallums Road, Fentonbury Change of zone from Rural Resource to Agriculture (adjacent to FR 248137/1)	LPS 	IPS 	<p>This title is owned by DPIPWE (~6,500m²) and classified as a Public Reserve under the <i>Crown Land Act 1976</i>. The prior reserve type is listed as previously being a 'water supply reserve'. It is not mapped as part of the 'Land Potentially Suitable for the Agriculture Zone' layer.</p> <p>PA to clarify if application of the Agriculture Zone is an error – should this title be zoned Rural?</p>	<p>FR 248137/1</p> <p>Agree with TPC comments: Change to Rural.</p>
1.14 'Hamilton Showgrounds' Change of zone from Rural Resource to Agriculture and Rural 5595 Lyell Highway, Hamilton (Local Government Authority) – FR 95697/1 FR 95697/2 FR 212640/1 FR 145804/1 FR 35325/1	LPS 	IPS 	<p>It is noted that for the 'Hamilton Showgrounds', the 'track' (oval) component is owned by the Local Government Authority – but is proposed to be zoned Agriculture. The surrounding Agriculture land is privately owned in the 'Rivers' title – 5685 Lyell Highway, Hamilton.</p> <p>PA to confirm application of Agriculture Zone on this land is intended planning outcome?</p>	<p>FR 95697/1 FR 95697/2 FR 212640/1 FR 145804/1 and FR 35325/1</p> <p>Agree with TPC comments: The area occupied by the Hamilton Showgrounds and the area occupied by the neighbouring farmer should each be zoned appropriately. The showgrounds land is well established and well delineated. It is actively used and has significant investment in infrastructure. The old racing track land is mostly occupied and used by the neighbouring landowner as part of the working farm and there are no plans to resurrect the racing track. The two areas should be zoned appropriately. Change agricultural use land to Agriculture Zone and showgrounds to Recreation Zone.</p>
1.15 Hamilton Change of zone from Rural Resource to Utilities Reserved road	LPS 	IPS 	<p>PA to clarify why the 'reserved road' is proposed to be zoned Utilities, and not Agriculture. Is this an error?</p> <p>Note to PA: PA will be required to review mapping of roads to ensure zoning is to the road centerline as required by Practice Note 7.</p>	<p>This Reserved Road at Hamilton contains the town's potable water supply infrastructure, which is operated by TasWater. Retain Utilities Zone.</p>

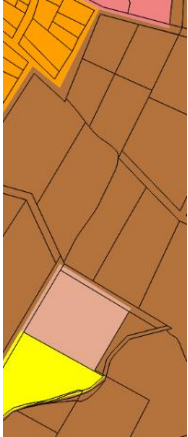
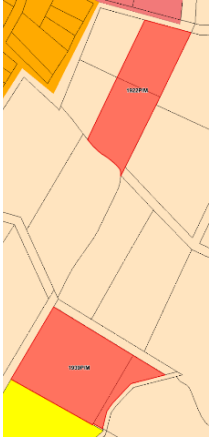

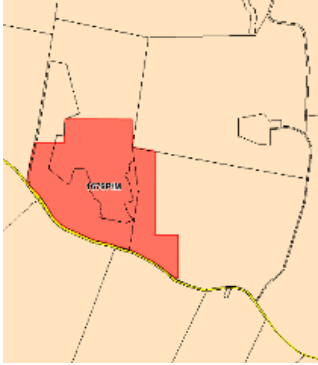
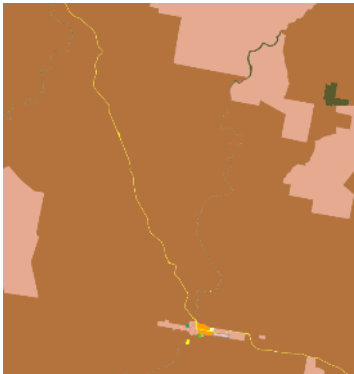
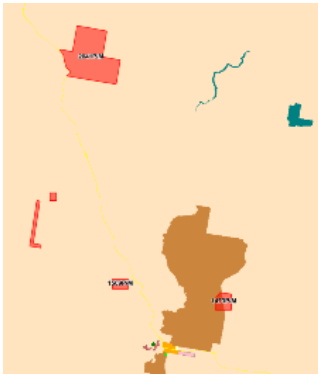
<p>1.17 PA to provide further clarification on application of Rural and Agriculture zones, and reference to Guideline No 1, on the following:</p> <ul style="list-style-type: none"> • Lyell Highway/Marked Tree Road, Gretna area – FR 108593/1, FR 102690/3, FR 158526/1 and FR 146220/2 (identified as unconstrained but proposed to be zoned Rural) • Interlaken Road and Tunbridge Tier Road, Interlaken – FR 52866/1, FR 52667/1 and FR 246979/6 (identified as unconstrained but proposed to be zoned Rural) • Little Den Road, Millers Bluff – FR 230533/1 (identified as unconstrained but proposed to be zoned Rural) • 'Bashan 5 Mile - Bashan Road, 655 Bashan Road, 'Pt Triangle Marsh' - Bashan Road, 'Glen Rowan' - 655 Bashan Road and 3136 Victoria Valley Road, Victoria Valley – FR 118843/1, FR 208347/1, FR 132240/1, FR 208320/1 and FR 153448/1 (identified as unconstrained but proposed to be zoned Rural) • Strickland Road, Strickland – FR 248756/2 (identified as unconstrained but proposed to be zoned Rural) • 2780 Dennistoun Road, Interlaken – FR 165589/3 and FR 165589/2 (not mapped as agricultural land but proposed to be zoned Agriculture) • 'Trap Hut' - Meadsfield Road, Bothwell – FR 113355/2 FR 113355/3 (not mapped as agricultural land but proposed to be zoned Agriculture) • Waddamana Road, Waddamana – FR 116380/1 (not mapped as agricultural land but proposed to be zoned Agriculture) <p>Please append the justification for each area to this table.</p>	<p>FR 108593/1, FR 102690/3, FR 158526/1 and FR 146220/2: These titles are identified in the LPSAZ and are unconstrained but are proposed to be zoned Rural. Class 5 and 6 Land capability. All native vegetation forest with some land PTR and some conservation covenanted. Retain as Rural Zone.</p> <p>FR 52866/1, FR 52667/1 and FR 246979/6: These titles are identified in the LPSAZ and are unconstrained but are proposed to be zoned Rural. Class 6 Land capability. Predominantly native vegetation forest with some land PTR. Retain as Rural Zone.</p> <p>FR 230533/1 This title is identified in the LPSAZ and are unconstrained but is proposed to be zoned Rural. Class 5 and 6 Land capability. Approximately half native vegetation forest and half cleared pasture. Surrounded by forested land which is predominantly either PTR or covenanted land. Avoid spot-zoning: Retain as Rural Zone.</p> <p>FR 118843/1, FR 208347/1, FR 132240/1, FR 208320/1 and FR 153448/1 These titles are identified in the LPSAZ and are unconstrained but are proposed to be zoned Rural. Class 5 and 6 Land capability. All PTR and all native vegetation forest / forest planation. The exception is FR 132240/1 which is half pasture and half forest plantation. Retain all as Rural Zone.</p> <p>FR 248756/2 This title is identified in the LPSAZ and is unconstrained but is proposed to be zoned Rural. The land is native vegetation forest / forest plantation. It is under a PTR and surrounded by Rural zone land that is also forestry production land. Retain as Rural Zone.</p> <p>FR 165589/3 and FR 165589/2 These titles are not assessed in the LPSAZ and are proposed to be zoned Agriculture. Predominantly cleared pasture, with minor patches of remnant vegetation. On the boundary between Agriculture Zone and Rural Zone. Change to Rural Zone.</p> <p>FR 113355/2 FR 113355/3 These titles are not assessed in the LPSAZ and are proposed to be zoned Agriculture. Grazing land. Land Capability Class 5 and 6. Surrounded by Agriculture Zone. Avoid spot-zoning: Retain as Agriculture Zone.</p> <p>FR 116380/1 This title is not assessed in the LPSAZ and is proposed to be zoned Agriculture. It is grazing land. Land Capability Class 5 and 6. Surrounded by Agriculture Zone. Part of a larger rural landholding. Avoid spot-zoning: Retain as Agriculture Zone.</p>
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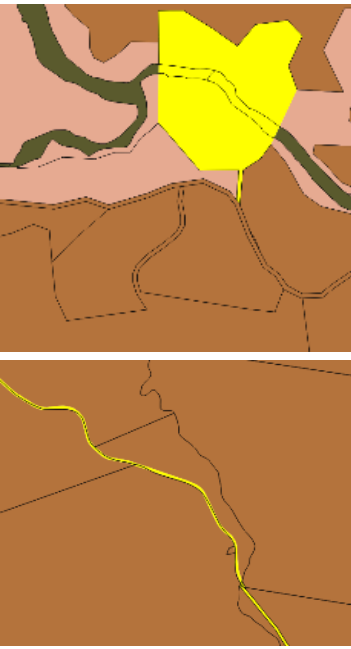
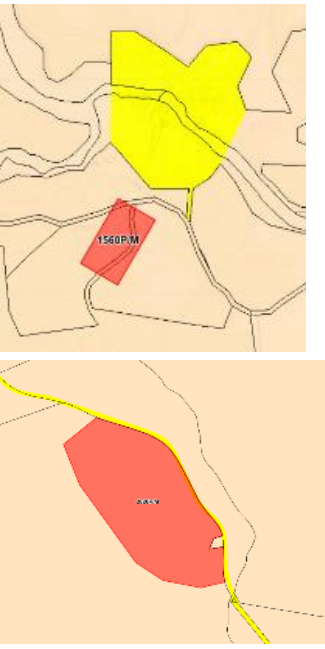
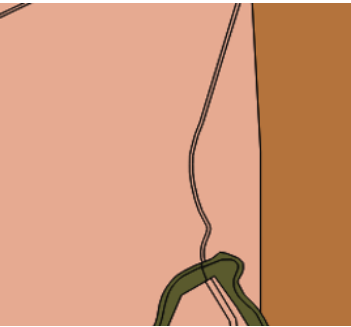
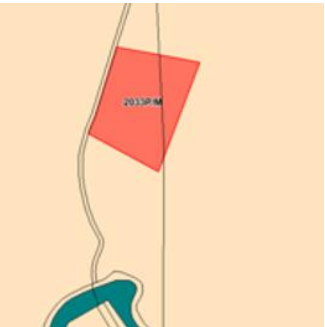
2: ZONING CHANGES APPLYING THE RURAL AND AGRICULTURE ZONES WITH CONSERVATION COVENANTS				
2.1 Zoning changes across the municipality	<p>LPS London Lakes, Bronte Park, Brady's Lake, Steepes, Waddamana, Millers Bluff areas</p>  <p>Hamilton, Bothwell, Ellendale and Westerway areas</p> 	<p>IPS London Lakes, Bronte Park, Brady's Lake, Steepes, Waddamana, Millers Bluff areas</p>  <p>Hamilton, Bothwell, Ellendale and Westerway areas</p> 	<p>PA to clarify the methodology for applying the Agriculture and Rural zones to land with conservation covenants, including to some areas that are identified as unconstrained in the 'Land Potentially Suitable for the Agriculture Zone' layer. PA may use examples in 2.2 to 2.6 below to demonstrate the application of the zones relative to the covenants.</p> <p>For these examples, PA may also consider whether application of Environmental Management Zone (refer to EMZ 1(f) of Guideline No.1) would be useful in some areas, or split zoning around covenant boundaries or private timber reserves (PTRs).</p> <p>PA to note that Practice Note 7 – Draft LPS mapping: technical advice provides guidance on applying split zoning to titles and for this area, the zone boundary could align with the area of the conservation covenant registered on the titles.</p>	<p><u>Conservation Covenants:</u></p> <p>Council's policy is that the existence of a conservation covenant does warrant a change of zone from Rural or Agriculture to the Environmental Management Zone. The reasons for this are:</p> <ul style="list-style-type: none"> • Many covenants are temporary. Once they expire, it should not be necessary for a landowner to seek a rezoning to regain agricultural and rural land-use options. • At the time of entering into these covenants, many landowners were assured by the State that doing so would not result in their land being zoned to Environmental Management. • Council is not willing to impose what would be, in many cases, highly adversarial rezoning on landowners. • The adversarial imposition of the Environmental Management Zone on covenanted land would result in significantly fewer covenants being entered into by landowners in the future. This would have a substantial detrimental impact on overall conservation goals. • Many covenants permit continuation of some agricultural activities, such as grazing. • The Environmental Management Zone is primarily intended for publicly owned reserved land, and only intended to be applied to private land which contains significant values identified for protection or conservation <u>and where the intention is to limit use and development</u>. The intention for any particular piece land post-covenant is not known to Council. <p>It is Council's intention to support the wishes of landowners who expresses a desire for their covenanted land to be zoned Environmental Management during the statutory exhibition of the LPS.</p> <p><u>Private Timber Reserves:</u></p> <p>In regard to Private Timber Reserves (PTRs), Council notes that these are similarly temporary instruments and therefore should not be given determining weight in allocating zoning. This is particularly the case on farms where a plantation or regenerated native forest is being grown essentially as a crop, albeit a long-term crop, on a part of the farm. Landowners often cover such areas with PTRs to ensure the planning scheme rules that exist at harvest (and which are not known at the time of planting) cannot impact their right to harvest. It is then a decision for the landowner whether to continue with forestry on that section or return the land to traditional agriculture and eliminate the PTR.</p> <p>In the cases above in which the existence of a PTR is referenced in determining that land should be in the Rural Zone, it is noted that in all such cases this is used to support the view that the subject land and surrounding area is essentially a forestry area. In cases involving isolated PTRs surrounded by agricultural land, the recommendation is to use the Agriculture Zone. Thus, spot-zones are avoided.</p>

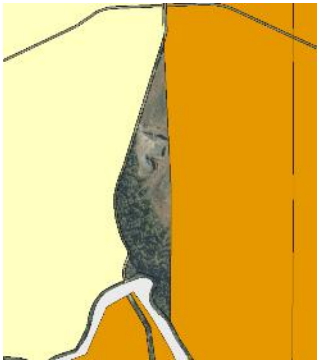



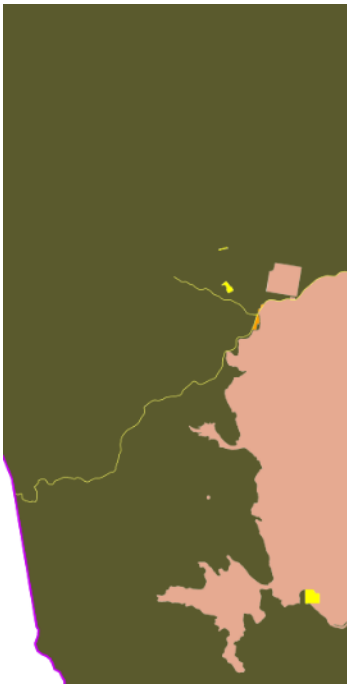

<p>2.2 London Lakes/Pine Tier/Bronte Park/Lake Big Jim/London Lakes areas</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>Titles including:</p> <p>FR 43180/3 FR 43176/2 FR 227512/1 FR 127908/1 FR 164812/8</p>	<p>LPS</p> 	<p>IPS</p> 	<p>For this area, the PAs supporting report states:</p> <p>[For land proposed to be zoned Rural] <i>This large land area is a mixture of highland lake low scrub, vegetated hills and steep gorges, conservation land, Tas Land Conservancy land and reserves. There is some evidence of grazing on the flatter land and along the Serpentine Rivulet but very marginal. The agricultural potential of the land is constrained by the vegetation the highland scrub and the steep topography. The area can be labelled as having extensive area of native vegetation and limited historical farming land use.</i></p> <p>PA to clarify application of Agriculture and Rural zones to land with conservation covenants, including some areas that are identified as unconstrained in the ‘Land Potentially Suitable for the Agriculture Zone’ layer.</p>	<p>Refer to response to Section 2.1, above.</p>
<p>2.3 Brady’s Lake/Bronte Lagoon area</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>Title including:</p> <p>FR 127910/12 and FR 127910/11 – Highland Conservation Pty Ltd</p> <p>FR 11868/2 and FR 238433/1 – Norske Skog Paper Mills</p> <p>FR 150128/4 –</p>	<p>LPS</p> 	<p>IPS</p> 	<p>FR 127910/12, FR 127910/11, FR 11868/2 and FR 238433/1 are identified as unconstrained in the State’s ‘Land Potentially Suitable for Agriculture Zone’ layer (see below). FR 150128/4 is mapped as constrained.</p> <p>FR 127910/12, FR 238433/1 and FR 150128/4 have conservation covenants attached to the land under the <i>Nature Conservation Act 2002</i>. The Western Tasmania Blanket Bogs are located in some areas (i.e. FR 127910/11).</p> <p>PA to clarify application of Rural and Agriculture zones in context of the covenants and private timber reserve (PTR) is attached to the land.</p> <p>PA to clarify why land (FR 127910/12 and FR 238433/1) that is mapped as unconstrained land is proposed to be zoned Rural.</p> <p>PA to note: titles where PTRs are attached to the land can be zoned Agriculture.</p>	<p>Refer to response to Section 2.1, above, in regard to land with conservation covenants.</p> <p>FR 127910/12</p> <p>This land is in the LPSAZ and is unconstrained but is proposed to be zoned Rural. It is predominantly native vegetation forest and is covered by a conservation</p>

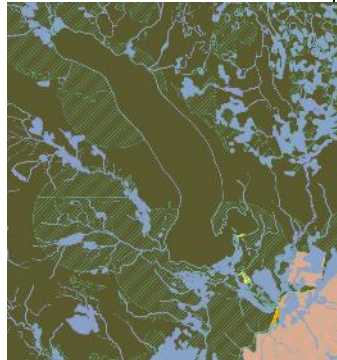



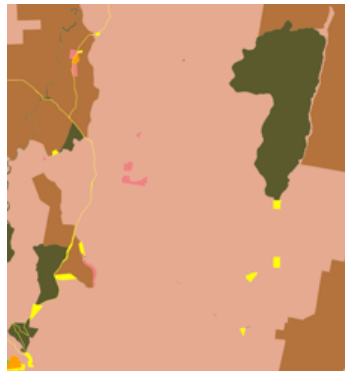
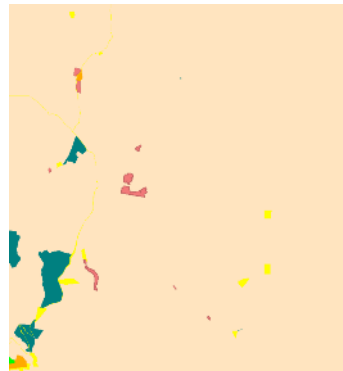
47 Woodward's Bay Road			Land potentially suitable for agriculture 	Private Timber Reserves 	covenant and abuts Parks and Wildlife land. Retain Rural Zone. 238433/1 This land is in the LPSAZ and is unconstrained but is proposed to be zoned Rural. It is predominantly native vegetation and is covered by a PTR and abuts Parks and Wildlife land. Retain Rural Zone.
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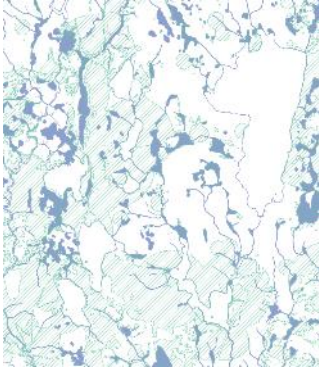


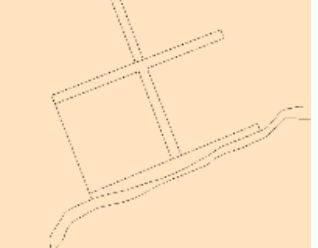
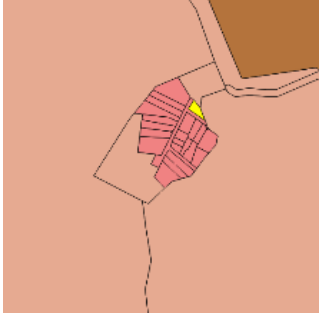
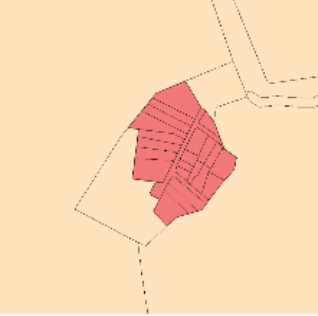


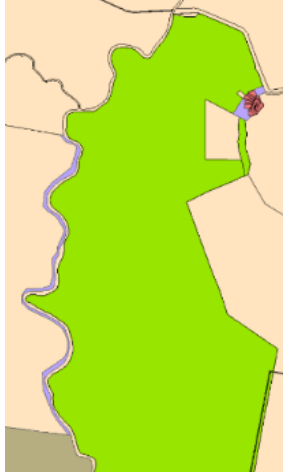
<p>2.5 Millers Bluff area</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>Connorville+Archers Den, 10 Lake River Road, Millers Bluff</p>	<p>LPS</p> 	<p>IPS</p> 	<p>Conservation covenants are attached to land in this area that comprise the property known as 'Connorville+Archers Den' in both the Agriculture and Rural zones.</p> <p>PA to clarify application of the Agriculture and Rural zones to land with conservation covenants, noting that some land might be used for grassland grazing.</p>	<p>Refer to response to Section 2.1, above, in regard to land with conservation covenants.</p>
<p>2.6 Elderslie area</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>Nichols Road, Elderslie – FR 119278/1 at (and Sonners Road, Pelham – FR 212268/1) (and Clifton Vale Road, Elderslie – FR 231712/1)</p>	<p>LPS</p> 	<p>IPS</p> 	<p>FR 119278/1 (12.4ha) and FR 212268/1 (121.2ha) are not mapped in the 'Land Potentially Suitable for Agriculture Zone' layer but are zoned Agriculture. FR 231712/1 (6.45ha) is identified as being unconstrained land.</p> <p>FR 119278/1 and FR 212268/1 have conservation covenants attached to the land under the <i>Nature Conservation Act 2002</i>.</p> <p>PA to clarify application of the Agriculture and Rural zones to the land in context of Agriculture mapping layer (refer to RZ3, AZ1, AZ7 of Guideline No.1) and covenants.</p>	<p>FR 119278/1</p> <p>This title is erroneously 'spot-zoned' Agriculture Zone. Mostly native vegetation, with conservation covenant and surrounded by forested land. Change to Rural Zone.</p> <p>FR 2112268/1</p> <p>This title is proposed to be zoned Rural. Forested land with conservation covenant, surrounded by forested land. Retain Rural Zone.</p> <p>Refer to response to Section 2.1, above, in regard to land with conservation covenants.</p>
<p>2.7 PA to provide further clarification on the application of Rural and Agriculture zones on the following examples relative to the conservation covenants under the <i>Nature Conservation Act 2002</i>:</p> <ul style="list-style-type: none"> • Lake Echo and Macclesfield Road, Waddamana area • Ellendale and Meadowbank areas • Highland Lakes Road, Bothwell area • Interlaken Road, Steppes area • Marked Tree Road, Hamilton area • Lyell Highway, Gretna area • Bronte Park (FR 241850/1 and FR 243948/1) <p>Please append the further justification for each area to this table.</p>				<p>Refer to response to Section 2.1, above, in regard to land with conservation covenants.</p>

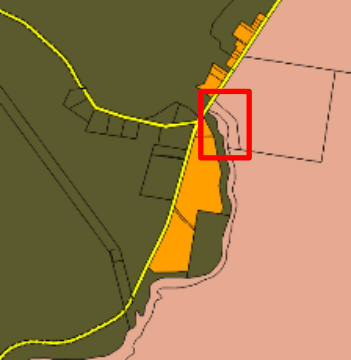
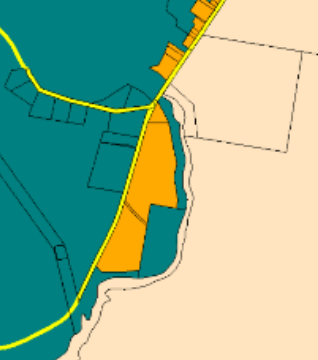
3: ZONING CHANGES APPLYING THE RURAL AND AGRICULTURE ZONES WITH MINING LEASES				
3.1 Hamilton Change of zone from Rural Resource to Agriculture and Rural	LPS 	IPS 	<p>Mining Lease 1939 P/M is attached to FR 224790/1 and FR159231/1 (also owned by the Council).</p> <p>Mining Lease 1922P/M consists of two titles FR 51/4716 and FR 51/4715. However, the dolerite mining activity appears to extend across FR 51/4715.</p> <p>PA to clarify:</p> <ol style="list-style-type: none"> 1. application of Agriculture Zone to the Mining Lease 1922P/M and part of Mining Lease - 1939P/M; and 2. if the dolerite mining activity extends across FR 51/4715, and if zoning should reflect this. 	<p>FR 224790/1 and FR 159231/1</p> <p>Agree with TPC comments. Extend Rural Zone to FR159231/1.</p> <p>FR 51/4716 and FR 51/4715</p> <p>Mining Lease 1922P/M is currently being modified to extend across FR 5147/15 and be removed from FR 51/4716.</p> <p>Agree with TPC comments. Apply Rural Zone to both FR 51/4716 and FR 51/4715.</p>
3.2 Hamilton Change of zone from Rural Resource to Agriculture Indicoal Coal Mine Site, Hamilton – FR 133550/1 FR 125510/1 FR 133550/2	LPS 	IPS 	<p>PAs supporting report states:</p> <p><i>Despite the Mining Lease and the operating Coal Mine, most of the land is used for farming. Per the Guidelines No.1 the mine is not of regional significance and is not afforded the Rural Zone. Applying the Rural Zone would result in split zoning inconsistent with the surrounding zoning.</i></p> <p>PA to clarify application of the Agriculture Zone to Mining Lease - 1679P/M and consider AZ6(b) of Guideline No.1.</p> <p>PA to note: an application for Mining Lease 2082P/M is recorded on The LIST, dated 18 May 2020 (see below).</p>	<p>FR 133550/1, FR 125510/1 and FR 133550/2</p> <ul style="list-style-type: none"> • The original title for Mining Lease - 1679P/M aligned with the boundaries of the mining lease. It was changed in 2000 and the lease now straddles the three titles. • Most of the mining lease is now on the two titles not owned by the company that owns the mine and is used for agriculture. • Most of the title that the contains the mine is also used for agriculture and is not covered by the mining lease. • The lease is scheduled to expire in 2022. • However, the mine is a significant size. <p>Mining Lease Application 2082P/M</p> <p>If this application is approved by the time of the statutory public exhibition of the LPS, Council will consider amending he zone to Rural.</p>
3.3 Bothwell area Change of zone from Rural Resource and Significant Agricultural to Agriculture and Rural	LPS 	IPS 	<p>PA to clarify application of Agriculture Zone to land with the Mining Leases in the Bothwell area (Mining Leases – 2041P/M, 1623P/M, 1418P/M, 1509P/M, 1473P/M), and consider AZ6(b) of Guidelines No.1.</p>	<p>Mining Leases – 2041P/M, 1623P/M, 1418P/M, 1509P/M, 1473P/M</p> <p>All of these leases cover small quarries that each form a small part of much larger agricultural properties. They do not constitute a ‘strategically important resource’ that would warrant numerous split-zonings and numerous small spot zonings.</p> <p>Retain Agriculture Zone.</p>

<p>3.4 Meadowbank and Gretna areas</p> <p>Change of zone from Rural Resource to Agriculture</p> <p>584 Meadowbank Road – FR 37631/1</p> <p>4079 Lyell Highway, Gretna – FR 150406/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>PA to clarify application of Agriculture Zone to land with the Mining Lease – 2016P/M and 1943P/M, and consider AZ6(b) of Guidelines No.1.</p>	<p>Mining Leases – 2016P/M and 1943P/M</p> <p>These leases cover small quarries that each form a small part of much larger agricultural properties. They do not constitute a ‘strategically important resource’ that would warrant split-zonings and spot zonings. Retain Agriculture Zone.</p>
<p>3.5 Ouse area</p> <p>Change of zone from Rural Resource to Agriculture</p> <p>871 Dawson Road and Lot 2 Dawson Road</p> <p>FR 166928/4</p> <p>FR 166928/2</p> <p>FR 145728/1</p> <p>FR 46016/5</p>	<p>LPS</p> 	<p>IPS</p> 	<p>PA to clarify application of Agriculture Zone to land with the Mining Leases in the Ouse area (Mining Leases - 1560P/M, 2026P/M), and consider AZ6(b) of Guideline No.1.</p>	<p>Mining Leases - 1560P/M</p> <p>The broader area in which this mining lease is located is steep and covered in native vegetation and numerous forestry plantations. Whilst within the LPSAZ, it's dominant use is forestry, not agriculture.</p> <p>Recommend the following titles are changed to the Rural Zone:</p> <p>FR 135131/1</p> <p>FR 167186/1 (West of Broad River)</p> <p>FR 166928/2</p> <p>FR 166928/3</p> <p>FR 166928/4</p> <p>FR 135129/2</p> <p>FR 127707/2</p> <p>Mining Leases - 2026P/M</p> <p>This lease covers a small quarry that forms a small part of a much larger agricultural property. It does not constitute a ‘strategically important resource’ that would warrant a split-zoning and spot zoning. Retain Agriculture Zone.</p>
<p>3.6 Bronte Park area</p> <p>Change of zone from Rural Resource to Agriculture and Rural</p> <p>Fourteen Mile Road</p>	<p>LPS</p> 	<p>IPS</p> 	<p>PA to clarify:</p> <ol style="list-style-type: none"> why Mining Lease – 2033/M has been split zoned Agriculture and Rural, noting that FR 131904/1 is identified as unconstrained land as part of the ‘Land Potentially Suitable for the Agriculture Zone’ layer; (and FR 152049/1 is unmapped for agricultural use); and consider AZ6(b) of Guideline No.1. 	<p>Mining Lease – 2033/M</p> <p>A boundary adjustment has just been completed to align the title boundary to the mining lease boundary.</p> <p>The mining lease is on the broader area boundary between the Rural and Agricultural Zones.</p> <p>Amend boundary between Rural and Agricultural Zones so that the entirety of Mining Lease 2033/M (and its newly amended title) is zoned Rural.</p>

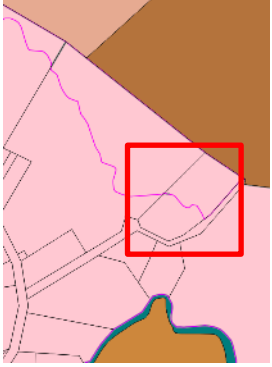
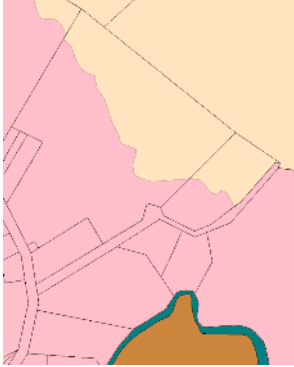
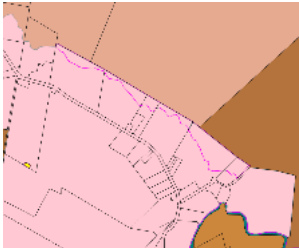
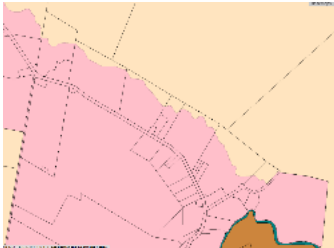
			<p>Land potentially suitable for agriculture</p>  	
<p>3.7 Waddamana area</p> <p>Change of zone from Rural Resource to Agriculture</p> <p>'Bashan+Kluan' – 1839 Bashan Road – FR 248810/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>PA to clarify application of Agriculture Zone to land with the Mining Leases in the Ouse area (Mining Leases - 1883P/M), and consider AZ6(b) of Guideline No.1.</p>	<p>Mining Leases – 1883 P/M</p> <p>This lease covers a small quarry that forms a small part of a much larger agricultural property. It does not constitute a 'strategically important resource' that would warrant a split-zoning and spot zoning. Retain Agriculture Zone.</p>
<p>4: ZONING CHANGES APPLYING THE ENVIRONMENTAL MANAGEMENT ZONE AND OTHER RESERVED LAND</p>				
<p>4.1 Lake St Claire and Lake King William/Guelph Basin area</p> <p>Change of zone from Environmental Management and Rural Resource to Environmental Management and Rural</p>	<p>LPS</p> 	<p>IPS</p> 	<p>The PAs supporting report states that:</p> <p><i>Hydro Lakes have been zoned either Utilities or Environmental Management upon the advice and input received during the exhibition and preparation of the CHIPS in 2014-2016. The draft LPS is a translation of these zones.</i></p> <p>Lake St Claire is located inside the Tasmanian Wilderness World Heritage Area (TWWHA) and proposed to be zoned Environmental Management and Lake King William/Guelph Basin is located outside the TWWHA area and proposed to be zoned Rural.</p> <p>Lake St Claire and Lake King William/Guelph Basin are all identified in the 'waterway and coastal protection area' overlay in the IPS and The LIST. Neither lake is identified in the Natural Assets Code overlay mapping in the draft LPS.</p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • rationale for applying the Environmental Management Zone in this area; • why are some lakes and waterbodies are zoned Environmental Management and others are not; and • why are these lakes not included in the 'waterway and coastal protection areas' overlay in the LPS. 	<p><u>Lakes and the Environmental Management Zone:</u></p> <p>It is the intention that lakes are zoned Environmental Management, (except for those small portions where Hydro infrastructure is covered by Utilities Zone). Some lakes have been erroneously zoned Rural.</p> <p>Amend zoning of all lakes to Environmental Management, (except for those small portions where Hydro infrastructure is covered by Utilities Zone).</p> <p><u>Lakes and the Waterway and Coastal Protection Area overlay:</u></p> <p>It is the intention that lakes are covered by the Waterway and Coastal Protection Area overlay. However, the new GIS layer provided to Council was flawed and simply did not cover some lakes.</p> <p>Council's GIS officer has determined the new GIS layer can be merged with the current IPS layer to fully cover all lakes, as intended.</p> <p>Amend the Waterway and Coastal Protection Area overlay to cover all lakes.</p>



			<div>LPS zoning – Lake St Claire, Environmental Management – Natural values</div> <div></div> <div>LPS zoning – Lake King William, Rural – Natural values</div> <div></div>	<div>The LIST – Lake St Claire – ‘waterway and coastal protection area’</div> <div></div> <div>The LIST – Lake King William/Guelph Basin – ‘waterway and coastal protection area’</div> <div></div>	
<div>4.2 Bronte Lagoon, Brady’s Lake, Lake Binney, Tungatinah Lagoon, Dee Lagoon, Highland Waters, Lake Samuel, Big lake Jim areas</div> <div>Change of zone from Rural Resource to Rural</div> <div>Lake Echo is zoned Rural Resource in the</div>	<div>LPS</div> <div></div>	<div>IPS</div> <div></div>	<div>Many of these lakes (and wetland areas), including Lake Echo, are identified in the ‘waterway and coastal protection area’ overlay in the IPS and The LIST. None of the lakes in this area, including Lake Echo, are identified in the ‘waterway and coastal protection areas’ overlay in the draft LPS.</div> <div>PA to clarify:</div> <div><ul style="list-style-type: none">• how the Environmental Management Zone has been spatially applied;• why are some lakes and waterbodies are zoned Environmetal Management and others are not; and• why some lakes not included in the ‘waterway and coastal protection areas’ overlay in the LPS.</div>	<div>Lakes and the Environmental Management Zone:</div> <div>It is the intention that lakes are zoned Environmental Management, (except for those small portions where Hydro infrastructure is covered by Utilities Zone). Some lakes have been erroneously zoned Rural.</div> <div>Amend zoning of all lakes to Environmental Management, (except for those small portions where Hydro infrastructure is covered by Utilities Zone).</div> <div>Lakes and the Waterway and Coastal Protection Area overlay:</div> <div>It is the intention that lakes are covered by the Waterway and Coastal Protection Area overlay. However, the new GIS layer provided to Council was flawed and simply did not cover some lakes.</div>	

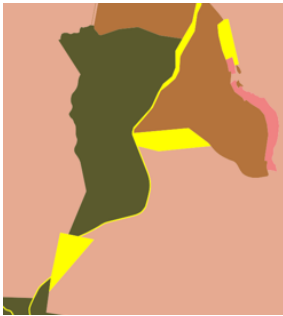
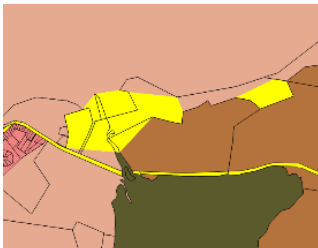
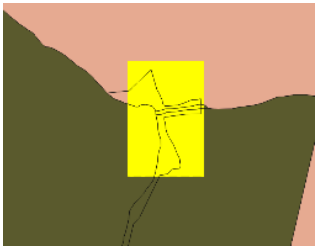
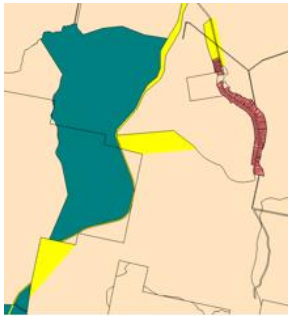
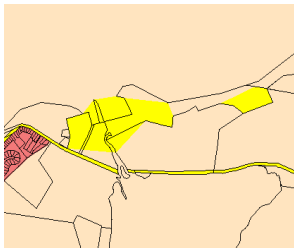

IPS and is proposed to be zoned Environmental Management			<p>LPS – Natural values</p> 	<p>The LIST</p> 	<p>Council's GIS officer has determined the new GIS layer can be merged with the current IPS layer to fully cover all lakes, as intended.</p> <p>Amend the Waterway and Coastal Protection Area overlay to cover all lakes.</p>
4.3 Bothwell area Change of zone from Rural Resource to Environmental Management	<p>LPS</p> 	<p>IPS</p> 	<p>The title owned by DPIPWE and identified as a 'road reserve' (1733, see below) is adjacent to FR 216385/2 and FR 107380/1.</p> <p>A second title owned by DPIPWE (1730, see below) that is classified as a Public Reserve was previously identified as a 'river reserve'.</p> <p>PA to clarify if the zoning of the 'road reserve' is an error and ought to be zoned Agriculture.</p>		<p>Yes. This is an error.</p> <p>Change Road Reserve to Agriculture Zone.</p>
4.4 Bronte Lagoon Road, Bronte Park Change of zone from Rural Resource to Rural Titles: FR 141661/1 FR 141661/1	<p>LPS</p> 	<p>IPS</p> 	<p>FR141661/1 and FR 141661/1 are identified as Public Reserves under the <i>Crown Land Act 1976</i>.</p> <p>These titles adjoin 'unconstrained land' with a conservation covenant and Bronte Lagoon that is proposed to be zoned Rural, although the lagoon is identified in the 'waterway and coastal protection area' overlay in the IPS and The LIST (see the previous section on the application of the Environmental Management Zone).</p> <p>PA to clarify application of Rural Zone for public land, and consider if FR141661/1 and FR 141661/1 ought to be zoned Environmental Management in accordance with Guideline No 1 EMZ 1 (e).</p>		<p>Yes. This is an error.</p> <p>Change public land to Environmental Management Zone.</p>
			<p>Surrounding land – unconstrained land</p>  	<p>FR 127910/12 – conservation covenant</p> 	

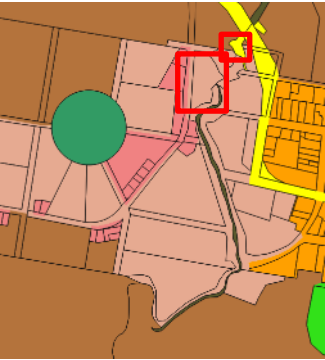

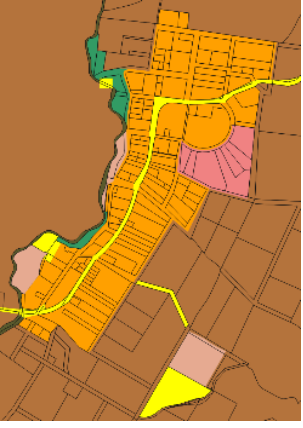
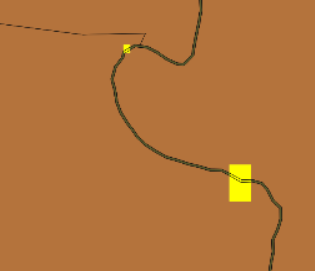
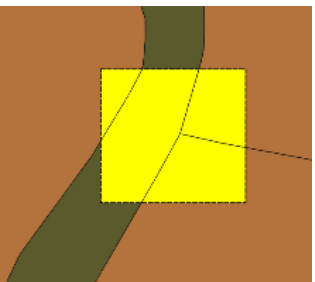
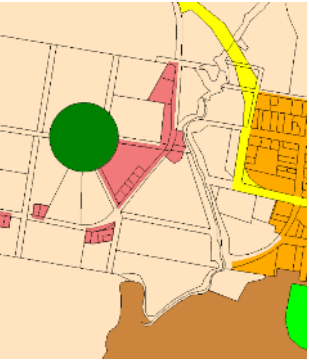

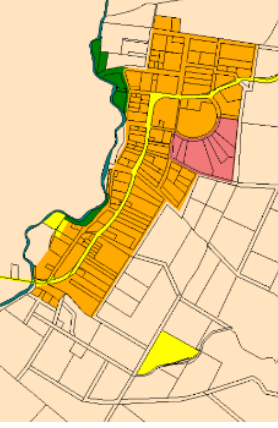

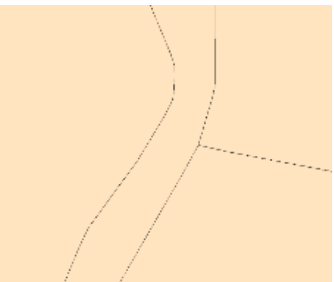
<p>4.5 Lyell Highway, Derwent Bridge</p> <p>Change of zone from Rural Resource to Rural</p> <p>DPIPWE owned title adjacent to FR 212288/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>This DPIPWE owned title is classified as a Public Reserve under the <i>Crown Land Act 1976</i> and was previously identified as a 'river reserve'. Other riparian land owned by DPIPWE in this area is zoned Environmental Management.</p> <p>PA to clarify application of Rural Zone, and consider if the DPIPWE owned riparian reserve ought to be zoned Environmental Management in accordance with Guideline No 1 EMZ 1 (c) and (e).</p>	<p>Yes. This is an error.</p> <p>Change DPIPWE owned riparian reserve to Environmental Management Zone.</p>
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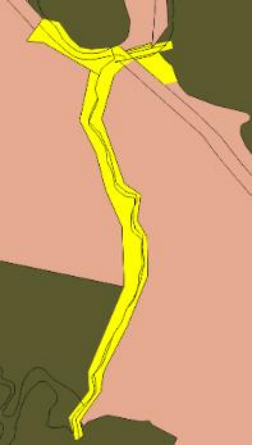

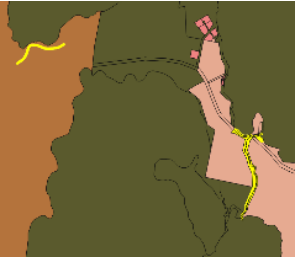

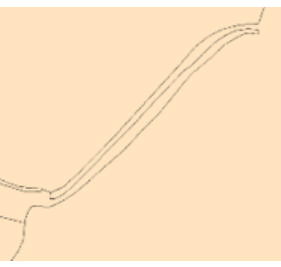

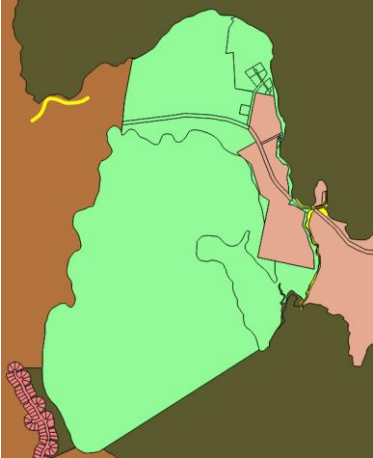


4.6 Jordan River at Lower Marshes Road Change of zone from Rural Resource to Agriculture DPIPWE owned title – FR 52646/2	LPS 	IPS 	This DPIPWE owned title along the Jordon River is classified as a 'public reserve' under the <i>Crown Land Act 1976</i> and was previously identified as a 'river reserve'. PA to clarify application of Agriculture Zone, and consider if the DPIPWE owned riparian reserve ought to be zoned Environmental Management in accordance with Guideline No 1 EMZ 1 (c) and (e).	Yes. This is an error. Change DPIPWE owned riparian reserve to Environmental Management Zone.
4.7 Meadowbank Road and Lyell Road, Hamilton Change of zone from Rural Resource to Agriculture DPIPWE owned title	LPS 	IPS 	This DPIPWE owned title is classified as a 'public reserve' under the <i>Crown Land Act 1976</i> and was previously identified as a 'river reserve'. PA to clarify application of Agriculture Zone, and consider if the DPIPWE owned riparian reserve ought to be zoned Environmental Management in accordance with Guideline No 1 EMZ 1 (c) and (e).	Yes. This is an error. Change DPIPWE owned riparian reserve to Environmental Management Zone.
4.8 Lyell Highway, Ouse Change of zone from Rural Resource to Rural DPIPWE owned title adjacent to FR 135001/1	LPS 	IPS 	This DPIPWE owned title is classified as a 'public reserve' under the <i>Crown Land Act 1976</i> and forms part of a 'waterway/river reserve'. PA to clarify application of Rural Zone, and consider if the DPIPWE owned riparian reserve ought to be zoned Environmental Management in accordance with Guideline No 1 EMZ 1 (c) and (e).	Yes. This is an error. Change DPIPWE owned public reserve to Environmental Management Zone.
4.9 Change of zone from Rural Resource to Rural DPIPWE owned title adjacent to FR 211771/1	LPS 	IPS 	This DPIPWE owned title is classified as a 'public reserve' under the <i>Crown Land Act 1976</i> and forms part of a 'waterway/river reserve'. PA to clarify application of Rural Zone, and consider if the DPIPWE owned riparian reserve ought to be zoned Environmental Management in accordance with Guideline No 1 EMZ 1 (c) and (e).	Yes. This is an error. Change DPIPWE owned public reserve to Environmental Management Zone.
4.10 Ellendale Change of zone from Rural Living to Rural Living A DPIPWE owned title – FR 235795/1	LPS 	IPS 	This DPIPWE owned title is classified as a 'public reserve' under the <i>Crown Land Act 1976</i> and forms part of a 'waterway/river reserve'. PA to clarify application of Rural Living Zone, and consider if the DPIPWE owned riparian reserve ought to be zoned Environmental Management in accordance with Guideline No 1 EMZ 1 (c) and (e).	Yes. This is an error. Change DPIPWE owned public reserve to Environmental Management Zone.

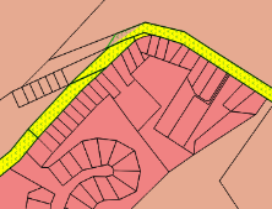

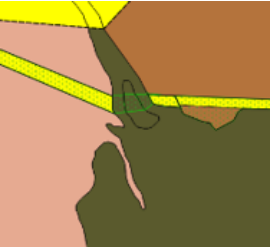

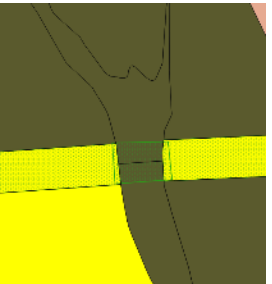
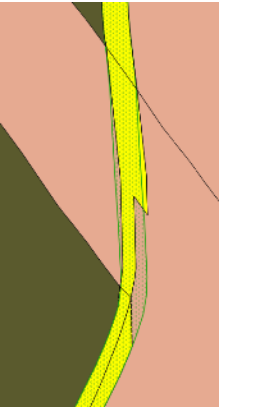
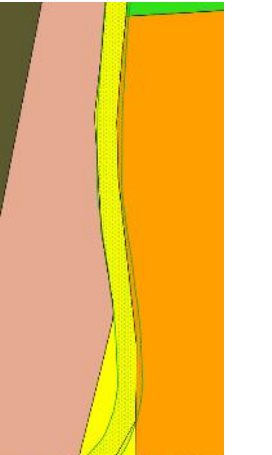
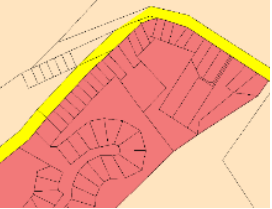

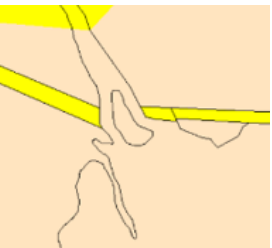


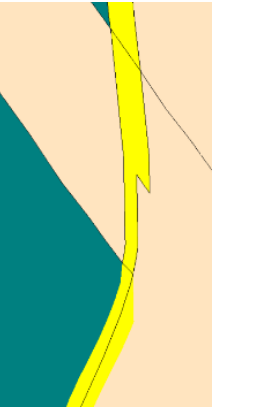
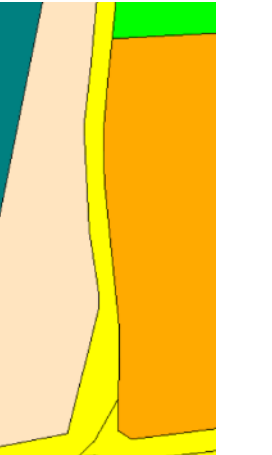
5. ZONING CHANGES APPLYING THE RURAL LIVING ZONE AND OTHER ZONING ISSUES				
<p>5.1 Westerway area</p> <p>Change of zone from Rural Living to Rural Living A</p> <p>49 Clarks Road</p> <p>Westerway – FR 67387/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>The STRLUS identifies Westerway as a “village” in the Growth Management Strategies for Settlements with a low growth strategy and a mixed growth scenario.</p> <p>PA to provide further explanation on why an expansion of Rural Living Zone is considered appropriate in this area, including justification against Guideline No 1 RLZ 3 and the policies of the STRLUS (and particularly SRD 1.3).</p> <p>PA may consider split-zoning part of the titles in this area that are currently zoned Rural Resource in the IPS to Agriculture to avoid spot zoning and ensure a consistent zoning pattern with the proposed adjacent Agriculture zoned land.</p>	<p>FR 67387/1</p> <p>Section 5.4.2 (pages 59 to 61) provides extensive explanation for this very small expansion of the Rural Living Zone. In practice, it:</p> <ul style="list-style-type: none"> • Better reflects the existing use of the land, which is residential and visitor accommodation, including on the portion currently zoned Rural resource in the IPS. • Removes the unnecessary split zoning of this title. • Accords with the Decision Tree which states that split zones should only be considered for larger titles and in exceptional circumstances. • Allows for the possibility of only one addition lot – which accords with the low growth and mixed growth scenario for Westaway. <p>Council notes that the Southern Tasmania Regional Land Use Strategy (STRLUS) that specifies the abovementioned growth scenarios is significantly out of date. It was based on the 2006 census data and was intended to be reviewed after each new census. It has therefore missed two reviews and is fast approaching what ought to be its third. The current severe housing shortage in Southern Tasmania can be attributed, at least in part, to the outdated STRLUS. A severe interpretation of the growth strategies within STRLUS exacerbates this negative outcome. Council, operating at the local level, is anecdotally aware of the hardships that the lack of new housing opportunities is causing many in the community. Vacant lots rarely come on the market and are and quickly purchased when they do. Demand exists for new lots all through our local communities. The proposed expansion of the Rural Living Zone at Westaway is very small by any measure and very reasonably accords with a liberal interpretation of the low growth and mixed growth scenario for Westaway.</p> <p>Retain Rural Living Zone.</p>
<p>5.2 Fentonbury area</p> <p>Change of zone from Rural Living to Rural Living A</p>	<p>LPS</p> 	<p>IPS</p> 	<p>The current zoning follows the creek boundary of Boyces Creek and is identified on Tasmap as being in the Fentonbury area. Fentonbury is not specifically identified in the Growth Management Strategies for Settlements in the STRLUS, and this area would be considered as an “all other settlement” with a very low growth strategy and a consolidation scenario.</p> <p>PA to provide further explanation on why an expansion of Rural Living Zone is considered appropriate in this area, including justification against Guideline No 1 RLZ 3 and the policies of the STRLUS (and particularly SRD 1.3).</p> <p>PA may consider split-zoning part of the titles in this area that are currently zoned Rural Resource in the IPS to Agriculture to avoid spot zoning and ensure a consistent zoning pattern.</p>	<p>Multiple titles at Westaway</p> <p>Section 5.4.3 (pages 62 to 63) provides extensive explanation for this very small expansion of the Rural Living Zone. In practice, it:</p> <ul style="list-style-type: none"> • Better reflects the existing use of the land, including the portions currently zoned Rural resource in the IPS. • Removes the unnecessary split zoning of these titles. • Accords with the Decision Tree which states that split zones should only be considered for larger titles and in exceptional circumstances. • Allows for the possibility of only two addition lots – which accords with the low growth and mixed growth scenario for Westaway. <p>Council notes that the Southern Tasmania Regional Land Use Strategy (STRLUS) that specifies the abovementioned growth scenarios is significantly out of date. It was based on the 2006 census data and was intended to be reviewed after each new census. It has therefore missed two reviews and is fast approaching what ought to be its third. The current severe housing shortage in Southern Tasmania can be attributed, at least in part, to the outdated STRLUS. A severe interpretation of the growth strategies within STRLUS exacerbates this negative outcome. Council, operating at the local level, is anecdotally aware of the hardships that the lack of new housing opportunities is causing many in the community. Vacant lots rarely come on the market and are and quickly purchased when they do. Demand exists for new lots all through our local communities. The proposed expansion of the Rural Living Zone at Westaway is very small by any measure and very reasonably accords with a liberal interpretation of the low growth and mixed growth scenario for Westaway. Retain Rural Living Zone.</p>



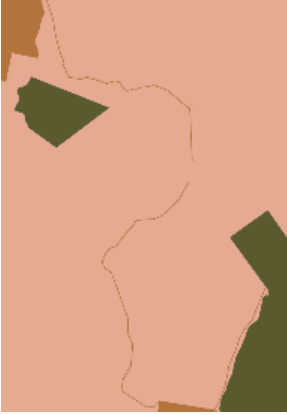
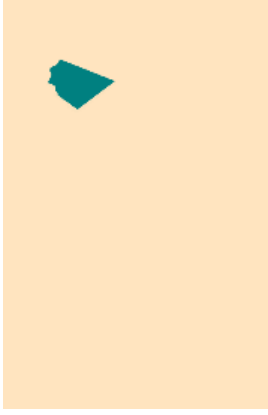
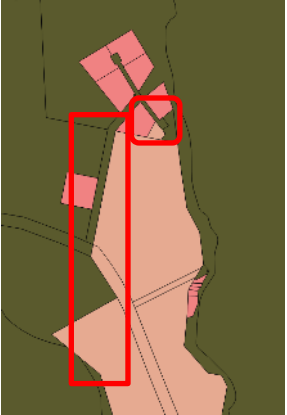
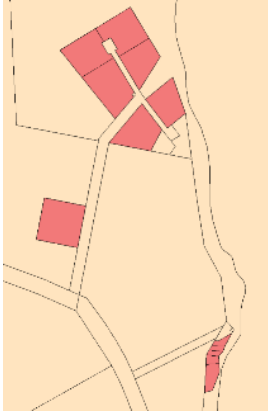
<p>5.3 Ouse District High School</p> <p>Change of zone from Village to Village</p> <p>6993 Lyell Highway and 10 Cross Street, Ouse</p> <p>PID 3412713</p>	<p>LPS</p> 	<p>IPS</p> 	<p>PID 3412713 is owned by the Department of Education and appears to form part of the Ouse District High School.</p> <p>PA to consider if FR 3412713 ought to be zoned Community Purpose.</p>	<p>FR 3412713</p> <p>This title is owned by the school and forms an integral part of the school grounds. The school has no intention of selling it off or building a teacher's residence on it and would prefer its zoning to match the rest of the school.</p> <p>Change zone to Community Purpose.</p>
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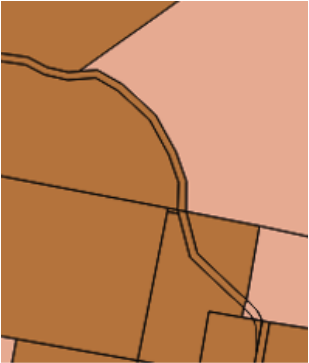
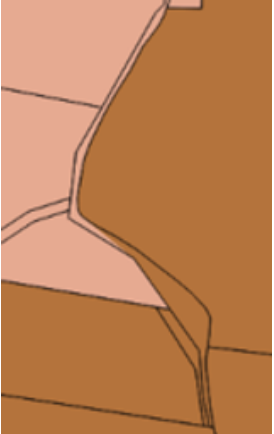
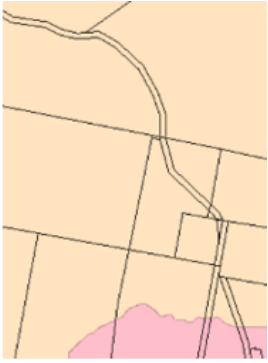




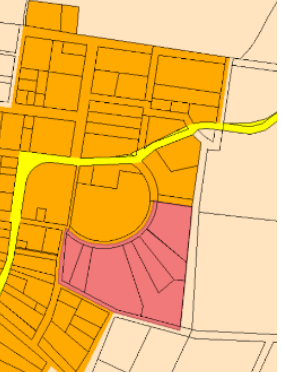
6. ZONING CHANGES ACROSS THE MUNICIPALITY TO UTILITIES				
<p>6.1 Zoning of Utilities across the municipality</p> <p>For example:</p> <p>Bradys Lake and Miena areas</p> <p>Arthurs Lake area (Alma Tiers Road)</p> <p>Change of zone from Rural Resource to Rural, Environmental Management and Utilities</p> <p>PID 3387175 – land owned by Forestry Tasmania</p> <p>DPIPWE owned land</p> <p>Great Lake (Tods Corner)</p> <p>FR 242511/1</p> <p>FR 157869/1</p>	<p>LPS</p> <p>Bradys Lake</p>  <p>Miena</p>  <p>Arthurs Lake area (Alma Tiers Road)</p> 	<p>IPS</p> <p>Bradys Lake</p>  <p>Miena</p>  <p>Arthurs Lake area (Alma Tiers Road)</p> 	<p>It is noted that a number of titles are split zoned with the Utilities Zone applying to the title, but they are zoned Utilities in the IPS.</p> <p>PA to provide further explanation on the application of the Utilities Zone to major infrastructure assets in the municipality, using the example areas in the column to the left.</p> <p>PA to confirm the Utilities Zone has been applied correctly in these areas, and outline how the coordinates for all split zoned boundaries can be identified.</p>	<p><u>Zoning of utilities across the municipality:</u></p> <p>The application of the Utilities Zone to major infrastructure assets in the municipality is generally a straight transition from the existing interim planning scheme to the LPS. In most instances, there are no changes proposed. As such, no further justification is necessary.</p> <p>This includes the Hydro examples provided in the column on the left.</p> <p>Council will provide more detailed boundary description / coordinates if these are considered to be insufficiently defined in the existing interim planning scheme.</p> <p>Retain Utilities Zone and provide additional boundary description / coordinates as necessary.</p>

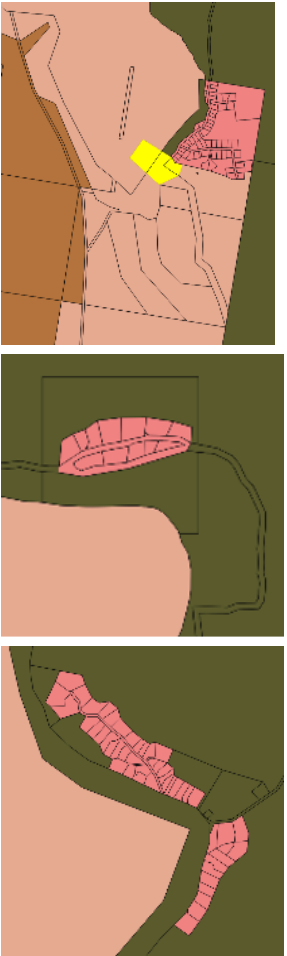
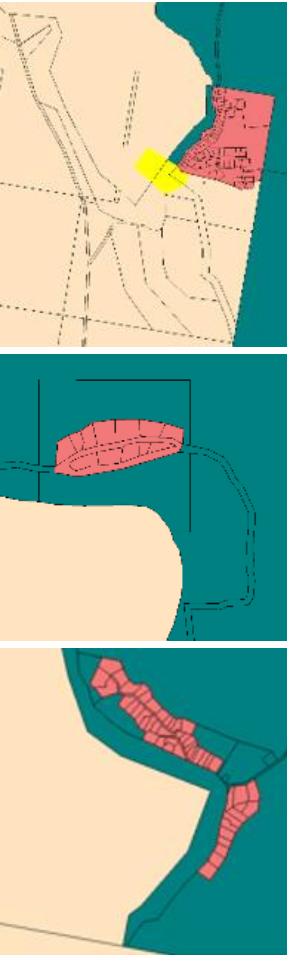
<p>6.2 Zoning of Utilities covering the Clyde Water Trust</p> <p>Bothwell</p> <p>Utilities Zone covering Clyde Water Trust Weirs on the River Clyde including:</p> <p>Elizabeth Street – FR 32561/1 an ‘onshore water body’ ‘Thorpe’ – 189 Dennistoun Road – FR 106748/1 Lot 2 Nant Lane – FR 151816/2</p> <p>Hamilton</p> <p>Change of zone from Open Space, Rural Resource and Environmental Management to Utilities</p> <p>2 River Street – PID 5468825 5540 Lyell Highway – FR 247380/19 25 Fenwick Street – FR 148369/1 Reserved Road</p> <p>Hollow Tree (Green Valley)</p> <p>Change of zone from Rural Resource to Agriculture, Environmental Management and Utilities</p> <p>FR 28890/3 FR 29260/2 FR 251734/1</p>	<p>LPS</p> <p>Bothwell</p>  <p>North of Bothwell – FR 106748/1 & FR 151816/2</p>  <p>Hamilton</p>  <p>North of Hamilton</p>  <p>Hollow Tree (Green Valley)</p> 	<p>IPS</p> <p>Bothwell</p>  <p>North of Bothwell – FR 106748/1 & FR 151816/2</p>  <p>Hamilton</p>  <p>North of Hamilton</p>  <p>Hollow Tree (Green Valley)</p> 	<p>The PAs supporting report states that:</p> <p><i>The Utilities Zone has been applied to the major infrastructure assets of the Clyde Water Trust, being the canal and associated assets connecting Lakes Crescent and Sorell, the canal and associated assets exiting Lake Crescent at the head of the Clyde River and Weirs on the Clyde River.</i></p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • what land forms part of the Clyde Water Trust and what are the implications of the Trust on the land; • the rationale for zoning the weirs Utilities, including providing further background on the intended outcomes; • the rationale for split-zoned boundaries and how the coordinates can be identified; and • the application of the Utilities Zone to land that is privately owned. 	<p><u>Zoning of Clyde Water Trust utilities across the municipality:</u></p> <ul style="list-style-type: none"> • Clyde Water Trust infrastructure is on a combination of private land and State riparian reserve land. • If the Utilities Zone is not implemented as proposed, then Development Applications for upgrades to Clyde Water Trust infrastructure would need to be considered under the Agriculture, Rural and Environmental Management Zones. In many cases multiple zones would apply in the one Development Application, adding extra complication. ‘Minor utilities’ is either No Permit required or Permitted in these zones. However, only the ‘local distribution of water’ is covered under ‘minor utilities’. Weirs, dams, etc. are not covered, and the Clyde Irrigation System distributes water across a region, not just locally. Therefore, most substantive infrastructure upgrades would not be covered under ‘minor utilities’. These would fall within the definition of ‘utilities’, which is Discretionary in the Agriculture and Environmental Management Zones. Given major importance of the irrigation system to the local and regional economy, the level of uncertainty created by this discretionary status is not acceptable. • Split-zoning is necessary as the Clyde Water Trust facilities occur on very large titles. The intent of the zone application is to cover the utilities and the practical working area around the infrastructure. Council will provide more detailed boundary description / coordinates. • Landowners with Clyde Water Trust utilities on their land are members of the Clyde Water Trust and have an interest in ensuring the continued operation and enhancement of the irrigation system. <p>Retain Utilities Zone and provide additional boundary description / coordinates as necessary.</p>
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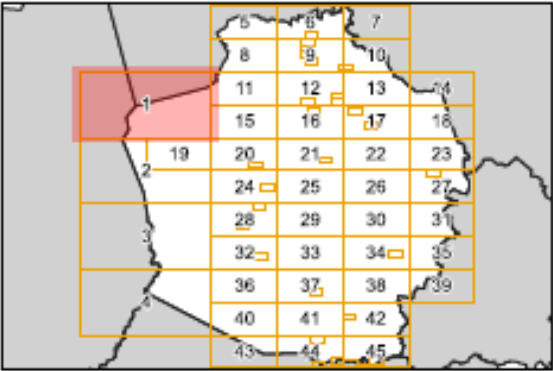
<p>6.3 Zoning of Utilities covering the Clyde Water Trust in the Interlaken area</p> <p>Change of zone from Rural Resource to Utilities</p> <p>Lake Sorell FR 123332/1 FR 123332/2 FR 123332/3</p> <p>Tea Tree Point, Lake Crescent FR 125860/2 (and adjacent to FR 165589/2)</p> <p>Lake Sorell, Kermodes Bay Utilities Zone covering Levee Bank at Kommodos Cut, Lake Sorell – also FR 125860/2</p>	<p>LPS</p> <p>Interlaken</p>   <p>Lake Sorell - Kommodos Cut</p> 	<p>IPS</p> <p>Interlaken</p>   <p>Lake Sorell - Kommodos Cut</p> 	<p>The PAs supporting report states that:</p> <p><i>The Utilities Zone has been applied to the major infrastructure assets of the Clyde Water Trust, being the canal and associated assets connecting Lakes Crescent and Sorell, the canal and associated assets exiting Lake Crescent at the head of the Clyde River and Weirs on the Clyde River</i></p> <p>It is noted that PID 7122924 is owned by DPIPWE and identified as the 'Dago Point Camping Ground' at 2716 Interlaken Road, Interlaken. PID 7122924 also forms part of the Interlaken Ramsar Site (an internationally listed wetland under the Convention on Wetlands of International Importance).</p> <p>PA to clarify:</p> <ul style="list-style-type: none"> • what land forms part of the Clyde Water Trust; • which titles are proposed to be zoned Utilities; • the application of the Utilities Zone to land that is privately owned in some locations (FR 125860/2); and • why PID 7122924 is proposed to be zoned Utilities given that it is a 'camping ground' and forms part of the Interlaken Ramsar Site, and one parcel of land is classified as a 'public reserve' under the <i>Crown Land Act 1976</i>. <p>Interlaken Ramsar Site</p> 	<p><u>Zoning of Clyde Water Trust utilities at Interlaken:</u></p> <ul style="list-style-type: none"> • The Utilities zone is intended to cover the physical location of Clyde Water Trust infrastructure. This occurs on a combination of private and State-owned land. Further on-ground verification can be undertaken in cases where the current zone boundaries are questioned. • The titles, and parts of titles, proposed to be zoned Utilities are as per the mapping provided. Further on-ground verification can be undertaken in cases where the current zone boundaries are questioned. • FR 125860/2 is privately owned but accommodates Clyde Water Trust infrastructure in a small portion of it. • PID 7122924 is a large title and contains the Ramsar wetland on a portion of it. The proposed Utilities zone does not cover the wetland area. Similarly, the proposed Utilities zone does not cover the camping ground area. <p>Retain Utilities Zone and provide additional boundary description / coordinates as necessary.</p>
<p>6.4 Ouse Sewerage Treatment Ponds</p> <p>Change of zone from Rural Resource and Village to Utilities</p> <p>Ouse Sewerage Treatment Ponds – FR 35328/1</p> <p>Access road owned by Triffett Holdings Pty Ltd – FR 175153/1</p>	<p>LPS</p> 	<p>IPS</p> 	<p>PA to clarify application of the Utilities Zone to land that is owned by Triffett Holdings Pty Ltd (FR 175153/1). Is this an error?</p>	<p>FR 175153/1</p> <p>This title constitutes the main access to the Ouse sewerage treatment ponds and pump station infrastructure associated with the ponds.</p> <p>Retain Utilities Zone.</p>

<p>6.5 State Growth Road Casement layer at various locations, for example:</p> <p>FR 134099/1 - Highland Lakes Road, Miena</p> <p>Stock Reserve adjacent to the Miena 'Great Lake Hotel' (adjacent to FR 244058/1)</p> <p>Highland Lakes Road, Miena and Steppes – various locations (see around FR 158054/1 and FR 122878/1)</p> <p>Lyell Highway, Dee (see around FR 136529/1 and FR 136451/1)</p> <p>Lyell Highway, Tarraleah (see around FR 147038/2)</p> <p>Lyell Highway, Bronte Park (see around FR 138606/1)</p> <p>Lyell Highway, Derwent Bridge</p> <p>Marlborough Highway, Bronte Park (see around FR 2520819)</p> <p>Lake Highway, Brandum (see around FR 154509/1)</p>	<p>LPS</p>       	<p>IPS</p>       	<p>There are discrepancies between the DSG State Roads Utilities Zone overlay (the casement layer) and the application of the Utilities Zone noting examples provided in the column to the left.</p> <p>PA to advise whether this is an error or provide justification where it is not.</p>	<p><u>Road casement layer and DSG State Roads Utilities Zone.</u></p> <p>These are technical mapping glitches created by a mis-match in GIS layers. These will be corrected once other zoning issues are resolved and the zoning of all land abutting road casements is thus confirmed.</p> <p>Correct Utilities Zone layer as it applies to road casements.</p>
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7: OTHER TECHICAL ZONING ISSUES				
7.1 Zoning of roads at Dry Poles Road, Ellendale Change of zone from Rural Resource to Agriculture (near FR 136701/1)	LPS 	IPS 	PA to clarify if application of the Agriculture Zone to roads in this area is an error.	Yes. This will be corrected once other zoning issues are resolved and the zoning of all land abutting road casements is thus confirmed.
7.2 Lake Sorell and Tods Hill area – reserved road Change of zone from Rural Resource to Agriculture	LPS 	IPS 	PA to clarify if application of the Agriculture Zone to reserved roads in this area is an error.	Yes. This will be corrected once other zoning issues are resolved and the zoning of all land abutting road casements is thus confirmed.
7.3 Zoning of roads at Interlaken Change of zone from Rural Resource to Environmental Management	LPS 	IPS 	PA to confirm if application of the Environmental Management Zone to roads in this area is an error.	Yes. This will be corrected once other zoning issues are resolved and the zoning of all land abutting road casements is thus confirmed.

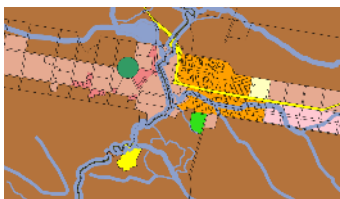
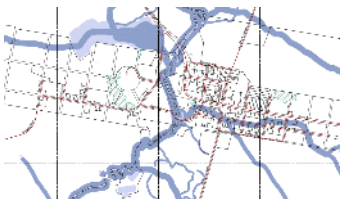
<p>7.4 Zoning of roads at Fentonbury and Osterley</p> <p>Change of zone from Rural Resource to Agriculture</p> <p>Ellendale Road, Fentonbury (near FR 217578/1)</p> <p>Victoria Valley Road, Osterley (near FR 205306/1)</p>	<p>LPS</p> <p>Ellendale Road</p>  <p>Victoria Valley Road</p> 	<p>IPS</p> <p>Ellendale Road</p>  <p>Victoria Valley Road</p> 	<p>PA to confirm if application of the Agriculture and Rural zones to roads in this area is an error.</p>	<p>Yes. This will be corrected once other zoning issues are resolved and the zoning of all land abutting road casements is thus confirmed.</p>
<p>7.5 Zoning of roads</p> <p>Hamilton</p> <p>Change of zone from Rural Resource to Agriculture (small title zoned Rural Resource to Agriculture)</p> <p>Tods Corner and Cramps Bay areas</p> <p>Change of zoning from Rural Resource to Rural and Agriculture and other zones (also near FR 19054/14 and FR 37040/1)</p>	<p>LPS</p>  	<p>IPS</p>  	<p>PA to note that it will be required to conduct a review to ensure that roads are mapped to the road centerline to comply with Practice Note 7 prior to exhibition.</p> <p>Note: modifications to the maps will form part of the section 35(5) notice and changes to the maps can be completed at that stage.</p>	<p>Noted.</p>

	<p>Tods Corner and Cramps Bay LPS</p> 	<p>IPS</p> 		
<p>7.7 Other technical issues relating to the zoning of roads, including to the road centerline, to ensure that the mapping of roads comply with Practice Note 7 include:</p> <ul style="list-style-type: none"> • Lyell Highway, Bradys Lake – reserved road (FR 127910/12) – is application of the Agriculture Zone an error? • Interlaken – reserved road (near FR 165589/3) – is application of the Rural Zone an error? • Steepes – reserved road (near FR 130474/1) – is application of the Utilities beyond the State Growth Road Casement layer an error? <p>PA to note: it will be required to conduct a review to ensure roads are mapped to the road centerline to comply with Practice Note 7 prior to exhibition, in the following areas: Interlaken, Bothwell, Ouse, Brady’s Lake and Little Pine Lagoon.</p> <p>PA to note: modifications to the maps will form part of the section 35(5) notice and changes to the maps can be completed at that stage.</p>				Noted.
8: RURAL LIVING ZONE TECHNICAL MAPPING ISSUES				
<p>PA to note - there are a number of PDF maps where the lettering is not readable or missing.</p> <ul style="list-style-type: none"> • The lettering has not been correctly positioned/located on some of the maps – i.e. Map 44 of 69 (Ellendale) • It is uncertain where the Rural Living Zone applies or the lettering is missing – i.e. Map 17 and 57 of 69 (Wilburville), May 44 of 69 (Fentonbury/Westbury) <p>It is intended that the PA will be directed to review the PDF maps for these technical errors and readability and revise according to Planning Note 7.</p> <p>PA to note: modifications to the PDF maps will form part of the section 35(5) notice and changes to the PDF maps can be completed at that stage.</p>				Noted.
9: OTHER TECHNICAL MAPPING ISSUES				

9.1 Legend		<p>PA to note - the legend is incomplete and does not follow the numerical order from 8.0 to 20.0 as outlined in Guideline No 1.</p> <p>It is intended that the PA will be directed to review the PDF maps for these technical errors and readability and revise.</p> <p>Note: modifications to the PDF maps will form part of the section 35(5) notice and changes to the PDF map legends can be completed at that stage.</p>	Noted.
9.2 Insert maps		<p>PA to note - it is not possible to see the small insert maps – 1:11,000 and their numbering.</p> <p>It is intended that the PA will be directed to review the PDF maps for these technical errors and readability and revise.</p> <p>Note: modifications to the PDF maps will form part of the section 35(5) notice and changes to the PDF map legends can be completed at that stage.</p>	Council requests direction from the TPC regarding a solution acceptable to the TPC to resolve this issue.


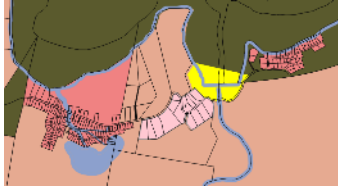
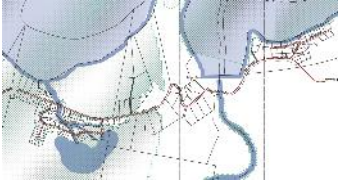
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions	Planning Authority Comments
KEY ISSUES		
C7 Natural Assets Code: Waterway and Coastal Protection Area	<p>Does the planning authority (PA) intend to use the maximum distance (Class 1, 40 m) for watercourses through urban and commercial zones rather than a Class 4 watercourse at 10m – noting that the ‘Waterway and Coastal Protection Area Guidance Map’ published on The LIST remains unmodified in the LPS?</p> <ul style="list-style-type: none"> Does the PA want to reduce the width of buffer zones to 10m where the mapping of watercourses encroach on the Low Density Residential and Local Business zones to ensure that the mapping is as consistent as possible with Table C7.3 of the SPPs? For un-piped watercourses, the overlay will need to be shown but the buffer width reduced to 10m (measured from the top of the bank of the relevant watercourse). <p>Note: Table C7.3 of the SPPs does not list the Village Zone as a zone where the Class 4 watercourse can be considered.</p>	<p><u>Buffer Zone Reductions:</u></p> <p>Yes. Council wishes to reduce the width of buffer zones as suggested by the TPC.</p>
	<p>GIS mapping – Bothwell</p> 	<p>PDF mapping – Bothwell</p> 
	<p>GIS mapping – Miena</p>	<p>PDF mapping – Miena</p>



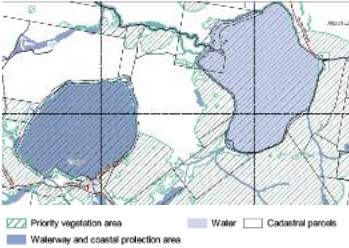
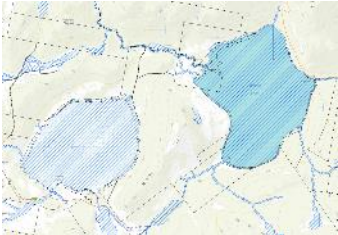
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions	Planning Authority Comments
		
	<p>GIS mapping – Wilberville</p>  <p>PDF mapping – Wilberville</p> 	
	<p>PA to review ‘waterway and coastal protection area’ overlay, and clarify how the mapping has been applied, with reference to the following:</p> <ul style="list-style-type: none"> • The ‘waterway and coastal protection area’ overlay appears different in some areas where a water body does not appear to be mapped in the overlay. • Lakes and artificial water storages are identified as ‘waterway and coastal protection areas’ whereas they are not identified in the LPS PDF and GIS layers in some areas? • Some areas that are not identified in the LPS ‘waterway and coastal protection area’ overlay, although the buffer edges are identified, are zoned Environmental Management? Is it the intention to manage environmental values in these areas? • Other water bodies are identified in the ‘priority vegetation area’ overlay applied. Is this intended? • Technical mapping issue in the set of PDF overlay maps where some 	<p><u>Waterway and Coastal Protection Overlay.</u></p> <p>It is the intention that lakes and other waterways are covered by the Waterway and Coastal Protection Area overlay. However, the new GIS layer provided to Council was flawed and simply did not cover some lakes and waterways.</p> <p>Council’s GIS officer has determined the new GIS layer can be merged with the current IPS layer to fully cover all lakes, as intended.</p> <p>Similarly, the waterway layer itself has missed out significant waterbodies, which Council intends to redress.</p> <p>Amend the Waterway and Coastal Protection Area overlay to cover all necessary waterbodies.</p>


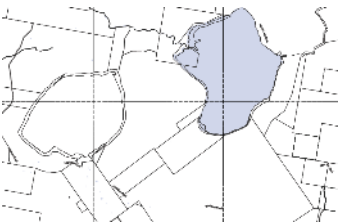
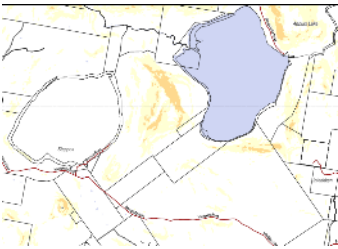
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions	Planning Authority Comments
	<p>water bodies that are zoned Environmental Management are not consistently identified as 'water' on all the PDF maps (i.e. the Lagoon of Islands and Woods Lake area for overlays such as bushfire-prone area, attenuation area, landslip area). Is this intended?</p>	
	<div> <div> <p>GIS mapping – Lagoon of Islands and Woods Lake area (Woods Lake not marked as a 'waterway and coastal protection area' in the GIS and the 'priority vegetation area' overlay applied)</p>  </div> <div> <p>LPS zoning – Environmental Management</p>  </div> </div> <div> <p>PDF mapping – Lagoon of Islands and Woods Lake area (Woods Lake is marked as 'water' and the 'priority vegetation area' overlay is applied)</p>  <p>The LIST (the 'waterway and coastal protection area' overlay applied to both lakes)</p>  </div>	As above.


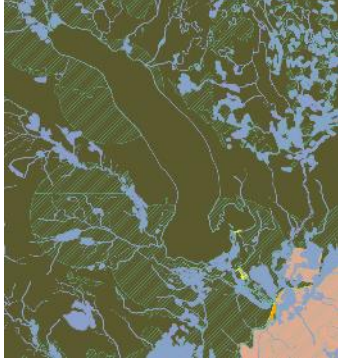
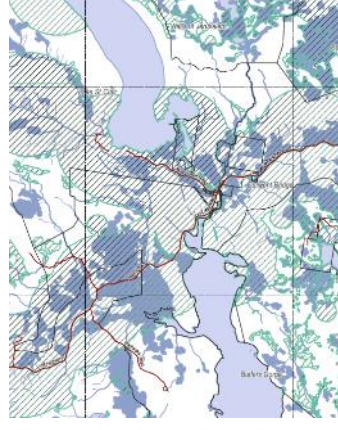




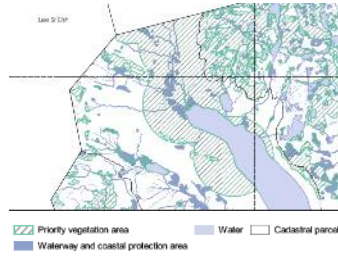




ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions		Planning Authority Comments
		<p>Other overlay mapping</p> <p>Bushfire overlay</p>  <p>Attenuation overlay</p>  <p>Landslip hazard overlay</p> 	
	GIS mapping – Lake St Claire and Lake King William area	<p>PDF mapping – Lake St Claire and Lake King William area</p> <p>(‘waterway and coastal protection area’ overlay applied to neither lake and different zoning between the lakes)</p>	As above.

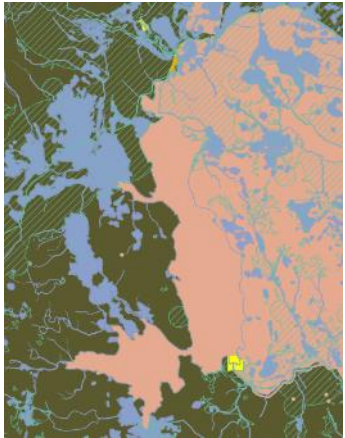


ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions	Planning Authority Comments
	<div data-bbox="526 367 862 949">  </div> <div data-bbox="526 957 862 1021"> <p>LPS zoning – Lake St Claire, Environmental Management</p> </div> <div data-bbox="526 1029 862 1388">  </div> <div data-bbox="884 367 1220 798">  <p>Legend:  Priority vegetation area  Waterway and coastal protection area  Water  Cadastral parcels</p> </div> <div data-bbox="884 837 1220 1093">  <p>Legend:  Priority vegetation area  Waterway and coastal protection area  Water  Cadastral parcels</p> </div> <div data-bbox="884 1109 1321 1212"> <p>The LIST ('waterway and coastal protection area' overlay applied to both lakes)</p> </div>	

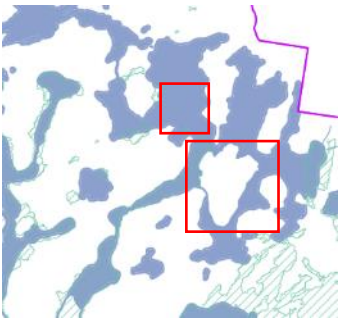

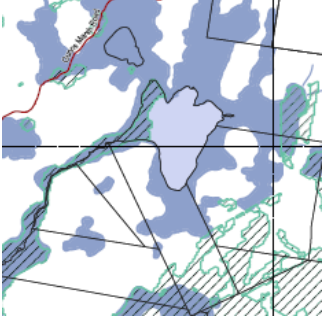

ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions		Planning Authority Comments
	LPS zoning – Lake King William, Rural 	 	
	GIS mapping – Little Lake and Gunns Lake (near Arthurs Lake) (Little Lake not marked as a 'waterway and coastal	GIS mapping – Little Lake and Gunns Lake (near Arthurs Lake) (Gunns Lake is identified in the 'waterway and coastal protection area' overaly and Little Lake is not)	As above.


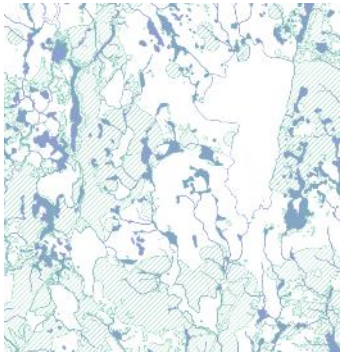

ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions	Planning Authority Comments
	<p data-bbox="528 371 824 400">protection area' in the GIS)</p>  <p data-bbox="528 730 837 794">LPS zoning – Environmental Management</p>  <p data-bbox="528 1114 779 1142">IPS zoning and overlay</p>  <p data-bbox="891 699 987 727">The LIST</p> <p data-bbox="891 738 1323 866">('waterway and coastal protection area' overlay applied to both lakes and also showing a Hydro Electric transmission corridor)</p> 	

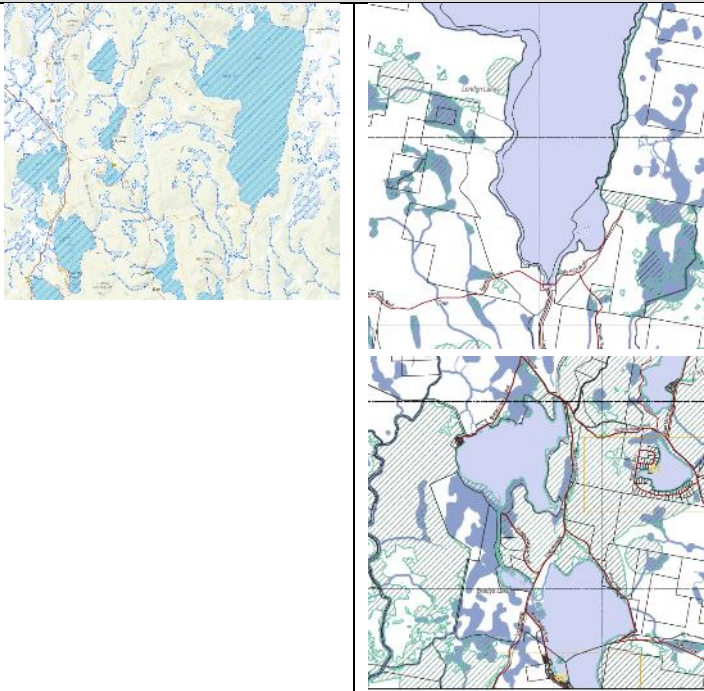
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions	Planning Authority Comments
		
<p data-bbox="526 730 869 826">GIS mapping – Lake Echo, Bronte Lagoon and Brady’s Lake areas</p>  <p data-bbox="526 1198 869 1257">The LIST – waterway and coastal protection areas</p>	<p data-bbox="891 730 1335 794">PDF mapping – Lake Echo, Bronte Lagoon and Brady’s Lake areas</p> 	<p data-bbox="1357 730 2067 762">As above.</p>

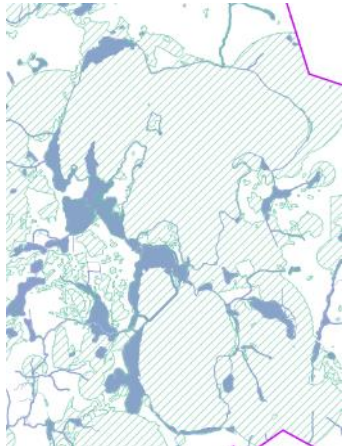
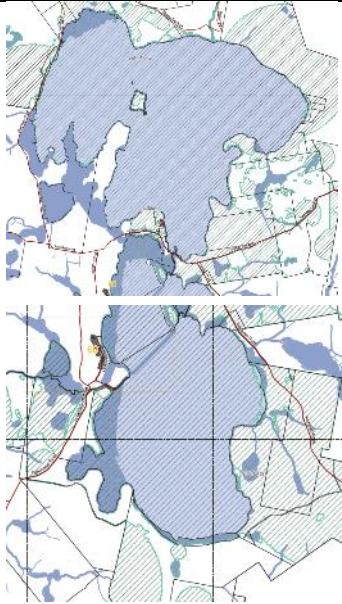
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions		Planning Authority Comments
			
C7 Natural Assets Code: Priority Vegetation Area	PA to provide further explanation about the application of the 'priority vegetation area' overlay and why it is applied to some lakes and waterbodies, e.g. the Great Lake area and the Arthurs Lake area, and Lake Sorell and Lake Crescent area (shown below).		The priority vegetation overlay has been applied to those lakes identified in the Regional Ecosystem Model (Rod Knight) as habitats for threatened native fish species Saddle Galaxias and Arthurs Galaxias.
	GIS mapping – Lake Sorell and Lake Crescent area ('priority vegetation area' overlay applied to the water)	PDF mapping – Lake Sorell and Lake Crescent area ('priority vegetation area' overlay applied to the water bodies)	


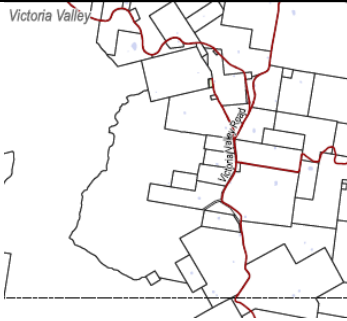
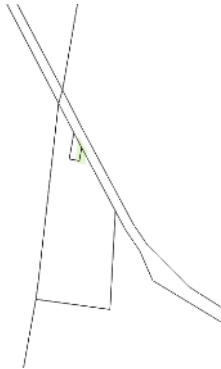
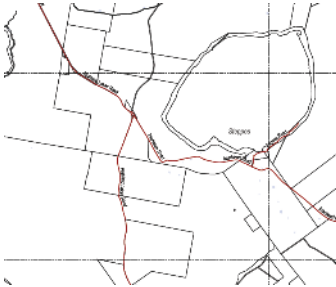
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions		Planning Authority Comments
	<p>bodies)</p>  <p>The LIST (Note, the 'waterway and coastal protection area' overlay is applied to both lakes)</p>		
C6 Local Historic Heritage Code Technical mapping issues	PA to note that it will be required to conduct a review of the PDF maps to ensure that all local historic heritage places are identifiable, relative to the scale of the map.		Council requests direction from the TPC regarding a method acceptable to the TPC to resolve this issue.
	GIS mapping – 79 Church Road, Osterley	PDF mapping – Map 33	

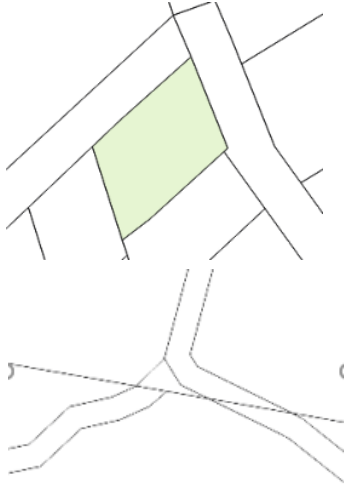

ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions		Planning Authority Comments
			
	GIS mapping – Steppes Hall Highland Lakes Road, Steppes	PDF mapping – Map 22 – Highlands Lake Road	
			
	<p>For the heritage listed property known as ‘St Colman’s Catholic Church and Cemetery’ at 931 Ellendale Road, Ellendale – the title listing and extent of the heritage listing is unclear. The IPS refers to FR 45216/1.</p> <p>The mapping in The LIST for St Colman’s Catholic Church & Cemetery identifies another title (a short way away) at FR 171234/1 (identified as</p>		Yes. The heritage place mapping for FR 171234/1 is an error.

ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

Overlay map	Commission Comments/Questions	Planning Authority Comments
	<p>part of the 'Willowbridge' property at 38 The Avenue, Ellendale – the listing appears to identify this title as being connected with St Colman's Catholic Church & Cemetery at 931 Ellendale Road, Ellendale).</p> <p>PA to clarify if the heritage place mapping for FR 171234/1 is an error.</p>	
	<div> <div> LPS - GIS  </div> <div> IPS  </div> </div>	

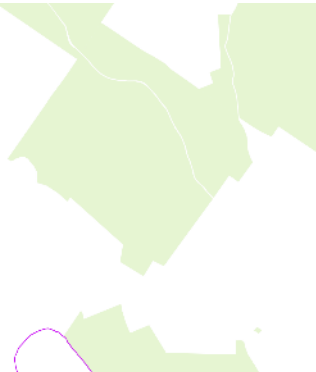
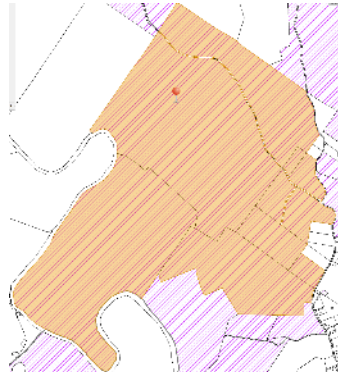
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

<p>C6 Local Historic Heritage Code</p> <p>Issues with the Local Heritage listing and/or the spatial extent of the listing</p>	<p>‘Norton Mandeville’ at 4079 Lyell Highway, Gretna – the IPS refers to two listings that comprise two THR listings – THR ID: 827 and THR ID: 829. The listings for THR ID:827 and THR ID:829 are different in the draft LPS.</p> <p>PA to note that as the heritage list is transitioning under Schedule 6, Clause 8D of the Act, the spatial extent of transitioning heritage place must reflect the same spatial extent as shown in the IPS.</p> <p>PA to note it will be required to conduct a review of the local historic heritage place overlay and revise to ensure the spatial extent of all listings reflects the same area as in the IPS (as it is transitioning). Refer to place listing examples (a)-(p) in Attachment 5 – drafting clarification table (row 27) which require clarification as there are discrepancies between the IPS listing and the draft LPS.</p> <p>If the PA wishes to reduce the spatial extent of listings, it will need to confirm it no longer intends for the Local Heritage Places list to transition as a code-applying provision and therefore will be considered new in the draft LPS. Accordingly, the Minister will need to be advised to amend the draft declarations.</p>	<p>The local historic heritage place listings and spatial extent in the IPS contain errors, including incorrect title references and unintended title references. It is intended that these errors are not transitioned into the new LPS.</p> <p>The negative outcomes of these errors are that:</p> <ul style="list-style-type: none"> • In some cases, the heritage property intended to be protected is not. • Many titles are unnecessarily encumbered by heritage listing, when there is, <u>and never has been</u>, a conscious decision to list them. <p>The situation described in the second point, above, has arisen through a series of ‘accidents of history’:</p> <ul style="list-style-type: none"> • In the 1970s and 1980s planning schemes listed heritage properties simply be name and address. The spatial extent of the listing was not defined. • In the 1990s the Tasmanian Heritage Register was established. It was created ‘overnight’ by collating existing listings in council planning schemes and other lists such as the Register of the National Estate. • The legislation underpinning the Tasmanian Heritage Register stated that the spatial extent of each listing must be defined. The default was the title – or titles – on which the place is located. The default was almost invariably adopted as there were no resources at the time to examine thousands of listings individually. • Many planning schemes drafted after the Tasmanian Heritage Register came into being adopted the same spatial definition as the matching THR listing, including Central Highlands Council. • Thus, properties made up of multiple titles, such as Norton Mandeville, find themselves with many hundreds of hectares <u>unintentionally</u> encumbered by
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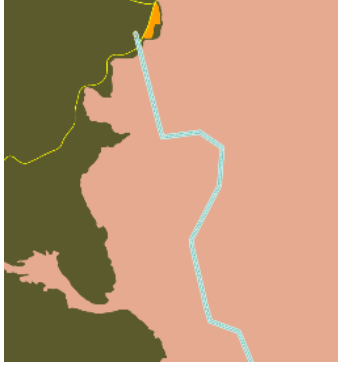
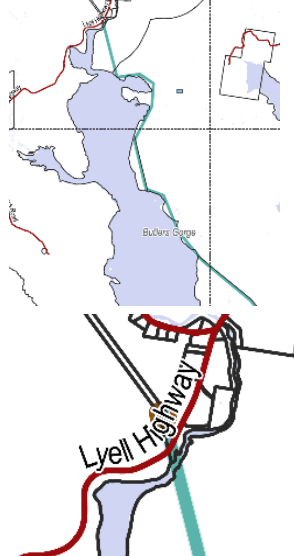
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

		<p>heritage listings.</p> <p>Council seeks confirmation from the TPC that the correction of errors indeed pushes the code from 'transitioning' to 'new'.</p> <p>If it is 'new', then Council will initiate the process to advise the Minister to amend the draft declarations. (Land Use Planning & Approvals Act 1993, Schedule 6, Clause 8D)</p>
	<div data-bbox="524 515 871 928"> <p>LPS</p>  </div> <div data-bbox="882 515 1229 928"> <p>IPS</p>  </div>	

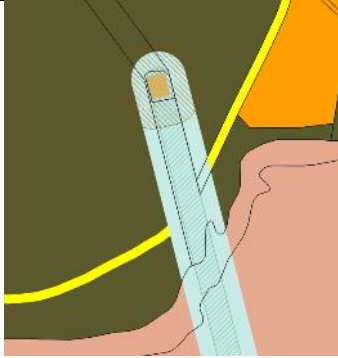


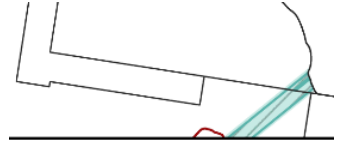
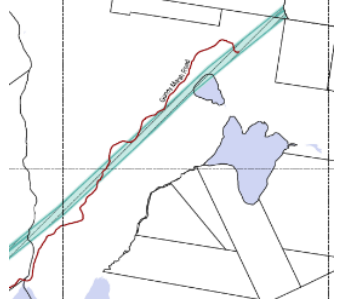
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

<p>C4 Electricity Transmission Infrastructure Protection Overlay</p>	<p>A number of technical issues are noted, including:</p> <ul style="list-style-type: none"> • The overlaying of the layers and how they are displayed on the GIS and PDF maps – i.e. Maps 19, 21, 28, 29, 32, 36, 42, 45, 56, 59, 63 • The application of the electricity transmission corridor (the colour of some features) and the inner protection area layer for some PDF maps – i.e. Maps 2, 3, 10, 13, 16 <p>Could the PA review pdf maps for these issues?</p> <p>Note: modifications to the PDF maps will form part of the section 35(5) notice and changes to the PDF maps can be completed at that stage.</p> <div data-bbox="519 630 869 1236"> <p>GIS mapping – Butlers Gorge area</p>  </div> <div data-bbox="878 630 1339 1236"> <p>PDF mapping – Butlers Gorge area</p>  </div>	<p>Council's GIS mapping consultant has analysed these issues and will be able to address them.</p>
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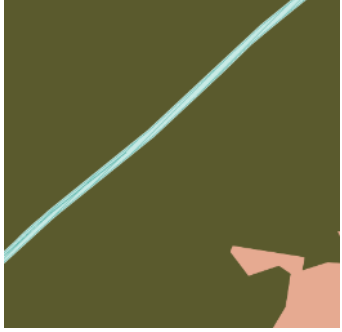
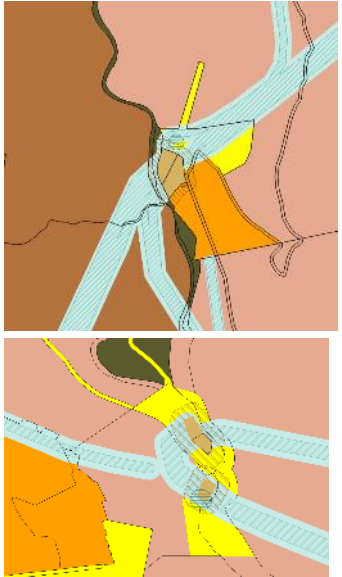
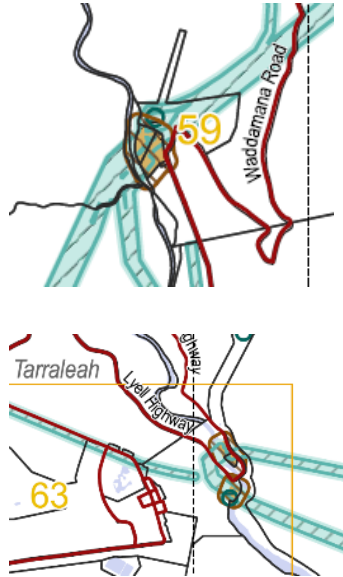
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

			
	<p>GIS mapping – Billopp (Gunns Marsh Road) area</p> 	<p>PDF mapping – Billopp (Gunns Marsh Road) area</p>  <p>Map 10 of 69</p> 	As above.

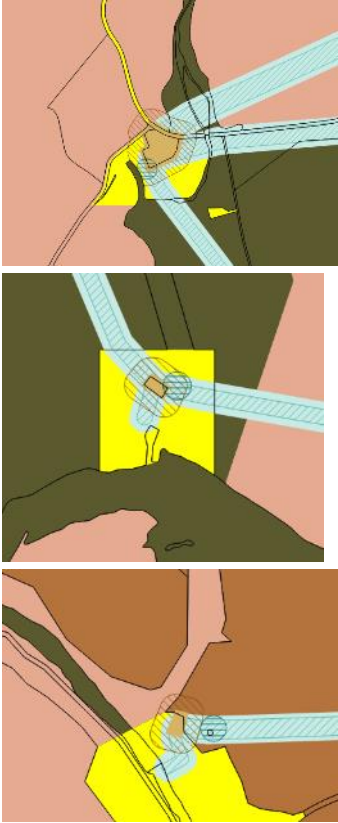
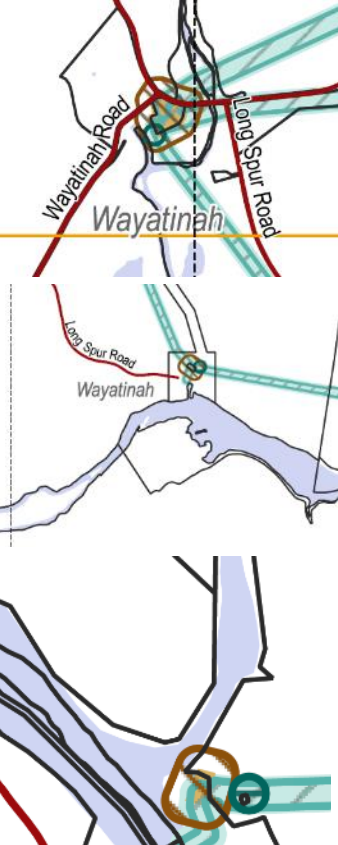
ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

			
	<p>GIS mapping – Waddamanna, Tarraleah, Wayatinah, Long Spur Road and Meadowbank areas</p> 	<p>PDF mapping – Waddamanna, Tarraleah, Wayatinah, Long Spur Road and Meadowbank areas</p> 	<p>As above.</p>

ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table

	 <p>The GIS mapping section contains three separate images. Each image shows a map of a road area with a yellow highlight indicating a specific overlay zone. The top image shows a road intersection with a yellow area. The middle image shows a road with a yellow area. The bottom image shows a road with a yellow area.</p>	 <p>The PDF mapping section contains three separate images. Each image shows a map of a road area with a yellow highlight indicating a specific overlay zone. The top image shows a road intersection with a yellow area. The middle image shows a road with a yellow area. The bottom image shows a road with a yellow area.</p>	<p>As above.</p>
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ATTACHMENT 3

Central Highlands Draft Local Provisions Schedule – Overlay Clarification Table



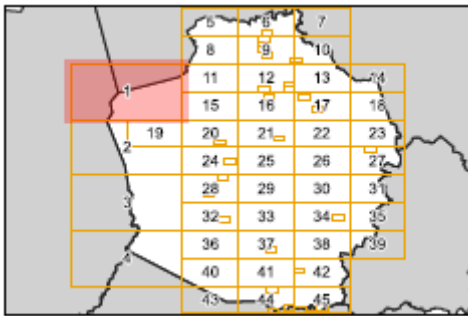
			
OTHER TECHNICAL ISSUES			
Overlay maps - legend	<p>PA to note - it is not possible to see the small insert maps in the legend – 1:11,000 and their numbering.</p> <p>Note: modifications to the PDF maps will form part of the section 35(5) notice and changes to the PDF map legends can be completed at that stage.</p> 	Council requests direction from the TPC regarding a method acceptable to the TPC to resolve this issue.	

TABLE OF CONTENTS

CHI-Local Provisions Schedule Title

CHI-Effective Date

CHI-Local Area Objectives

Particular Purpose Zones

Nil

Specific Area Plans

CHI-S1.0 Lake Meadowbank Specific Area Plan

CHI-Site-specific Qualifications

CHI-Code Lists

CHI-Applied, Adopted or Incorporated Documents

Central Highlands ~~Council~~ Local Provisions Schedule

CHI-~~Local Provisions Schedule Title~~

CHI-1.1 This Local Provisions Schedule is called the Central Highlands ~~Council~~ Local Provisions Schedule and comprises all the land within the municipal area.

CHI Effective Date

CHI-1.2 The effective date for this Local Provisions Schedule is <insert date>.

CHI-~~Local Area Objectives~~

This clause is not used in this Local Provisions Schedule.

CHI-P1.0 Particular Purpose Zones

There are no particular purpose zones in this Local Provisions Schedule.

CHI-S1.0 Lake Meadowbank Specific Area Plan

CHI-S1.1 Plan Purpose

The purpose of the Lake Meadowbank Specific Area Plan is:

- CHI-S1.1.1 To encourage the use and development of Lake Meadowbank and the adjoining land for tourism, recreational and accommodation purposes whilst maintaining and enhancing the natural and cultural values of the area.
- CHI-S1.1.2 To recognise and protect the operational requirements of Hydro Tasmania through the involvement of Hydro Tasmania in the statutory process.
- CHI-S1.1.3 To recognise Lake Meadowbank as contributing to the ~~s~~Southern ~~r~~Region's water supply and to protect water quality from adverse use or development.
- CHI-S1.1.4 To encourage co-ownership and sharing of aquatic structures such as pontoons, jetties and boat launching facilities through limitations and rationalisation of such structures.
- CHI-S1.1.5 To minimise erosion and clearance of riparian vegetation along the Lake Meadowbank foreshore and related watercourses.
- CHI-S1.1.6 To support use and development associated with water-based activities such as boating, water-sports (including water skiing), fishing, and camping and to avoid, as far as practicable, conflict between such activities.
- CHI-S1.1.7 To encourage orderly and strategic development of ~~V~~visitor ~~A~~accommodation including camping and caravan parks.
- CHI-S1.1.8 To recognise and allow for ~~ongoing~~-agriculture and ~~R~~resource ~~D~~development conducted in the area.

CHI-S1.2 Application of this Plan

- CHI-S1.2.1 The specific area plan applies to the area of land designated as Lake Meadowbank Specific Area Plan on the overlay maps.
- CHI-S1.2.2 In the area of land to which this plan applies, the provisions of the specific area plan are in substitution for, and in addition to the provisions of:
 - (a) Rural ~~Resource~~-Zone;
 - (b) Agriculture Zone; and
 - (c) Environmental Management Zone,as specified in the relevant provision.

CHI-S1.3 Local Area Objectives

CHI-S1.3.1 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
CHI-S1.3.1.1 Lake Meadowbank Specific Area Plan, shown on an overlay map as CHI-S1.13.40.	<u>Lake Meadowbank Specific Area Plan, shown on an overlay map as CHI-S1.13.40.</u>	<p>A discretionary use must have regard to the following Local Area Objectives of this area are:</p> <p>(a) 4) uUse and development will:</p> <ul style="list-style-type: none"> (i) maintain and enhance natural habitat for biodiversity through landscaping and plantings; (ii) avoid impact on water quality; (iii) minimise soil disturbance; and (iv) minimise, and avoid as far as practicable, vegetation removal. <p>(b) 2) bBuildings and works are to be setback as far as practical from the Lake Meadowbank foreshore to avoid erosion, protect water quality and maintain the scenic and natural values of the lake shore.</p> <p>(c) 3) aAquatic structures such as jetties, pontoons and boat launching facilities on Lake Meadowbank are to be limited by:</p> <ul style="list-style-type: none"> (i) rationalising structures wherever practicable; and (ii) removing and replacing private facilities with shared facilities provided by or on behalf of a Government <u>Agency or Authority</u> or Agency. <p>(d) 4) iAboriginal heritage values of the area are protected and impact on such values is avoided through current best practice.</p> <p>(e) 5) iThe operational requirements and future strategic plans of Hydro Tasmania are protected from adverse development and land use.</p> <p>(f) 6) iThe scenic, cultural and natural values of the landscape are</p>

		<p>protected through encouraging works and development compatible with those values and the relevant purpose statements of the s<u>s</u>Specific a<u>a</u>Area-Plan.</p> <p>(g) 7-d<u>d</u>Development associated with Visitor Accommodation is orderly and rational having regard to:</p> <p>(i) (a) the scenic, natural and cultural values of the land; and</p> <p>(ii) (b) the amenity of the area.</p> <p>(h) 8-n<u>n</u>Non-agricultural use or development will not confine or constrain an existing agriculture or resource development use.</p>
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CHI-S1.4 ~~1~~1 Definition of Terms

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CHI-S1.4 ~~1~~1 In this ~~s~~sSpecific ~~a~~aArea plan, unless the contrary intention appears:

Terms	Definition
f <u>f</u> Full supply level	m <u>m</u> Means the level of the lake at which it is at its maximum operational level, as determined by Hydro Tasmania. The supply level is 73.15m above sea level.
MAST	means Marine and Safety Tasmania.
m <u>m</u> Maximum flood level	means t <u>t</u> he maximum flood level is 79m above sea level, based on the 1:10,000 year flood.
m <u>m</u> Master d <u>d</u> Development Plan <u>plan</u>	<p>means a A<u>A</u>-site specific master plan; including maps, diagrams and written documentation demonstrating: the following:</p> <p>(a) t<u>t</u>he concept design and location of all buildings and associated works, including vehicular access and parking;</p> <p>(b) T<u>T</u>he concept design and location of any facilities used in association with the Visitor Accommodation;</p> <p>(c) A<u>A</u>ccess points to the public road network, internal roads and parking areas;</p>

	<p>(d) The location of any associated jetties, boat ramps or other structures on Lake Meadowbank;</p> <p>(e) Landscaping of the site to minimise the visual impact of development on views to the site from Lake Meadowbank;</p> <p>(f) How the development complies with the purpose of this specific area plan; and</p> <p>(g) An operational plan including:</p> <p style="margin-left: 20px;">(i) i.Waste management;</p> <p style="margin-left: 20px;">(ii) ii.complaint management;</p> <p style="margin-left: 20px;">(iii) iii.noise management; and</p> <p>(h) Any staging of operations or development including estimated timeframes.</p>
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CHI-S1.5 Use Table

This clause is in substitution for Rural Zone – clause 20.2 Use Table, Agriculture Zone – clause 21.2 Use Table and Environmental Management Zone – clause 23.2 Use Table.

Use Class	Qualification
No Permit Required	
Natural and C eultural V alues M anagement	
Passive Recreation	
Permitted	
Resource Development	If for an agricultural use, excluding controlled environment agriculture, tree farming and plantation forestry.
Utilities	<p>If for:</p> <p>(a) electricity generation;</p> <p>(b) collecting, treating, transmitting, storing or distributing water;</p> <p>(c) electrical sub-station or powerline;</p> <p>(d) pumping station; or</p> <p>(e) storm or flood water drain, water storage dam and weir.</p>

Residential	If for: (a) (a) a home-based business in an existing dwelling; or (b) (b) alterations or extensions to an existing dwelling.
Discretionary	
Community Meeting and Entertainment	
Food Services	
Pleasure Boat Facility	
Research and Development	
Residential	If <u>for</u> : (a) a single dwelling; or (b) a home-based business; and (c) not listed as Permitted.
Resource Development	If not listed as No Permit Required <u>Permitted</u> .
Resource Processing	If for a winery, brewery, cidery, or distillery.
Sport and Recreation	
Tourist Operation	
Utilities	If not listed as Permitted.
Visitor Accommodation	If <u>for a</u> holiday cabin, backpackers hostel, bed and breakfast, camping and caravan park, <u>and</u> overnight camping area.
Prohibited	
All other uses	

CHI-S1.6 Use Standards

CHI-S1.6.1 Discretionary ~~u~~Use

This clause is in substitution ~~to for~~ Rural Zone ~~–~~ clause 20.3.1 Discretionary ~~u~~Use, Agriculture Zone – clause 21.3.1 Discretionary uses, Environmental Management Zone – clause 23.3.1 Discretionary uses.

~~This clause is in substitution to Agriculture Zone clause 21.3.1 Discretionary Use~~

~~This clause is in substitution to Environmental Management Zone clause 23.3.1 Discretionary Uses~~

Objective:	That uses listed as Discretionary recognise and reflect the values identified in the purpose of the specific area plan and local area objectives	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 A use listed as Discretionary must be consistent with the natural and cultural values of Lake Meadowbank together with the Local Area Objectives, having regard to: <ul style="list-style-type: none"> (a) the significance of the ecological, scientific, cultural, historic or scenic values; (b) the protection, conservation, and management of the values; (c) the location, intensity and scale of the use and impacts on existing use and other lake activities; (d) the characteristics and type of use; (e) traffic generation and parking requirements; (f) any emissions and waste produced by the use; (g) the storage and holding of goods, materials, and waste; (h) the proximity of sensitive uses; (i) measures to minimise or mitigate bushfire hazards; and (j) fettering of an agricultural use; and (k) Any advice from Hydro Tasmania.
A2 No Acceptable Solution.		P2 A use listed as Discretionary must not confine or restrain existing agricultural use on adjoining properties, having regard to: <ul style="list-style-type: none"> (a) the location of the proposed use; (b) the nature, scale and intensity of the use; (c) the likelihood and nature of any

	<p>adverse impacts on adjoining uses; <u>and</u></p> <p>(d) any off site impacts from adjoining uses.</p>
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CHI-S1.6.32 Holiday cabins

This clause is in substitution ~~to~~for Rural Zone – clause 20.3.1 Discretionary ~~u~~Use,
Agriculture Zone – clause 21.3.1 Discretionary uses, Environmental Management Zone – clause 23.3.1 Discretionary uses.

~~This clause is in substitution to Agriculture Zone clause 21.3.1 Discretionary Use~~

~~This clause is in substitution to Environmental Management clause 23.3.1 Discretionary Uses~~

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Objective:	Holiday cabins do not cause an unreasonable loss of amenity or impact on the scenic, cultural or natural values of the area.	
Acceptable Solutions	Performance Criteria	
<p>A1</p> <p>Visitor Accommodation must:</p> <p>(a) have not more than 1 holiday cabin per title; or</p> <p>(b) <u>a</u>Accommodate guests in existing buildings.</p>	<p>P1</p> <p>A master development plan must demonstrate that holiday cabins do not cause an unreasonable loss of amenity or impact on the scenic, cultural or natural values of the area, having regard to:</p> <p>(a) t<u>The</u> concept design and location of all buildings and associated works, including vehicular access and parking;</p> <p>(b) t<u>The</u> concept design and location of any facilities used in association with the Visitor Accommodation;</p> <p>(c) <u>a</u>Access points to the public road network, internal roads and parking areas;</p> <p>(d) t<u>The</u> location of any associated jetties, boat ramps or other structures on Lake Meadowbank;</p> <p>(e) l<u>Land</u>scaping of the site to minimise the visual impact of development on views to the site from Lake Meadowbank;</p> <p>(f) <u>h</u>How the development complies with the purpose of this Specific Area Plan; and</p> <p>(g) <u>a</u>An operational plan including:</p> <p>(i) <u>w</u>Waste management;</p> <p>(ii) <u>c</u>Complaint management;</p>	

(iii) ~~n~~Noise management.

CHI-S1.6.34 Camping and caravan parks, and overnight camping areas

This clause is in substitution ~~to for~~ Rural Zone – clause 20.3.1 Discretionary ~~u~~Use, Agriculture Zone – clause 21.3.1 Discretionary uses, Environmental Management Zone – clause 23.3.1 Discretionary uses.

~~This clause is in substitution to Agriculture Zone clause 21.3.1 Discretionary Use~~

~~This clause is in substitution to Environmental Management clause 23.3.1 Discretionary Uses~~

Objective: ~~That~~ camping and caravan parks, and overnight camping areas, do not cause an unreasonable loss or impact on the scenic, cultural or natural values of the area.

Acceptable Solutions

A~~1~~4

Camping and caravan parks must have not more than ~~five~~5 campsites or caravan park sites per title.

Performance Criteria

P~~1~~4

A master development plan must demonstrate that camping areas and caravan parks with 6 or more campsites and/or caravan park sites do not cause an unreasonable loss of amenity or adverse impact on the scenic, cultural or natural values of the area; having regard to:

- (a) ~~t~~The location and size of all camp sites and/or caravan sites;
- (b) ~~t~~The design and location of facilities for the amenity of the camp sites and/or caravan site;
- (c) ~~a~~Access points to the public road network, internal roads and parking areas;
- (d) ~~t~~The location of any associated jetties, boat ramps or other structures on Lake Meadowbank;
- (e) ~~l~~Landscaping of the site to minimise the visual impact of development on views to the site from Lake Meadowbank;
- (f) ~~h~~How the development complies with the purpose of this Specific Area Plan; and
- (g) ~~a~~An operational plan including:
 - (i) Waste management;
 - (ii) Complaint management;
 - (iii) Noise management.

CHI-S1.7 Development Standards for Buildings and Works

CHI-S1.7.1 ~~Building h~~Height, setback and siting

This clause is in substitution ~~to for~~ Rural Zone ~~–~~ clauses ~~s~~ 20.4.1 Building height and ~~clause~~ 20.4.2 setbacks.

~~This clause is in substitution to for~~ Agriculture Zone ~~–~~ clauses ~~s~~ 21.4.1 Building height ~~and~~ ~~clause~~ 21.4.2 Setbacks, ~~and~~

~~This clause is in substitution to~~ Environmental Management ~~–~~ clauses ~~s~~ 23.4.2 Building height, setback and siting, ~~clause~~ 23.4.3 Exterior finish, ~~and~~ ~~is~~ in addition to clause 23.4.4 Vegetation ~~m~~Management

Objective:	That buildings and works are compatible with the scenic, natural, cultural values of the area and protects the visual and V visitor A accommodation amenity of adjoining properties.	
Acceptable Solutions		Performance Criteria
A1 Building height must be not more than: (a) 4m for a caravan park or camping ground; (b) 5m for any Tourist Operation or Visitor Accommodation excluding a caravan park or camping ground; and (c) 8m for any other development.		P1 No Performance Criterion.
A2 Buildings and works, excluding for a camping ground or caravan park, must be <u>have a</u> setback not less than 100m from: <u>(a) fully supply level; and</u> <u>(b) maximum flood level.</u> (a) (a)		P2 Buildings and works, other than those associated with a camping ground or caravan park, must be compatible with the scenic, natural and cultural -values of the area and protect the amenity of the adjoining properties having regard to: <ul style="list-style-type: none"> (a) not compromi<u>inge</u> the visual amenity of the rural setting when viewed from adjoining properties, or from <u>Lake Meadowbank</u>the lake; (b) n<u>Not</u> dischargi<u>inge</u> stormwater directly into <u>Lake Meadowbank</u>lake; and (c) <u>being</u> designed to avoid ongoing

	erosion.
A3 Buildings must have a setback from all boundaries of not less than 20m.	P3 Buildings must be sited to not cause an unreasonable loss of amenity, or impact on landscape values of the site, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the size, shape and orientation of the site; (c) the side and rear setbacks of adjacent buildings; (d) the height, bulk, and form of existing and proposed buildings; (e) the need to remove vegetation as part of the development; (f) the appearance when viewed from adjacent land, public roads and from Lake Meadowbank; (g) the landscape values of the area; and (h) the local aArea oObjectives.
A4 Buildings must not be developed on land with a slope greater than 1:5 or 20%.	P4 No Performance Criterion.
A5 Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.	P5 No Performance Criterion.

CHI-S1.7.2 Camping and caravan park siting, design and appearance

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, and Environmental Management Zone – clause 23.4 Development Standards for Building and Works.

This clause is in addition to Rural Zone clause 20.4 Development Standards for Buildings and Works

This clause is in addition to Agriculture Zone clause 21.4 Development Standards for Buildings and Works

This clause is in addition to Environmental Management clause 23.4 Development Standards for Building and Works

Objective:	That buildings and structures-works associated with camping areas and caravan parks have a minimal impact on the surrounding landscape.	
Acceptable Solutions		Performance Criteria
A1	Buildings and structures-works associated with camping areas and caravan parks must not have footings and must have the capacity to be easily removed from the site.	P1 Buildings and structures-works associated with camping areas and caravan parks of a permanent nature are for at least one of the following purposes: (a) a communal toilet/shower/laundry facility associated with a camping area; (b) storage associated with a camping area; (c) A site office or reception area associated with a camping site or caravan park.
A2	Individual campsites or caravan park sites must be no more than a gross floor area of 50m ² .	P2 No Performance Criterion.
A3	Campsites and caravan park sites must be setback not less than 40m from the full supply level of the lake.	P3 Campsites and caravan park sites located a minimum of 20m from the full supply level of the lake, if it can be demonstrated that the local topography or other site characteristics mean that the Acceptable Solution cannot be achieved.

CHI-S1.7.3 On-site waste-water treatment-management systems

This clause is in addition to Rural Zone clause 20.4 Development Standards for Buildings and Works, Agriculture Zone clause 21.4 Development Standards for Buildings and Works, and Environmental Management Zone clause 23.4 Development Standards for Building and Works.

This clause is in addition to Rural Zone clause 20.4 Development Standards for Buildings and Works

This clause is in addition to Agriculture Zone clause 21.4 Development Standards for Buildings and Works

This clause is in addition to Environmental Management clause 23.4 Development Standards for Building and Works

Objective:	<u>That on-site wWaste-water management treatment</u> systems do not <u>cause adverse environmental</u> impacts <u>the health and quality and of</u> Lake Meadowbank and associated waterways.
Acceptable Solutions	Performance Criteria
A1 <u>On-site wWaste-water management treatment</u> systems must be setback not less than 100m from the full supply level or above the maximum flood level of <u>the Lake Meadowbank</u> , whichever is the greater.	P1 <u>On-siteWastewater management treatment</u> systems to be setback from <u>the Lake Meadowbank</u> and any associated waterways must demonstrate in a report prepared by a suitably qualified person that: <ul style="list-style-type: none"> (a) <u>the (a)–</u>local topography or other site characteristics mean that <u>the Acceptable Solution CHI–S1.7.3–5</u> cannot be achieved; and (b) <u>(b) that the on-site waste water management treatment</u> system will not result in adverse environmental impacts (e.g. water quality).

CHI-S1.7.4 Aquatic structures

This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, and Environmental Management Zone – clause 23.4 Development Standards for Building and Works.

This clause is in addition to Rural Zone clause 20.4 Development Standards for Buildings and Works

This clause is in addition to Agriculture Zone clause 21.4 Development Standards for Buildings and Works

This clause is in addition to Environmental Management clause 23.4 Development Standards for Building and Works

Objective:	<u>That pP</u> ermanent aquatic structures such as pontoons, boat ramps and jetties on Lake Meadowbank are only constructed as necessary and are safe, functional, and do not detract from the natural and cultural values of the landscape or impede recreational use or the operational needs of Hydro Tasmania.
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>Aquatic structures must not affect the operational needs of Hydro Tasmania having regard to the full supply level and the maximum flood level of the lake and other relevant matters. Accordingly works and development must, having regard to:</p> <ul style="list-style-type: none"> (a) Be any advice and requirements of Hydro Tasmania; and (b) any written permission from Hydro Tasmania for the construction of any aquatic structures on <u>Lake Meadowbank</u> the lake.
<p>A2</p> <p>No Acceptable Solution.</p>	<p>P2</p> <p>The siting- and visual impact-of aquatic structures must avoid negative adverse impact on the scenic, natural and cultural values of Lake Meadowbank, having regard to:</p> <ul style="list-style-type: none"> (a) (b) the local area <u>the local area</u> objectives; (c) avoiding the proliferation of aquatic structures in the immediate vicinity; (d) avoiding vegetation removal to allow for new structures; (e) using natural finishes and colours that blend with the surrounding landscape; and (f) the proposed scale and bulk of the aquatic structure.
<p>A3</p> <p>Aquatic structures, including pontoons boat ramps must be designed and constructed to meet MAST and Hydro Tasmania standards.</p>	<p>P3</p> <p>No Performance Criterion.</p>
<p>A4</p> <p>An aquatic structure is for any of the following:</p> <ul style="list-style-type: none"> (a) for <u>the</u> replacement of an existing structure; 	<p>P4</p> <p>Aquatic structures do not detract from the natural and cultural values of the landscape and are only constructed as necessary and safe, having regard to:</p> <ul style="list-style-type: none"> (a) rationalised as far as practicable;

<p>(b) A structure provided by or on behalf of a Government the Crown, council or a State Authority or Agency; and</p> <p>(c) tThe rationalisation of two (2) or more structures on Lake Meadowbank.</p>	<p>(b) mMust not proliferate the number of structures in the immediate vicinity;</p> <p>(c) the advice and operational needs of Hydro Tasmania;</p> <p>(d) the dDemonstrated need for the structure; and</p> <p>(e) the lLocal aArea oObjectives.</p>
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CHI-S1.7.5 Roads and tracks

This clause is in substitution ~~for~~ Rural Zone ~~–~~ clause 20.4.3 Access for new dwellings.

~~This clause is in substitution to~~ Agriculture Zone clause 21.4.3 Access for new dwellings.
~~and~~

~~This clause is in addition to~~ Environmental Management ~~Zone –~~ clause 23.4 Development Standards for Building and Works

Objective:	That s Safe and practicable vehicular access is provided with minimal impact on the surrounding natural, scenic and cultural values.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Vehicular aAccess is provided using existing vehicular tracks and internal roads.</p>	<p>P1</p> <p>The design, construction and location of roads vehicular access must have minimal impact on the surrounding natural, scenic and cultural values, having regard to:</p> <p>(a) providinge safe connections from existing road infrastructure;</p> <p>(b) minimisinge the total number of new roads and tracks within the Lake Meadowbank Specific Area Plan area;</p> <p>(c) being appropriate to the setting, and not substantially detractinging from the rural character of the area;</p> <p>(d) aAvoiding impacts from dust, run-off and noise to other land users; and</p> <p>(e) cConsolidatinge and sharinge vehicular access wherever practicable.</p>

CHI-S1.7.6 Outbuildings

~~This clause is in addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works, Agriculture Zone – clause 21.4 Development Standards for Buildings and Works, and Environmental Management Zone – clause 23.4 Development Standards for Building and Works.~~

~~This clause is in addition to Rural Zone clause 20.4 Development Standards for Buildings and Works~~

~~This clause is in addition to Agriculture Zone clause 21.4 Development Standards for Buildings and Works~~

~~This clause is in addition to Environmental Management clause 23.4 Development Standards for Building and Works~~

Objective:	That o Outbuildings do not detract from <u>the</u> surrounding natural, scenic and cultural values and do not <u>cause unreasonable loss of impact on the</u> amenity to of adjoining properties.
Acceptable Solutions	Performance Criteria
A1 Outbuildings must comply with the following : (a) e Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent; (b) n Not exceed a maximum gross floor area of 50m ² ; (c) n Not exceed a height of 5m; and (d) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline.	P1 Outbuildings must comply with all of the following : (a) must not cause unreasonable impact on the scenic, natural and cultural values of the area, having regard to the l Local a Area o Objectives; (b) must have external finishes that are non-reflective and coloured to blend with the rural landscape; and (c) be located in an area requiring the clearing of native vegetation only if: (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure; <u>and</u> (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures.

CHI-S1.8 Development Standards for Subdivision

This sub-clause is not used in this ~~s~~Specific ~~a~~Area ~~p~~Plan.

CHI-S1.9 -Tables

This sub-clause is not used in this ~~particular purpose zone~~specific area plan.

CHI-Site-specific Qualifications

There are no site-specific qualifications in this Local Provisions Schedule.

CHI-Code Lists

CHI-Table C3.1 Other Major Roads

Road	From	To
This table is not used in the <u>this</u> Local Provisions Schedule		

CHI-Table C6.1 Local Heritage Places

Reference Number	THR Number	Town/Locality	Street address	Property Name	Folio of the Register	Description, Specific Extent, Statement of Local Historic Heritage Significance and Historic Heritage Values
APSLEY						
BOTHWELL						
CHI-C6.1.1	808	Apsley	368 Lower Marshes Road ⁴	Strathbarton	CT 126903/1	Homestead
CHI-C6.1.2	7	Bothwell	23 Alexander Street	Batt's Cottage	CT 219434/1	Cottage
CHI-C6.1.3	8	Bothwell	16 Alexander Street	Twin Cottages	CT 127050/1	Cottages
CHI-C6.1.4	10	Bothwell	19 Alexander Street	Literary Society Library	CT 211738/1 CT 220518/1	Council Chambers and Town Hall
CHI-C6.1.5	11	Bothwell	19 Alexander Street	Town Hall	CT 211738/1 CT 220518/1	Town Hall
CHI-C6.1.6	12	Bothwell	12 Alexander Street	Bothwell Stores	CT 24804/1	Shop
CHI-C6.1.7	13	Bothwell	10 Alexander Street	Bothwell Post Office	CT 200732/1	Post Office
CHI-C6.1.8	14	Bothwell	13 Alexander Street		CT 106810/1	Cottage
CHI-C6.1.9	15	Bothwell	20 Alexander Street	White's Shop	CT 134118/1 CT 134118/2	Shop
CHI-C6.1.10	16	Bothwell	15 Alexander Street	Crown Inn (The Bothwell Grange)	CT 224050/1	Inn
CHI-C6.1.11	17	Bothwell	8 Alexander Street	CWA Rooms	PID 5011534	Hall
CHI-C6.1.12	20	Bothwell	1 Alexander Street		CT 214813/1	House
CHI-C6.1.13	21	Bothwell	2 Arthur Crescent	Mrs Gatenby's Repose	CT 19801/1	House
CHI-C6.1.14	22	Bothwell	8 Dalrymple Street ¹	The Falls of Clyde	CT 44063/1	House
CHI-C6.1.15	24	Bothwell	1-3 Dennistoun Road	Rock Cottage	CT 127544/1	Cottage
CHI-C6.1.16	25	Bothwell	5 Dennistoun Road		CT 233389/1 CT 25154/1	Cottage
CHI-C6.1.17	26	Bothwell	8-10 Dennistoun Road		CT 37689/3	Cottage
CHI-C6.1.18	27	Bothwell	7 Dennistoun Road		CT 224085/1	Cottage
CHI-C6.1.19	28	Bothwell	1 Elizabeth Street ²	Grantham	CT 164767/1 ³	Farm h House and

⁴ Street number added

² CHIPS2015 Address changed to THR Address

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C6.1.19						b Buildings
CHI- C6.1.20	30	Bothwell	12 Elizabeth Street		CT 252037/1	Cottage
CHI- C6.1.21	31	Bothwell	4 Elizabeth Street	Ivy Cottage	CT 26769/1	Cottage
CHI- C6.1.22	32	Bothwell	18 Elizabeth Street	Birch Cottage	CT 30002/3	Cottage
CHI- C6.1.23	33	Bothwell	20-22 Elizabeth Street	Rose Cottage	CT 120334/1	Cottage
CHI- C6.1.24	34	Bothwell	16 Elizabeth Street	Owl Cottage	CT 30002/1	Cottage
CHI- C6.1.25	35	Bothwell	24-26 Elizabeth Street	Former Manse	CT 27386/1 CT 109517/1	Former Manse
CHI- C6.1.26	36	Bothwell	30 Elizabeth Street	Our House	CT 223432/1	House
CHI- C6.1.27	37	Bothwell	10 High Street	Elizabeth House	CT 218664/2	House
CHI- C6.1.28	38	Bothwell	4 High Street	Slate Cottage	CT 140279/1	Cottage
CHI- C6.1.29	39	Bothwell	16-18 High Street	House	CT 225891/1	House
CHI- C6.1.30	40	Bothwell	8 High Street	Barwick Cottage	CT 135485/1	Cottage
CHI- C6.1.31	42	Bothwell	6 High Street	Cottage	CT 93962/2	Cottage
CHI- C6.1.32	43	Bothwell	30 High Street	Cottage and Butcher's Shop	CT 48670/4	Cottage and former b Butcher's s Shop
CHI- C6.1.33	44	Bothwell	10 Market Place	St Luke's Uniting Church and Cemetery	CT 204162/1	Church and c Cemetery
CHI- C6.1.34	45	Bothwell	6-8 Market Place	Former Headmasters Residence and Former State School	CT 169528/1 ³	House and f Former s School
CHI- C6.1.35	47	Bothwell	2 Market Place	St Michael and All Angels' Anglican Church	CT 104491/2	Church
CHI- C6.1.36	48	Bothwell	Patrick Street	Queen's Square War Memorial	CT 159235/1	Memorial
CHI- C6.1.37	49	Bothwell	8 Patrick Street	House	CT 238643/1	House
CHI- C6.1.38	50	Bothwell	14 Patrick Street	Castle Hotel	CT 36105/1	Hotel
CHI- C6.1.39	52	Bothwell	10 Patrick Street	House	CT 213143/1	House
CHI- C6.1.40	53	Bothwell	3 Patrick Street	Post Office	CT 77686/3	Post Office
CHI- C6.1.41	54	Bothwell	9 Patrick Street	Former Post	CT 8482/2	Former Post Office

³ ~~CHIPS2015 CT to changed to THR CT~~

⁴ ~~CHIPS2015 CT change to actual CT – both school and house are on same title~~

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				Office		
CHI- C6.1.42	56	Bothwell	4 Patrick Street	Atholin	CT-12898/1⁵ CT-122485/1	House
CHI- C6.1.43	61	Bothwell	16 Schaw Street	Rockford	CT-228850/2	House
CHI- C6.1.44	62	Bothwell	9 Wentworth Street, Bothwell	Wentworth House	CT-20367/1	House
CHI- C6.1.45	63	Bothwell	2 Wentworth Street	Clifton Priory	CT-45449/1	Priory
CHI- C6.1.46	64	Bothwell	8 Wentworth Street	Fort Wentworth	CT-33176/1	House
CHI- C6.1.47	65	Bothwell	3 Wentworth Street	Tannery	CT-53354/1	Cottage and former tannery
CHI- C6.1.48	66	Bothwell	189 Dennistoun Road	Former Thorpe Mill	CT-106748/1 CT-106748/2 CT-139963/1⁶	Former Former Mill
CHI- C6.1.49	67	Bothwell	254 Nant Lane ⁴	Nant	CT-151816/1	Farm house and buildings
CHI- C6.1.50	69	Bothwell	357 Humble Lane	Berriedale	CT-15832/1	House
CHI- C6.1.51	70	Bothwell	2122 Highland Lakes Road ⁸	Ratho	CT-164109/1⁹	Farm house and buildings
CHI- C6.1.52	72	Bothwell	3287-3289 Highland Lakes Road	Dungrove	CT-140434/1	Farm house and buildings
CHI- C6.1.53	75	Bothwell	1840 Meadsfield Road ¹⁰	Selma	CT-113357/1	Farm house and buildings
CHI- C6.1.54	8054	Bothwell	5 Alexander Street	House	CT-227859/1	House
CHI- C6.1.55	8061	Bothwell	3 Alexander Street	Cottage	CT-225137/1	Cottage
CHI- C6.1.56	8063	Bothwell	4 Dalrymple Street ¹	Cottage	CT-248730/1	Cottage
CHI- C6.1.57	8744	Bothwell	5 Queen Street	Cottage	CT-227279/1	Cottage
CHI- C6.1.58	10801	Bothwell	209 Nant Lane	Mitchel's Cottage	CT-137337/1 CT-137338/1	Cottage

	ELLENDALE					
CHI- C6.1.59	10794	Bothwell	Alexander Street, Queen Street, Patrick Street & Dalrymple Street			Sandstone p Paving & k erbing
CHI- C6.1.60	809	Ellendale	1063 Ellendale Road	St Andrew's Church and	CT-216086/1	Church and c Gemetery

⁵ ~~CHIPS2015 CT changed to THR CT~~

⁶ ~~CHIPS2015 CT changed to THR CT~~

⁷ ~~Street number added~~

⁸ ~~Street number added~~

⁹ ~~CHIPS2015 CT changed to THR CT~~

¹⁰ ~~Street number added~~

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					Cemetery	CT 223932/1	
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GREYNA							
CHI- C6.1.61	10298	Ellendale	931 Ellendale Road	St Colman's Catholic Church & Cemetery	CT 171233/1	Church and c Gemetry	
CHI- C6.1.62	811	Gretna	3417 Lyell Highway	Bella Vista	CT 42062/1	House	
CHI- C6.1.63	813	Gretna	205 Clarendon Road	Clarendon House	CT 104284/1 CT 110519/1 CT 110520/3	Farm h House and b Buildings	
CHI- C6.1.64	817	Gretna	3423 Lyell Highway	Gretna Green Hotel	CT 146672/1 ⁺¹ CT 212581/1	Hotel	
CHI- C6.1.65	818	Gretna	3427 Lyell Highway	Stone Kiln	CT 146658/1	Buildings and former kiln	
CHI- C6.1.66	826	Gretna	31 Church Road ⁺²	Church of St Mary the Virgin and Cemetery	CT 125330/1	Anglican Church and c Gemetry	
CHI- C6.1.67	827	Gretna	4325 Lyell Highway ⁺³	Glenelg	CT 166098/1	Farm h House and b Buildings	
CHI- C6.1.68	829	Gretna	4079 Lyell Highway	Norton Mandeville	CT 150406/1 ⁺⁴	Farm h House and b Buildings	
HAMILTON							
CHI- C6.1.69	830	Gretna	268 Marked Tree Road	Allanvale	CT 206786/1 ⁺⁵	Farm h House and b Buildings	
CHI- C6.1.70	831	Hamilton	430 Thousand Acre Lane	Rathlyn	CT 171935/1 ⁺⁵	Farm h House and b Buildings	and
CHI- C6.1.71	832	Hamilton	12 Arthur Street	Langdon's Cottage (Cherry Villa)	CT 124081/1	Cottage	
CHI- C6.1.72	833	Hamilton	49 Franklin Place ⁺⁶	Former Langdon Store	CT 51797/8 CT 134520/2 CT 134520/1 ⁺⁸	Store	
CHI- C6.1.73	834	Hamilton	25 Franklin Place	Mrs Hill's Cottage	CT 230343/1	Cottage	

⁺¹ ~~CHIPS2015 CT changed to THR CT~~

⁺² ~~CHIPS2015 Entry corrected using THR details~~

⁺³ ~~CHIPS2015 Entry corrected using THR details~~

⁺⁴ ~~CHIPS2015 CT changed to THR CT~~

⁺⁵ ~~CHIPS2015 CT 113368/1 and CT 113368/3 deleted~~

⁺⁶ ~~CHIPS2015 CT changed to THR CT~~

⁺⁷ ~~Address corrected from 64 Lyell Highway to 49 Franklin Place~~

⁺⁸ ~~CHIPS2015 CT changed to current title~~

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CHI- C6.1.74	835	Hamilton	10 Franklin Place	Emma's Cottage	CT 234145/1	Cottage
CHI- C6.1.75	836	Hamilton	75 Tarleton Street	Former Warder's Cottage	CT 132127/1	Cottage
CHI- C6.1.76	838	Hamilton	8 Grace Street	Mulberry Cottage	CT 111056/1	Cottage
CHI- C6.1.77	839	Hamilton	40 Franklin Place	Cottage	CT 18765/1 CT 18765/2 CT 21286/3	Cottage
CHI- C6.1.78	840	Hamilton	16 Franklin Place	Edward's Cottage	CT 44095/1	Cottage
CHI- C6.1.79	841	Hamilton	18 Franklin Place	Villeneuve Cottage	CT 139209/1	Cottage
CHI- C6.1.80	842	Hamilton	21 Franklin Place	McCauley's Cottage	CT 100483/1 CT 100483/2	Cottage
CHI- C6.1.81	844	Hamilton	2 Grace Street	Glen Clyde Hotel	CT 13115/7	Hotel
CHI- C6.1.82	845	Hamilton	10 Tarleton Street	Hamilton Hotel and stables	CT 32051/1	Hotel and stables
CHI- C6.1.83	846	Hamilton	7 George Street	Hamilton Inn and bar	CT 128109/1	Inn and barn
CHI- C6.1.84	848	Hamilton	10 Linnet Street	Kelleher's Cottage	CT 67966/1	Cottage
CHI- C6.1.85	849	Hamilton	8 Arthur Street ¹⁹	James Jackson's Emporium	CT 147296/1 ²⁰	Shop
CHI- C6.1.86	850	Hamilton	26 Franklin Place	Old Post Office	CT 210326/5	Post Office
CHI- C6.1.87	851	Hamilton	485 Hamilton Plains Road	Prospect House	CT 6749/1	House
CHI- C6.1.88	852	Hamilton	39 Franklin Place	School House	CT 113198/1	School h House
CHI- C6.1.89	853	Hamilton	15 Ponsonby Street	St Peter's Church and Cemetery	CT 205753/1	Church and c Gemetry
CHI- C6.1.90	855	Hamilton	32 Franklin Place	Blanch's Hamilton Store	CT 49857/1	Former s Store
CHI- C6.1.91	856	Hamilton	23 Franklin Place	Anglican Rectory	CT 125411/1	Rectory
CHI- C6.1.92	858	Hamilton	Franklin Place	Victoria's Cottage	CT 25411/1	Cottage
CHI- C6.1.93	859	Hamilton	75 Tarleton Street	Council Chambers and Cottage	CT 132127/1 CT 157052/2 ²¹	Council Chambers and c Cottage

¹⁹ CHIPS2015 address changed to THR Address

²⁰ CHIPS2015 CTs deleted and replaced with THR "CT 147296/1"

²¹ CT added from THR CT

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HOLLOW TREE							
CHI-C6.1.94	860	Hollow Tree	440 Green Valley Road	Katrine Vale	CT 48784/3 CT 126276/1 CT 133276/2	Farm house and buildings	
CHI-C6.1.95	861	Hollow Tree	2158 Hollow Tree Road	Rathmor	CT 16133/1 ²²	Farm h House and b Buildings	
CHI-C6.1.96	862	Hollow Tree	Hollow Tree Road	Strathborough	CT 100196/1	Farm h House and b Buildings	
CHI-C6.1.97	864	Hollow Tree	1290 Hollow Tree Road	Sherwood	CT 121056/1 ²³	Farm h House and b Buildings	
CHI-C6.1.98	865	Hollow Tree	1290 Hollow Tree Road	St James Church & Cemetery	CT 54485/4	Church and c Cemetery	
INTERLAKEN							
CHI-C6.1.99	10038	Hollow Tree	1290 Hollow Tree Road	Montacute	CT 121056/1	Farm h House and b Buildings	
CHI-C6.1.100	866	Interlaken	3119 Interlaken Road	Interlake	CT 43771/1 CT 43771/3 CT 43771/4 CT 125860/2	Farm h House and b Buildings	
LAKE ST CLAIR							
CHI-C6.1.101	11002	Interlaken	Tunbridge Tier Road	O'Meagher's Cottage Site	CT 168930/1 ²⁴ CT 171404/4	Cottage s Site	
OUSE							
CHI-C6.1.102	9924	Lake St Clair	1 Lake St Clair Road ²⁵	Pump House Point	CT 124358/1	Former pump house and buildings	
CHI-C6.1.103	868	Ouse	7 Bridge Hotel Road	Bridge House	CT 7037/4 CT 250668/1	Houses	
CHI-C6.1.104	869	Ouse	7001 Lyell Highway	Ouse Catholic Church of the Immaculate Conception and Cemetery	PID 5469473	Church and c Cemetery	
CHI-C6.1.105	870	Ouse	Bridge Hotel Road Ouse	St John the Baptist Church and Cemetery	CT 157740/2	Church and c Cemetery	
CHI-C6.1.106	871	Ouse	Bridge Hotel Road Ouse	Sexton's Cottage	CT 157740/1	Cottage	
CHI-C6.1.107	872	Ouse	7619 Lyell Highway	Cleveland	CT 147625/4 ²⁶	Complex of f Farm h Houses and b Buildings	

²² ~~CHIPS2015 CTs deleted and replaced with THR CT~~²³ ~~CT added from THR CT~~²⁴ ~~CHIPS2015 CT replaced with THR CTs~~²⁵ ~~Street address added~~²⁶ ~~CHIPS2015 CT replaced with THR CT~~

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CHI- C6.1.108	873	Ouse	Dawson Road	Cluny	CT 157797/1	Farm house and buildings
CHI- C6.1.109	875	Ouse	167 Tor Hill Road	Hunter's Hill Barn	CT 106428/1 CT 106429/1 CT 106430/1 CT 252167/2 ²⁷ CT 252167/1	Farm and b Buildings
CHI- C6.1.110	877	Ouse	Lyell Highway	Lawrenny	CT 197864/1 CT 224539/1	Farm h House and b Buildings
CHI- C6.1.111	878	Ouse	101 Victoria Valley Road	Listowel	CT 236857/1	House
CHI- C6.1.112	879	Ouse	Butlers Road	Ousedale	CT 114643/1	Farm h House and b Buildings
CHI- C6.1.113	881	Ouse	Ellendale Road	Dunrobin	CT 137999/1	Farm h House and b Buildings
CHI- C6.1.114	882	Ouse	Lyell Highway	Lientwardine	CT 131870/1	Farm h House and b Buildings
CHI- C6.1.115	883	Ouse	261 Lanes Tier Road	Kenmere	CT 125731/1 CT 125731/2 CT 226148/1	Farm h House and b Buildings
CHI- C6.1.116	884	Ouse	167 Tor Hill Road	Cawood	CT 106428/1 ²⁸	Farm h House and b Buildings
CHI- C6.1.117	885	Ouse	978 Victoria Valley	Ashton	CT 113371/6 ²⁹	Farm h House and b Buildings
CHI- C6.1.118	886	Ouse	342 Victoria Valley	Rotherwood	CT 138312/1 CT 138323/1	Farm h House and b Buildings

OSTERLEY						
CHI- C6.1.119	887	Ouse	32 Victoria Valley ³⁰	Millbrook Water Mill, (now Rosecot)	CT 145158/1 ³¹	<u>Water mill</u>

STEPPEES						
CHI- C6.1.120	10308	Osterley	79 Church Road	St James the Less Anglican Church & Cemetery	PID 5474491 CT 125287/1	Church and c Cemetery
CHI- C6.1.121	10174	Steppes	5813 Highland Lakes Road	Steppes Hall	CT 207615/1	Hall

²⁷ -THR CT added

²⁸ -CHIPS2015 CTs deleted and replaced with THR CT

²⁹ -Extra CHIPS2015 CTs deleted to match THR CT

³⁰ -Address corrected from 82 Victoria Valley Road to 32 Victoria Valley Road.

³¹ -Extra CHIPS2015 CTs deleted to match THR CT

CHI-Table C6.2 Local Heritage Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
CHI-C6.2.14	Bothwell	Bothwell Heritage Precinct	<p>Bothwell was settled by Scottish pioneer farmers in the early 1820s.</p> <p>In 1806, it is believed Lieutenant Thomas Laycock was the first European in the area and by 1821 settlers had moved onto land by the Clyde River. It is widely accepted that Edward Nicholas was the first European settler, who built Nant's Cottage. The cottage was used by the Irish political exiles, John Mitchell and John Martin, during their imprisonment in the 1850s. Bothwell is home to the oldest golf course in Australia, Ratho, which was built in the mid-1850s.</p> <p>Bothwell has retained a distinctive colonial Georgian character with small well-proportioned stone houses, simple hotels and shops, and handsome country residences. Bothwell is remarkable for its collection of colonial houses, ranging from grand residences to modest cottages and shops. Bothwell Post Office opened in June 1832.</p> <p>The town was named Bothwell by the Lieutenant-Governor of Van Diemen's Land, Sir Arthur George, in 1824 after the Scottish town of Bothwell, on the Clyde River near Glasgow. About the same time, the Fat Doe River, so called by kangaroo hunters who had visited the area before the first settlers arrived, became known as the Clyde.</p> <p><i>Design Criteria / Conservation Policy:</i></p> <p>Development must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) rRespect the townscape qualities of the settlement having regard to appropriate building form, design and finishes which are compatible with the historical heritage values of the town setting; (b) eEnsure that new development including additions and adaptations to existing buildings are undertaken in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town; (c) mMaintain the visual amenity of historic buildings when viewed from streets and public spaces within the settlement; (d) sScale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings must be sympathetic to the character of the town; (e) nNew buildings must not visually dominating neighbouring

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			<p>historic buildings; and</p> <p>(f) if feasible, additions and new buildings must be confined to the rear of existing buildings.</p>
CHI-C6.2.22	Hamilton	Hamilton Heritage Precinct	<p>Hamilton is an historic Georgian town located on the Clyde River and surrounded by farm land.</p> <p>Hamilton was named by Governor Arthur in 1826 after William Henry Hamilton, a wealthy free settler who had arrived in Van Diemen's Land in April 1824. Hamilton Post Office opened in June 1832.</p> <p>Notable historic buildings in Hamilton include St Peter's Church, completed in 1837 and the Old Schoolhouse, a huge 2 storey structure built by convict stonemasons in 1858.</p> <p><i>Design Criteria / Conservation Policy:</i></p> <p>Development must satisfy all of the following:</p> <p>(a) rRespect the townscape qualities of the settlement through appropriate building form, design and finishes which are compatible with the historical heritage values of the town setting;</p> <p>(b) eEnsure that new development including additions and adaptations to existing buildings are undertaken in a manner sympathetic to the heritage significance of the streetscapes and landscapes of the town;</p> <p>(c) mMaintain the visual amenity of historic buildings when viewed from streets and public spaces within the settlement;</p> <p>(d) sScale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings must be sympathetic to the character of the town;</p> <p>(e) nNew buildings must not visually dominating neighbouring historic buildings; and</p> <p>(f) if feasible, additions and new buildings must be confined to the rear of existing buildings.</p>

CHI-Table C6.5 — Significant Trees

Reference Number	Town/ Locality	Property Name and Street Address	Folio of the Register	Description-/ Specific Extent	Botanical Name	Common Name	No. of trees
This table is not used in the Local Provisions Schedule							

CHI-Table C6.3 Local Historic Landscape Precincts

Reference Number	Town/Locality	Name of Precinct	Description, Statement of Local Historic Heritage Significance, Historic Heritage Values and Design Criteria / Conservation Policy
This table is not used in the <u>this</u> Local Provisions Schedule			

CHI-Table C6.4 Places or Precincts of Archaeological Potential

Reference Number	Town/Locality	Property Name / Address/ Name of Precinct	Folio of the Register	Description, Specific Extent and Archaeological Potential
This table is not used in the <u>this</u> Local Provisions Schedule				

CHI-Table C6.5 Significant Trees

<u>Reference Number</u>	<u>Town/ Locality</u>	<u>Property Name and Street Address</u>	<u>Folio of the Register</u>	<u>Description / Specific Extent</u>	<u>Botanical Name</u>	<u>Common Name</u>	<u>No. of trees</u>
<u>This table is not used in this Local Provisions Schedule</u>							

CHI-Table C8.1 Scenic Protection Areas

Reference Number	Scenic Protection Area Name	Description	Scenic Value	Management Objectives
This table is not used in the -this Local Provisions Schedule				

CHI-Table C8.2 Scenic Road Corridors

Reference Number	Scenic Road Corridor Description	Scenic Value	Management Objectives
This table is not used in the -this Local Provisions Schedule			

CHI-Table C11.1 Coastal Inundation Hazard Bands AHD Levels

Locality	High Hazard Band (m AHD)	Medium Hazard Band (m AHD)	Low Hazard Band (m AHD)	Defined Flood Level (m AHD)
This table is not used in the -this Local Provisions Schedule				

CHI-Applied, Adopted or Incorporated Documents

Document Title	Publication Details	Relevant Clause in the LPS
This table is not used in the -this Local Provisions Schedule		

Attachment 5

Central Highlands draft LPS assessment - drafting clarifications table

No.	Clause	Existing	Suggested modification	Issue/Reason	Planning Authority Comment/Response
1	CHI-S1.0 Lake Meadowbank Specific Area Plan		<p>General review of the drafting, including:</p> <ul style="list-style-type: none"> a review of the substitution or addition of SPP provisions, including the introduction of combined standards; consider removing the LAOs and reviewing the plan purpose statements to ensure matters raised in the draft LAOs are incorporated in the plan purpose statements and reflect the intended planning policy outcome; the inconsistent use of terminology; definitions and their application; and grammatical errors. 	<p>To clarify the intended policy outcome sought by the SAP, and whether it is modifying, substituting or in addition to particular provisions of the SPPs.</p> <p>To clarify that it is consistent with the LPS requirements for the structure of the SAP.</p> <p>To clarify the provisions of the SAP are implementable.</p> <p>To clarify how the SAP is intended to work with the underlying zones, and the Natural Assets Code and Bushfire-Prone Areas Code.</p>	<p>Agree.</p> <p>Council to redraft the SAP.</p>
2	CHI-S1.1	<p>CHI-S1.1 Plan Purpose</p> <p>CHI-S1.1.1 to CHI-S1.1.8</p>	<p>Review the plan purpose statements to confirm they reflect the intended policy outcome of the SAP and to ensure consistency in terminology.</p>	<p>To meet the guidance provided in Practice Note 8.</p> <p>In light of considering removing the LAOs and incorporating them into the plan purpose statements, review the statements to ensure they are consistent with the provisions of the SAP</p>	<p>Agree.</p> <p>Council to redraft the SAP.</p>

No.	Clause	Existing	Suggested modification	Issue/Reason	Planning Authority Comment/Response
				<p>and are met by the standards.</p> <p>Terminology needs general review, including:</p> <ul style="list-style-type: none"> clarifying the values that are sought to be maintained, enhanced, conserved, protected or recognised by the SAP (i.e. the SAP provisions interchangeably refers to scenic, cultural, natural, ecological, scientific, historic, Aboriginal heritage, landscape, visual and rural setting values); some values in the standards are missing from the plan purpose statements, particularly scenic and landscape values, wastewater; and ensuring that terminology is consistent with the SPPs. 	
3	CHI-S1.2 Application of this Plan	N/A		<p>PA to consider including an application requirement to require an assessment or statement from Aboriginal Heritage Tasmania, similar to the requirement in the existing SAP in the IPS.</p> <p>Consider inclusion of an additional sub-clause under CHI-S1.2 with a requirement that Council must notify Aboriginal Heritage Tasmania for any discretionary application – refer to the Tasman draft LPS – Port Arthur and Historic Coal Mines SAP.</p>	<p>Agree.</p> <p>Council to include referral / notification to Aboriginal Heritage Tasmania.</p>

4	CHI-S1.3.1	CHI-S1.3.1 Local Area Objectives	<p>Consider removing the LAOs and reviewing the plan purpose statements to ensure matters raised in the draft LAOs are incorporated in the plan purpose statements and reflect the intended planning policy outcome.</p> <p>Consider replacing having regard to local area objectives in all relevant Performance Criteria, with having regard to the plan purpose statements (note, this is also relevant to CHI-S1.6.1 P1, CHI-S1.7.1 P3, CHI-S1.7.4 P2 & P4, and CHI-S1.7.6 P1, and accordingly these Performance Criteria require review).</p>	<p>It is unclear how the LAOs are intended to work or how they relate to specific objectives outlined in the supporting strategic documents.</p> <p>A number of LAOs repeat the plan purpose statements, however some LAOs include values that should be included in the review of the plan purpose statements, e.g. aboriginal heritage values. This exercise requires careful review.</p> <p>To meet the Commission's guidelines for drafting and review of LAOs, and Practice Note 5 and Practice Note 8 – these documents provide guidance on the drafting and operation of SAPs.</p> <p>Note:</p> <ul style="list-style-type: none"> • LAOs are intended to indicate a desired outcome linked to the exercise of discretion. • LAOs should address a general purpose, rather than being specific and directory and must not: <ul style="list-style-type: none"> ○ be specific, such that the statement might be characterised and applied as an additional performance criterion; ○ address matters for which specific zone or code standards or provisions are available; or ○ apply to the entire area of a SAP. • the area of application of an LAO must be identifiable through common distinctive characteristics and shown in a figure in a SAP. 	<p>Agree.</p> <p>Council to redraft these elements of the SAP.</p>
5	CHI-S1.4	CHI-S1.4 Definition of	Review definitions.	To provide consistent terminology and clarify the	Agree.

		Terms	<p>Consider providing definition for the term 'aquatic structure'.</p> <p>Review the definition for the Master Development Plan, and in doing so consider how it relates to the intended planning policy outcome. Needs to include that the plan is prepared by a suitably qualified person, and does Council need to endorse this plan?</p>	<p>operation of the SAP.</p> <p>Does 'aquatic structure' include pontoons, jetties, boat ramps, boat launching facilities, other structures (e.g. refer wording in the local area objectives, CHI-S1.6.2 Holiday cabins, CHI-S1.7.4)?</p> <p>How will the definition for 'master plan' operate with the relevant applicable Performance Criteria? Consider whether the Master Development Plan might be able to deal with matters raised in use and development standards, including the operation of Lake Meadowbank.</p>	Council to redraft these elements of the SAP.
6	CHI S1.5	CHI-S1.5 Use Table	Review Use Table.	<p>Are all the Use Classes in the Use Table intended to apply across all three underlying zones (Rural, Agriculture and Environmental Management)?</p> <p>For example, what is the rationale for including new Discretionary Uses in the Use Table (compared with those in the existing SAP in the IPS) for Community Meeting and Entertainment, Food Services, Resource Processing?</p> <p>In addition, Permitted Uses in the Table for Resource Development for agricultural use and Residential applies to all three zones, and the Discretionary Use for Storage is excluded (compared with those in the existing SAP in the IPS)?</p> <p>Do the use and development standards in the SAP adequately address the planning issues associated with all allowable uses in the Use Table, including potential built form impacts?</p>	<p>Agree.</p> <p>Council to redraft these elements of the SAP.</p>
7	CHI-S1.6.1	CHI-S1.6.1	CHI-S1.6.1 Discretionary use	Clarify what the standard is trying to achieve.	Agree.

		Discretionary Use Objective P1 and P2	Review the Objective and P1 and P2.	<p>The Objective is narrower in scope than what is expressed in P1 and P2.</p> <p>Consider how this use standard will operate with the underlying Rural, Agriculture and Environmental Management Zone standards – including how will the Policy on the Protection of Agricultural Land 2009 (PAL Policy) will be met?</p> <p>Consider whether the use standard should only apply to land that is zoned Environmental Management.</p> <p>Consider whether having regard to bushfire hazards may be addressed by the provisions in the SPP Bushfire-Prone Areas Code.</p> <p>Consider how traffic generation and parking requirements will be met by the use standard.</p> <p>The impacts of development should be considered on proposed uses and on uses on adjoining land.</p> <p>To meet the guidance provided in Practice Note 8.</p> <p>To ensure the Objective reflects the SAP purpose statements, and reflects the provisions specified in P1 and P2.</p>	Council to redraft these elements of the SAP.
8	CHI-S1.6.3	CHI-S1.6.3 Holiday cabins Objective A1 and P1	CHI-S1.6.3 Holiday cabins Review the Objective and A1 and P1.	<p>The Performance Criteria needs to be reviewed in light of the review of the definition of master development plan.</p> <p>Clarify why this standard is needed, considering the effect of the use standards in the underlying zones.</p> <p>Consider if the Acceptable Solution could be achieved through amending the Use Table.</p>	<p>Agree.</p> <p>Council to redraft these elements of the SAP.</p>

				<p>Consider deleting P1 (a) to (g) after reviewing the definition of Master development plan at clause CHI-S1.4.</p> <p>To ensure the operability of the Performance Criteria.</p>	
9	CHI-S1.6.4	<p>CHI-S1.6.4 Camping and caravan parks, and overnight camping areas</p> <p>Objective A1 and P1</p>	<p>CHI-S1.6.4 Review the Objective and A1 and P1.</p>	<p>The Performance Criteria needs to be reviewed in light of the review of the definition of master development plan.</p> <p>Clarify why this standard is needed, considering the effect of the use standards in the underlying zones.</p> <p>Consider if the Acceptable Solution could be achieved through amending the Use Table.</p> <p>Consider deleting P1 (a) to (g) after reviewing the definition of master development plan at clause CHI-S1.4.</p> <p>To ensure the operability of the Performance Criteria.</p> <p>Consider consistent use of terminology for clarity.</p> <p>To clarify the operation of the SAP and provide consistency with the Use Table.</p>	<p>Agree.</p> <p>Council to redraft these elements of the SAP.</p>

10	CHI-S1.7.1	CHI-S1.7.1 Height, setback and siting	<p>Review CHI-S1.7.1 to clarify if the title meets the structure used by the LPS requirements in the SPPs to display the standards, and to ensure the substitution of provisions in the SPPs meets the structure used by the SPPs to display the standards – such as height provisions being separate to setback and siting, and not introducing a combined building, siting and design standard (with an additional external finish standard).</p> <p>Consider:</p> <p>CHI-S1.7.1 Building height</p> <p>This clause is in substitution for Rural Zone – clause 20.4.1 Building height, Agriculture Zone – clause 21.4.1 Building height.</p> <p>CHI-S1.7.2 Setbacks</p> <p>This clause is in substitution for Rural Zone – clause 20.4.2 Setbacks, Agriculture Zone – clause 21.4.2 Setbacks.</p> <p>CHI-S1.7.3 Building height, setback and siting</p> <p>This clause is in substitution for Environmental Management – clause 23.4.2 Building height, setback and siting.</p> <p>CHI-S1.7.4 Exterior finish</p> <p>This clause is in substitution for Environmental Management – clause</p>	<p>To meet the guidance provided in SAP Application Clause Drafting Principles and Examples, Practice Note 5 and Practice Note 8.</p> <p>Note: the structure used by the SPPs to display the standards (including the same headings) should always be used for a substituted clause – whereas, an addition to the SPP provisions should have a different standard heading to that of the SPPs.</p> <p>The structure used by the SPPs to display the standards should always be used, such as height provisions being separate to setback not introducing a combined building, siting and design standard.</p>	<p>Agree.</p> <p>Council to redraft these elements of the SAP.</p>
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			<p>23.4.3 Exterior finish.</p> <p>Consider how this clause operates in relation to being in addition to Environmental Management – clause 23.4.4 Vegetation Management.</p>		
11	CHI-S1.7.1	CHI-S1.7.1 Height, setback and siting Objective	<p>CHI-S1.7.1</p> <p>Review the Objective (such as height objectives being separate to setback and siting objectives, which are separate to objectives for exterior finishes) and not introducing a combined building, siting and design standard).</p> <p>Consider:</p> <p>That buildings height is compatible with the scenic, natural and cultural values of the area and protects the visual and visitor accommodation amenity of adjoining properties.</p> <p>That building setback is compatible with the scenic, natural and cultural values of the area and protects the visual and visitor accommodation amenity of adjoining properties.</p> <p>That exterior finishes are compatible with the scenic, natural, cultural values of the area and protects the visual and visitor accommodation amenity of adjoining properties.</p>	<p>See row above.</p> <p>To ensure consistency with the SPPs and to meet the guidance provided in SAP Application Clause Drafting Principles and Examples, Practice Note 5 and Practice Note 8.</p>	<p>Agree.</p> <p>Council to redraft these elements of the SAP.</p>
12	CHI-S1.7.1	CHI-S1.7.1 Height, setback and siting	<p>CHI-S1.7.1 Building height</p> <p>Consider:</p>	<p>To ensure consistency with the Use Table and SPPs, and to meet the guidance provided in SAP Application Clause Drafting Principles and</p>	<p>Agree.</p> <p>Council to redraft these elements of the</p>

		A1	A1 Building height must be not more than: (a) 4m for a camping and caravan park or overnight camping area; (b) 5m for any Tourist Operation or Visitor Accommodation excluding a camping and caravan park or overnight camping area; and (c) 8m for any other building and works.	Examples , Practice Note 5 and Practice Note 8.	SAP.
13	CHI-S1.7.1	CHI-S1.7.1 Height, setback and siting A2 and P2 A3 and P3	Review the sub-clauses to ensure they will achieve the intended planning outcome.	To ensure consistency with the SPPs and to meet the guidance provided in SAP Application Clause Drafting Principles and Examples , Practice Note 5 and Practice Note 8.	Agree. Council to redraft these elements of the SAP.
14	CHI-S1.7.1	CHI-S1.7.1 Height, setback and siting A5	Review to clarify if the standard is intended to apply in the Rural, Agriculture and Environmental Management Zones and if the Acceptable Solution is consistent with CHI-S1.7.6 Outbuildings A1 and P1.	To clarify the operation of the SAP.	Agree. Council to redraft these elements of the SAP.
15	CHI-S1.7.2	CHI-S1.7.2 Camping and caravan park siting, design and appearance Objective	CHI-S1.7.2 Review the Objective.	To clarify that if it applies to ‘buildings and structures’ or buildings and works’ or ‘development’, what landscape value(s) are sought to be protected and to clarify if the clause meet its intended purpose. Note: the IPS Lake Meadowbank SAP also includes “club facilities for sport and recreation purposes.”	Agree. Council to redraft these elements of the SAP.

16	CHI-S1.7.2	CHI-S1.7.2 Camping and caravan park siting, design and appearance A1 and P1 A2 and P2 A3 and P3	Review the sub-clauses.	To clarify if the sub-clauses refer to 'buildings and structures' or buildings and works' or 'development' – and 'individual campsites or caravan park sites' or 'individual camping areas or caravan park sites' etc. To ensure consistency with other SAP provisions and the SPPs.	Agree. Council to redraft these elements of the SAP.
17	CHI-S1.7.3	CHI-S1.7.3 Waste water treatment systems Objective P1 and P2	CHI-S1.7.3 Review the Objective, and P1 and P2.	Consider amending terminology to on-site wastewater management system. Review to ensure the Objective reflects the SAP purpose statements and provides consistent terminology to the SPPs. Clarify what is the intended planning policy outcome. Is the issue about ensuring there is sufficient area available for on-site waste water management, or only about proximity to the lake? Outline why this issue cannot be addressed adequately through the building regime (i.e. plumbing and building regulations).	Agree. Council to redraft these elements of the SAP.
18	CHI-S1.7. 4	CHI-S1.7.4 Aquatic structures Objective	CHI-S1.7. 4 Review the Objective.	To ensure the Objective reflects the SAP purpose statements and provides consistent terminology to the SPPs. To ensure the Objective is met by the standards (i.e. how do the standards ensure that recreational use is not impeded). To consider if a definition could be provided for the term 'aquatic structures' or 'permanent aquatic structures'. To clarify what values and impacts this clause	Agree. Council to redraft these elements of the SAP.

				seeks to address.	
19	CHI-S1.7. 4	CHI-S1.7.4 Aquatic structures P1	Review to clarify if the sub-clauses meet their intended purpose.	To clarify the operation of the SAP and consider if the standard might be characterised as an Acceptable Solution. To clarify if the standard refers to 'buildings and works', 'works and development' or 'development'.	Agree. Council to redraft these elements of the SAP.
20	CHI-S1.7. 4	CHI-S1.7.4 Aquatic structures P2	Review to clarify if P2 is similar to, or contradicts, P4 (i.e. P4(b)). Review to clarify if P2(a) is missing a standard, and in P2(b) consider replacing local area objectives with plan purpose statements. Review P1 and P2 to consider if a definition could be provided for the term 'aquatic structure' (refer to row 5 above).	To clarify the operation of these provisions. To clarify if P2(b) has work to do given that LAOs at CHI-S1.3.1 are intended to indicate a desired outcome linked to the exercise of discretion for a discretionary use.	Agree. Council to redraft these elements of the SAP.
21	CHI-S1.7. 4	CHI-S1.7.4 Aquatic structures A4 and P4	Review to clarify if the wording of these standards are consistent with P1 and P2, if the intent duplicates or contradicts some of P2, or if the wording makes grammatical sense. Review this sub-clause to consider if a definition could be provided for the term 'aquatic structure'. Consider: Aquatic structures must avoid adverse impacts on the scenic, natural and cultural values of Lake Meadowbank and only be constructed as necessary and safe	To clarify the operation of these provisions (i.e. do these provisions apply to scenic, natural, cultural values and what is the intent of P4 (a) and (b))? To clarify the operation of the SAP and ensure that consistent terminology is used between the standards (i.e. consider if the reference to having regard to "advice and requirements of Hydro Tasmania" in P2 ought to reflect the same terminology as "advice and operational needs of Hydro Tasmania" in P4. Consider use of the word "must" in a performance criteria (i.e. <u>must not</u> proliferate the number of structures in the immediate vicinity).	Agree. Council to redraft these elements of the SAP.

			<p>having regard to:</p> <ul style="list-style-type: none"> (a) the advice and operational needs of Hydro Tasmania; (b) rationalising existing aquatic structures as far as practicable; (c) avoiding the proliferation of aquatic structures in the immediate vicinity; (d) the demonstrated need for the aquatic structure; and (e) the plan purpose statements. 	<p>To clarify if P4(e) has work to do given that LAOs at CHI-S1.3.1 are intended to indicate a desired outcome linked to the exercise of discretion for a discretionary use.</p>	
22	CHI-S1.7.5	CHI-S1.7. 5 Roads and tracks	<p>Review CHI-S1.7.5 to clarify if the title meets the structure used by the SPPs to display the standards, and to ensure the substitution and addition of provisions in the SPPs meets the structure used by the SPPs to display the standards.</p> <p>Consider separating the provisions:</p> <ul style="list-style-type: none"> • Access for new dwellings (i.e. substitution for Rural Zone – clause 20.4.3 Access for new dwellings, Agriculture Zone – clause 21.4.3 Access for new dwellings) • Roads and tracks (addition to Environmental Management – clause 23.4 Development Standards for Building and Works) 	<p>To meet the guidance provided in SAP Application Clause Drafting Principles and Examples, Practice Note 5 and Practice Note 8.</p> <p>Note: the structure used by the SPPs to display the standards (including same headings) should always be used for a substituted clause – whereas, an addition to the SPP provisions should have a different standard heading to that of the SPPs.</p>	<p>Agree.</p> <p>Council to redraft these elements of the SAP.</p>
23	CHI-S1.7.5	CHI-S1.7. 5 Roads	CHI-S1.7. 5	<p>To ensure the Objective reflects the SAP purpose statements and provides consistent terminology</p>	<p>Agree.</p>

		and tracks Objective	Review the Objective.	to the SPPs. To clarify the intended planning outcome of the clause and to ensure the Objective makes grammatical sense.	Council to redraft these elements of the SAP.
24	CHI-S1.7.5	CHI-S1.7. 5 Roads and tracks A1 and P1	Review CHI-S1.7.5 to clarify the intended planning outcome of the standard and ensure that the substitution and addition of provisions meets the structure used by the SPPs to display the standards, such as the substitution and addition of clauses are not combined for different zones – and to ensure the clause provides consistent terminology in the SAP and to the SPPs.	To clarify the intended planning outcome of the clause. It is uncertain if this clause applies to access for new lots, dwellings and/or buildings and works. To meet the guidance provided in SAP Application Clause Drafting Principles and Examples , Practice Note 5 and Practice Note 8. To clarify the operation of the SAP and ensure the consistent use of terminology.	Agree. Council to redraft these elements of the SAP.
25	CHI-S1.7. 6	CHI-S1.7. 6 Outbuildings Objective	CHI-S1.7. 6 Review the Objective, and to clarify the meaning of ‘detract’? Consider: That outbuildings are compatible with the scenic, natural and cultural values of the area and do not cause unreasonable loss of amenity to adjoining properties.	To clarify the intended planning outcome of the clause.	Agree. Council to redraft these elements of the SAP.
26	CHI-S1.7. 6	CHI-S1.7. 6 Outbuildings A1 and P1	Review CHI-S1.7.6 to clarify the intended planning outcome of the standards and to ensure the standards provide consistent terminology in the SAP and to the	To clarify the operation of the SAP and ensure that consistent terminology and formatting is used. To meet the guidance provided in SAP Application Clause Drafting Principles and	Agree. Council to redraft these elements of the SAP.

			<p>SPPs, including CHI-S1.7.1 A5.</p>	<p><u>Examples</u>, Practice Note 5 and Practice Note 8.</p> <p>To consider if A1(a) is inconsistent with CHI-S1.7.1 A5 (that specifies that ‘exterior building finishes’ must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown). In addition, CHI-S1.7.1 A5 does not provide for a Performance Criterion and it is uncertain if being “coloured to blend with the rural landscape” meets the Objective (noting that CHI-S1.7. 6 P2(e) specifies that the siting and design, of aquatic structures uses “using natural finishes and colours that blend with the surrounding landscape”).</p> <p>To clarify if P1(a) has work to do given that LAOs at CHI-S1.3.1 are intended to indicate a desired outcome linked to the exercise of discretion for a Discretionary Use.</p> <p>To clarify if the wording of P1(c) is clear and meets the intended purpose.</p> <p>Consider how the clearing of native vegetation is addressed by the provisions in the SPP Bushfire-Prone Areas Code.</p>	
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27	CHI-Table C6.1 Local Heritage Places	<p>Heritage Places included in the LPS written document refer to a different: FR number (CT number), address, listing description or THR number, or the spatial extent of the listing is different to the IPS.</p> <p>(a) 'St Colman's Catholic Church and Cemetery' at 931 Ellendale Road, Ellendale – FR 171233/1</p> <p>(b) 'Norton Mandeville' at 4079 Lyell Highway, Gretna</p> <p>(c) 'Allanvale' at 268 Marked Tree Road, Gretna – FR 206786/1</p> <p>(d) 'Millbrook' – 32 Victoria Valley Road, Ouse – FR 145158/1</p> <p>(e) 'Cleveland' at 7619 Lyell Highway, Ouse – FR 147625/4</p> <p>(f) 'Hunter's Hill</p>	<p>There are apparent discrepancies between the heritage places listed in the IPS, LPS and properties identified in the mapping.</p> <p>PA to please review the listings (a)-(p) in the column to the left, and confirm they appear correct in CHI-Table-C6.1 as transitioning provisions.</p>	<p>The local historic heritage places are to transition in accordance with Schedule 6, clause 8D(2), however there appears to be a discrepancy between the listing of properties that are identified in the IPS and LPS, including the spatial extent of some listings. It is important to note that the spatial extent of place listings in the IPS cannot be reduced in the draft LPS if they are to remain transitioning as a code-applying provision. The spatial extent must transition over the same area.</p> <p>PAs may add new content where the IPS does not include this information, e.g. a statement of local heritage significance and historic heritage values. Where new information is added to a code-applying provision, the supporting report should clearly differentiate between the transitioning and new content.</p> <p>Changes made to listings of transitioning Local Historic Heritage Places identified in footnotes (permitted alterations), need to be explained in the supporting report.</p> <p>To ensure the table is completed to meet LPS requirements, is in accordance with the Commission's Practice Note 8.</p>	<p>The local historic heritage place listings and spatial extent in the IPS contain errors, including incorrect title references and unintended title references. It is intended that these errors are not transitioned into the new LPS.</p> <p>The negative outcomes of these errors are that:</p> <ul style="list-style-type: none"> • In some cases, the heritage property intended to be protected is not. • Many titles are unnecessarily encumbered by heritage listing, when there is, <u>and never has been</u>, a conscious decision to list them. <p>The situation described in the second point, above, has arisen through a series of 'accidents of history':</p> <ul style="list-style-type: none"> • In the 1970s and 1980s planning schemes listed heritage properties simply by name and address. The spatial extent of the listing was not defined. • In the 1990s the Tasmanian Heritage Register was established. It was created 'overnight' by collating existing listings in council planning schemes and other lists such as the Register of the National Estate. • The legislation underpinning the Tasmanian Heritage Register stated that the spatial extent of each listing must be defined. The default was the title – or titles – on which the place is located. The default was almost invariably adopted as there were no resources at the time to examine thousands of listings individually. • Many planning schemes drafted after the Tasmanian Heritage Register came into being adopted the same spatial definition
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		<p>Barn' at 167 Tor Hill Road, Ouse</p> <p>(g) 'Cawood' at 167 Tor Hill Road, Ouse</p> <p>(h) 'Ashton' at 978 Victoria Valley Road, Ouse – FR 113371/6</p> <p>(i) 'O'Meagher's Cottage Site' at Tunbridge Tier Road – FR 168930/1 and the additional title FR 171404/4</p> <p>(j) 'Grantham' at 1 Elizabeth Street, Bothwell – FR 164767/1</p> <p>(k) 'Atholin' at 4 Patrick Street, Bothwell – FR 12898/1 and FR 122485/1</p> <p>(l) 'Rathmore' at 2158 Hollow Tree Road, Hollow Tree – FR 16133/1</p> <p>(m) 'Sherwood' at 1290 Hollow Tree Road, Hollow</p>		<p>as the matching THR listing, including Central Highlands Council.</p> <ul style="list-style-type: none"> Thus, properties made up of multiple titles, such as Norton Mandeville, find themselves with many hundreds of hectares <u>unintentionally</u> encumbered by heritage listings. <p>Council seeks confirmation from the TPC that the correction of errors indeed pushes the code from 'transitioning' to 'new'.</p> <p>If it is 'new', then Council will initiate the process to advise the Minister to amend the draft declarations. (Land Use Planning & Approvals Act 1993, Schedule 6, Clause 8D)</p>
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		<p>Tree – FR 121056/1</p> <p>(n) ‘St James Church and Cemetery’ – FR 54485/4</p> <p>(o) ‘Former Thorpe Mill’ at 189 Dennistoun Road, Bothwell – FR 106748/1, FR106748/2 and FR 139963/1</p> <p>(p) ‘Former Langdon Store’ at 49 Franklin Place, Hamilton – FR 51797/8, FR 134520/1 and FR 134520/2 – could the PA verify why 45 Franklin Place Hamilton (FR 134520/3) does not form part of the listing?</p>			
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central
highlands
COUNCIL

CENTRAL HIGHLANDS COUNCIL

DOG MANAGEMENT POLICY **~~2015~~ 2020**

Policy adopted by Council – ~~17 November 2015~~

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DEFINITIONS

In this policy -

"animal" means-

- (a) any animal or bird kept for farming, breeding or other commercial purposes; or
- (b) any domestic animal; or
- (c) any native bird or native animal;

"appropriate fee" means a fee determined by the Council;

"approved" means approved by the Director of the Local Government Division;

"at large" means at large as referred to in section 5 of the *Dog Control Act 2000* (DCA2000);

"attack" includes bite, menace or harass;

"authorised person" means –

- (a) a police officer; or
- (b) a general manager; or
- (c) a person appointed by a general manager to be an authorised person; or
- (d) a person who is a ranger under the *National Parks and Wildlife Act 1970*; or
- (e) a person appointed as a bailiff of Crown Lands under the *Crown Lands Act 1976*;

"breeding dog" means a pure bred dog used for breeding purposes, the owner of which has a registered stud with the Tasmanian Canine Association;

"built-up area" means an area in which-

- (a) there are buildings on land next to the road; and
- (b) there is street lighting at intervals not over 100 metres for a distance of at least 500 metres or, if the road is shorter than 500 metres, for the whole road;

"collar" means a collar of leather or other durable material

"complaint" means a complaint referred to in section 47

"dangerous dog" means a dog declared to be a dangerous dog under section 29 or 30 of the *DCA 2000*;

"declared area" means a declared area under division 2 of part 3 of the *DCA 2000*;

"de-sexed dog" means a dog of either sex which has been sterilised or neutered;

"Director" means the Director of Local Government;

"dog" means an animal of the species *Canis familiaris* or *Canis familiaris dingo*

"domestic animal" means an animal or bird kept as a domestic pet;

"effective control" means effective control as referred to in section 4 of the *DCA 2000*;

"exercise area" refers to an area declared under section 20 of the *DCA 2000*;

"General Manager" means the General Manager of the Council appointed under the *Local Government Act 1993*;

"Infringement notice" means a notice referred to in Division 2 of Part 4 of the *DCA 2000*;

"lead" means a lead, leash, cord or chain of sufficient strength to restrain a dog;

"licence" means a licence to keep on premises –

- (a) more than two dogs over the age of 6 months; or
- (b) more than 4 working dogs over the age of 6 months;

"occupier" in relation to premises, includes a person who has or is entitled to possession or control of the premises;

"owner of a dog" means a person referred to in section 6 of the *DCA 2000*;

"pensioner" means a person in receipt of a Commonwealth Pension as defined in the *Local Government Act 1993*

"pound" means a pound established under the *Local Government Act 1993*;

"premises" includes land or any part of any premises or land;

"prohibited area" means an area declared under section 22 of the *DCA 2000*;

"public notice" means a notice published in a daily newspaper or the Derwent Valley Gazette;

"public place" means–

- (a) a public place as defined in the *Police Offences Act 1935*; and
- (b) a road; and
- (c) a road related area;

"register" means a register kept under section 15 of the *DCA 2000*;

"registered dog" means a dog registered in accordance with the *DCA 2000*;

"registration disc" means a disc or tag referred to in section 10(1) of the *DCA 2000*;

"restricted area" means an area declared under section 23 of the *DCA 2000*;

"road" means–

- (a) an area that is developed for, or has as one of its main uses, the driving or riding of motor vehicles and is open to, or used by, the public: and
- (b) a part of the kerb: and
- (c) an unsealed part of a sealed road:

"road-related area" means –

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) a footpath or track that –
 - (i) is not a road; and
 - (ii) is designed for use by cyclists or pedestrians; and
 - (iii) is open to the public;

"shopping centre" means a collection of shops in an enclosed area covered by a roof or forming a courtyard or square, excluding any area provided for the parking of vehicles;



"special assistance dog" means a dog specifically trained to assist a person with a disability and includes;-

- (a) a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967*; or
- (b) a hearing dog as defined by the *Guide Dogs and Hearing Dogs Act 1967*; or
- (c) a dog training to be a guide dog or hearing dog.

"training area" means an area declared under section 21 of the DCA 2000;

"veterinary surgeon" means a person registered as a veterinary surgeon under the *Veterinary Surgeons Act 1987*;

"working day" means a day on which the public office of the Council is open for business;

"working dog" means a dog used principally for –

- (a) droving or tending stock; or
- (b) detecting illegal substances; or
- (c) searching, tracking or rescuing; or
- (d) working with police officers.

1. INTRODUCTION

The Dog Control Act 2000 (DCA 2000) was introduced into State Parliament in December 2000. The Act became effective on the 4th April 2001 and replaced the Dog Control Act 1987 as the primary Act managing the control of dogs in Tasmania. It is now the primary legislation in this area.

The DCA 2000 requires that Councils develop and implement a **Dog Management Policy** with the Policy to include the following:

- A code relating to responsible ownership of dogs;
- The provision of declared areas;
- A fee structure;
- Any relevant matter

The Dog Management Policy is to be reviewed at least once every 5 years and the Central Highlands Council (Council) is committed to working in partnership with the community to produce a Policy to encourage a compatible relationship between dog owners and non-dog owners and ensuring a quality of life for the animals themselves.

Council is required to manage most of the provisions in the Act. This includes providing dog control and impounding operations.

2. RESPONSIBLE OWNERSHIP

Dogs are an important part of society and many value their companionship. As with any animal there are standards of care and welfare that need to be observed. The views and concerns of neighbours and other members of the community need to be considered.

Responsible dog ownership requires accepting full responsibility for dogs, in terms of their needs and the standards for dog management that are expected by the community.

It is the responsibility of every dog owner to:

- Ensure that the dog is registered and that registration is maintained, as well as ensuring that the dog is microchipped in accordance with the Dog Control Act 2000
- Ensure that the dog is kept under effective control at all times and not allowing a dog to be at large;
- Ensuring that it is collared and on a lead in public places and that it is properly restrained when in or on a vehicle so that it is unable to leave the vehicle or attack any person or animal outside the vehicle.
- Ensure that the dog does not cause a nuisance to any other person, whether by persistent or loud barking, howling or by any other means;
- Ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person. An owner is responsible for the actions of a dog;
- Ensure that the dog does not damage or endanger any property belonging to any other persons;
- Ensure that dogs are not allowed to roam unsupervised;
- Take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any livestock, poultry, domestic animal, or protected wildlife;

- Ensure that the dog receives proper care and attention and is supplied with sufficient food, water and shelter;
- Ensure that the welfare of the dog is protected as required by the Animal Welfare Act 1993;
- Ensure that the dog receives adequate exercise; and
- Clean up after the dog should it defecate in a public place and dispose of waste in a responsible way.

An owner can be held liable for the actions of a dog and can be fined or penalised for dog control offences. Owners can also be liable to pay compensation for injury or damage caused by a dog in their charge. An owner's failure to properly control a dog may in some circumstances result in the dog being seized, impounded and possibly destroyed.

Responsibilities of the Owner or Person in Charge of a Dog

Under the Act the owner or person in charge of a dog must ensure (that):

1. That the dog remains under effective control and does not cause a nuisance in private premises, in a public place, or rushes at or chases any person.
2. The dog is on a leash no longer than 2 metres when in a built-up area in a public place.
3. The dog is not tethered to a fixed object in a public place by a lead longer than 2 metres or for longer than 30 minutes.
4. They have no more than 2 dogs on a lead on a footpath or road.
5. They have no more than 4 dogs in their charge in a public place.
6. When on private property the dog/s are securely confined to that property.
7. They clean up after the dog should it defecate in a public place.
8. The dog is wearing a collar and registration disc when in a public place.
9. Council is notified on the death, loss or disposal of a dog, or a change of address.
10. The dog does not rush at or chase motor vehicles or bicycles in a public place.
11. The dog does not attack or chase any person or another animal.
12. Dogs are not taken into prohibited areas.
13. Dogs are not taken into restricted areas outside allowable times.
14. The dog is microchipped in accordance with the Act.

3. DECLARED AREAS

ACCESS TO PUBLIC PLACES

The following will allow dogs and owners access to public places, while ensuring public safety and comfort. Where it has been determined that there is a potential danger to public safety "restricted" access applies to identified areas.

Dogs are allowed anywhere in the towns on a leash not exceeding two (2) metres or if under effective control in accordance with Section 3 of the Dog Control Act 2000, except for those particular areas identified as "Prohibited Public Places". Section 3 of the Dog Control Act 2000 states:

- (1) *A dog is under the effective control of a person in a public place if the dog is –*
 - (a) *on a road or road-related area in a built-up, or any other public place declared under Division 2 of Part 3 to be an area where a dog must be on a lead, and the dog is secured and restrained by means of a lead not more than 2 metres long held by hand by a person able to control the dog; or*

- (b) *tethered to a fixed object by a lead not more than 2 metres long for a period not more than 30 minutes.*
2. *A dog is under the effective control of a person while not on a lead if the dog is-*
- (a) *a working dog engaged in working; or*
 - (b) *a hunting dog engaged in hunting; or*
 - (c) *engaged in racing or showing; or*
 - (d) *engaged in obedience or agility trials; or*
 - (e) *engaged in training for any activity referred to in paragraph (a), (b), (c) or (d); or*
 - (f) *engaged in training in a training area.*
- (3) *In an area where a dog is not required to be on a lead, the dog is under the effective control of a person if;*
- (a) *it is in close proximity to the person; and*
 - (b) *it is in sight of the person; and*
 - (c) *the person is able to demonstrate to the satisfaction of an authorised person that the dog is immediately responsive to the person's commands.*
- (4) *A dog is under the effective control of a person on private premises if the dog is securely confined to those premises.*
- (5) *A person, at any one time, must not have in his or her charge more than –*
- (a) *2 dogs on a lead on a footpath; or*
 - (b) *4 dogs in a public place.*

Access restrictions to public places are identified by four defined areas. The DCA 2000 classifies "public places" as follows:

- Exercise – Dogs may be exercised subject to any specified conditions
- Training – Dogs may be trained subject to any specified conditions
- Prohibited - Dogs are not allowed under any circumstances;
- Restricted (specified times) - Dogs are not allowed at specified times unless they are on a lead

Dogs must be kept under control at all times.

EXERCISE AND TRAINING AREAS

(in these areas dogs are allowed off a "lead" but be under "effective control")

Specific Exercise and Training areas will be considered by council upon written requests from dog obedience trainers, registered clubs and/or community representatives. Owners are required to maintain control over their dog at all times.

Please note – dogs are prohibited within 10 metres of a children's playground as per Section 28 (e), dogs are not allowed within 20 metres of a BBQ area unless on a leash not exceeding two (2) metres.

PROHIBITED AREAS

(in these areas dogs are not allowed at any time)

PROHIBITED PUBLIC PLACES (As defined in the Dog Control Act)

- Any grounds of a school, preschool, kindergarten, crèche or any other place of the reception of children without the permission of a person in charge of the place.

- Any shopping centre or any shop.
- The grounds of a public swimming pool.
- Any playing area of a sports ground on which sport is being played.
- Any area within 10 metres of a children's playground.

PROHIBITED AREAS / PLACES (As defined by Council)

- Any Community Hall or Premises where food is being served.

DECLARED PROHIBITED AREAS (As per the National Parks and Wildlife Act 1970, which includes the National Parks and Reserved Land Regulations 1999 and the Crown Land Act 1976 which include the Crown Lands Regulations 2001)

Alma Tier Nature Reserve	24 Hours a Day	7 Days a Week
Central Plateau Conservation Area Proclaimed CPR1872	24 Hours a Day	7 Days a Week
Central Plateau Conservation Area Proclaimed CPR4609	24 Hours a Day	7 Days a Week
Central Plateau Conservation Area Proclaimed CPR4654	24 Hours a Day	7 Days a Week
Central Plateau Conservation Area Proclaimed CPR5006	24 Hours a Day	7 Days a Week
Cradle Mountain-Lake St Clair National Park – Proclaimed CPR487	24 Hours a Day	7 Days a Week
Cradle Mountain-Lake St Clair National Park – Proclaimed LM211	24 Hours a Day	7 Days a Week
Dickinsons Nature Reserve	24 Hours a Day	7 Days a Week
Duckholes Lagoons Nature Reserve	24 Hours a Day	7 Days a Week
Great Western Tiers Conservation Area - Proclaimed CPR4547	24 Hours a Day	7 Days a Week
Great Western Tiers Conservation Area - Proclaimed CPR4577	24 Hours a Day	7 Days a Week
Mount Bethune Conservation Area	24 Hours a Day	7 Days a Week
Pelham Nature Reserve	24 Hours a Day	7 Days a Week
Pelham North Nature Reserve	24 Hours a Day	7 Days a Week
Pelham West Nature Reserve	24 Hours a Day	7 Days a Week
Silver Plains Conservation Area	24 Hours a Day	7 Days a Week

Strickland Conservation Area	24 Hours a Day	7 Days a Week
Table Mountain Conservation Area	24 Hours a Day	7 Days a Week
The Steppes Conservation Area	24 Hours a Day	7 Days a Week
The Steppes State Reserve	24 Hours a Day	7 Days a Week
Tiger Rise Conservation Area	24 Hours a Day	7 Days a Week
Wayatinah Conservation Area	24 Hours a Day	7 Days a Week

Please refer to the Tasmania Parks and Wildlife Service for further details on locations at <https://parks.tas.gov.au/explore-our-parks/map-of-parks>

RESTRICTED AREAS – SPECIFIED TIMES, DAY OR SEASONS (In these areas, dogs are not allowed during the times specified unless they are on a lead. These are areas where it is considered that a significant conflict exists, however this is limited to particular times. In order to prevent danger, and to minimise distress and nuisance, dogs shall be prohibited from these areas during the times specified)

The following public places will be classed as "**Restricted Areas**" for the times specified in relation to dogs and pursuant to a resolution made under section 23 (1b) (dogs restricted within these times unless they are on a lead not exceeding two (2) metres) of the DCA 2000. Please note – dogs prohibited within 10 metres of a children's playground as per section 28 (e) and are not allowed within 20 metres of a BBQ area unless on a leash not exceeding two (2) metres.

Restricted areas **dogs must be** "on leash" and under "Effective Control"

Residential Areas surrounding Great Lake (Village or Holiday Residential)	24 hrs	7 Days
Residential Area surrounding Arthurs Lake (Village or Holiday Residential)	24 hrs	7 Days
Residential Area surrounding Bronte, Bronte Lagoon & Bradys Lake (Holiday Residential)	24 hrs	7 Days
Residential Area surrounding Derwent Bridge (Village)	24 hrs	7 Days
Townships of Bothwell, Hamilton, Ouse, Gretna, Ellendale, Westerway, Wayatinah	24 hrs	7 Days

4. FEE STRUCTURE

Council must determine all fees payable under the DCA 2000. The schedule of fees will be set annually and will be in line with the financial year, i.e. 1st July to 30th June. In

addition to setting a schedule of fees, Council will also determine categories of dog registration, discounted registration fees and the required evidence in order to claim a discounted registration fee.

All dogs must be registered at the age of 6 months and this must be done by the end of the month in which the dog becomes 6 months old. An application for registration is required to be completed and submitted to Council. The registration year is from 1st July to 30th June the following year.

Registration Categories

1. Domestic Dog (Desexed)
2. Domestic Dog (Not Desexed)
3. Pensioner (1st Dog Only)
4. Working Dog (used for the purpose of working farm stock)
5. Hunting Dog (used to flush game)
6. Greyhound (TGRA registered)
7. Registered Breeding Dog (TCA Registered & Dog Owner holding current membership of the TCA)
8. Special Assistance Dog (Guide Dog / Hearing Dog)
9. Declared Dangerous Dog

Where a dog is to be registered in one of the categories below it will be necessary for the owner to provide that his / her dog fits the category. The evidence required for each category is as follows:-

1. **Dangerous Dog** – Means a dog declared to be dangerous under Section 29 of the *Dog Control Act 2000*.
2. **Desexed Dog** – Certificate of Sterilisation from a veterinary surgeon that the dog is sterilised or the provision of a statutory declaration.
3. **Guard Dog** – A dog used to guard non-residential premises.
4. **Guide Dog / Hearing Dog** – Same meaning as provided under the *Guide Dogs and Hearing Dogs Act 1967* or subsequent relevant legislation.
5. **Pensioner** – prescribed pensioner under the meaning of the *Local Government (Rates and Charges) Remissions Act 1991*.
6. **Pure Bred Dogs** – Certificate of registration and pedigree issued by the Tasmanian Canine Association (TCA) or equivalent interstate certification, together with a current membership card of the TCA.
7. **Working Dog** – Used principally for droving or tending stock, detecting illegal substances, searching, tracking, rescuing or working with police officers.
8. **Hunting Dog** – Used to flush game.
9. **Grey Hound** – Registration Certificate of the Tasmanian Greyhound Racing Council.

Payment and Setting of Fees

Fees are set by Council in April / May each year and fees not paid by 31 July each year will incur penalties.

Council advises current dog owners of the fees at the commencement of the financial year and provides a period of approximately 8 weeks to the 31st July each year from

prompt registration to be encouraged. During this time a discount rate applies to the fees for each relevant registration category. Higher fees apply following 31st July each year.

Applications for registration made after 31st December

Where an application is made to register a new dog a reduction of fee by 50% is to be applied to the registration fee provided the dog is registered within four weeks of purchase and the registration application is voluntary.

Replacement Cost of Lost Tags

A fee, as set by Council, will be charged for a replacement Tag.

5. KENNEL LICENCES

Any person wanting to keep more than 2 dogs on premises, or in the case of working dogs, more than 4, must apply to the General Manager for a licence to do so.

The application is to be in the approved form. The applicant must advertise, by public notice, their intent to apply for a licence and the address and the number, and breed or kind of dogs to which the application relates.

The notice must also call for any objections to the granting of the licence. Persons residing or owning land within 200 metres of the boundary of the premises to which the application relates may object to the granting of a licence. Any objection is to be made within 14 days of the public notice being published. **It is to be in writing to the General Manager and it is to set out the reasons for the objection.**

Council will not consider a kennel licence application until 28 days after the publication of the public notice, and all objections will be considered.

A property inspection will be carried out to ensure that kennel requirements are complied with and that adequate provisions for the health, welfare and control of the dogs on the premises are provided. If granted the period of the licence will expire on the 30th June following the date of granting the licence and is renewable on payment of the appropriate annual fee.

Property inspections will be conducted to ensure that:

- No dogs other than stipulated in the licence are being kept on the property;
- All dogs over 6 months of age on the property are registered;
- Provisions for the health, welfare and control of the dogs is maintained;
- No nuisance to any other persons' property or premises is likely to be caused.

The General Manager or his/her delegate may cancel a licence if satisfied that:

- Provisions of the Dog Control Act 2000 or other relevant Act are not complied with;
- Conditions of the licence are not complied with;
- The situation or condition of the premises is creating a nuisance;
- It is in the public interest that the licence be cancelled.

An applicant or holder of a licence may, by notice in writing to the clerk of petty sessions, appeal to a Magistrate any decision by the General Manager or his/her delegate to:

- Refuse to grant or renew a licence;
- Cancel a licence;

KENNEL REQUIREMENTS

Residential and Surround Areas

The following specifications are considered the minimum required for domestic dogs / pets:

- The kennel is to be at least 9 metres from any neighbouring dwelling house, where possible;
- The kennel shall be at least 2 metres from any boundary of the premises, where possible;
- The premises shall be enclosed in such a manner so as to contain any dogs kept in the yard;
- The kennel shall be constructed in such a way as to provide effective methods of cleaning and disinfecting;
- There shall be sufficient room to allow dogs reasonable freedom of movement;
- There shall be a raised (50mm) and weatherproof sleeping area;
- Adequate ventilation and insulation shall be provided to maintain a comfortable internal temperature free from condensation;
- A sanitary method of disposal of excreta and waste shall be provided.

The above is the minimum requirements for working dogs (more than 4).

Rural Areas

- The kennel or yard shall be constructed in such a way as to provide effective methods of cleaning and disinfecting;
- The kennel or yard shall be constructed to the approval of the General Manager or his/her delegate.

Council may issue a kennel licence for the keeping of a specified number of dogs on premises which shall not comply with some or all of the above minimum specifications provided that, the General Manager or his/her delegate is satisfied that adequate provisions for the health, welfare and control of the dogs is provided, and that no nuisance is likely to occur to any other persons' property or premises.

6. ENFORCEMENT

The DCA 2000 provides several powers to authorities to control dogs and enforce the requirements of the Act. The use of enforcement mechanisms is provided to allow authorities to effectively carry out their obligations, to protect the community and to offer a sufficient deterrent against non-compliance with the law.

This section outlines the different enforcement mechanisms that are available to the Central Highlands Council and identifies how they will be applied. The applications of many of the mechanisms that are discussed in this section are prescribed by the DCA 2000 and are not open to interpretation by Council. These have been identified where relevant.

The different methods of enforcement are outlined below:-

PROSECUTION

The DCA 2000 sets out the obligations of dog owners. Where a person has failed to comply with a particular obligation under the DCA 2000 they can be prosecuted in a

Court of Law. These offences can carry heavy fines. The situations for which a person can be prosecuted are defined in the DCA 2000.

Prosecution can be a costly process both in terms of time and resources and alternative methods of enforcement do exist. However, where an offence is considered to be serious and sufficient evidence exists, Council will consider prosecuting an offender in a Court of Law. This includes situations where a dog has:

- caused significant damage or injury to any person or animal;
- caused danger, distress or nuisance to any person or the community on a number of occasions.

INFRINGEMENT NOTICES

The DCA 2000 empowers Animal Control Officer's (ACO) to issue Infringement Notices that impose an "on-the-spot" fine on the recipient. Infringement Notices can only be issued for particular offences (called infringement offences). These fines are set under the DCA 2000 and once issued, the recipient has 28 days to settle. After this period the infringement is lodged with the Monetary Penalty Enforcement Service.

The use of Infringement Notices is considered a more efficient method of enforcement and allows Council to effectively fulfil its objectives under this policy. Council will consider issuing an infringement notice rather than referring an offence to the court.

Where an ACO considers that an infringement offence has occurred, the ACO may choose to issue the offender with an official caution notice in the first instance and an Infringement Notice in all subsequent situations.

There are some infringement offences that are considered to be more serious or intentional. In these situations caution notices will not be issued.

7. DANGEROUS DOGS

Classifying dogs as dangerous is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour. Council will, where appropriate, classify dogs as dangerous.

The General Manager of a Council may declare a dog dangerous if:

- the dog has caused serious injury to a person or another animal; or
- there is reasonable cause to believe that the dog is likely to cause serious injury to a person or another animal.

A dog may be considered dangerous because of an obvious act or incident in which it has threatened, attacked, and in some cases, caused serious injury or death to an animal or person. This physical act is an expression of aggression and in most cases this aggression has been contributed to by human intervention. There are several triggers for aggression in dogs, which may be more prominent depending on the breed. They are:

- Territorial aggression
- Protective aggression
- Fear aggression
- Predation aggression
- Dominance aggression

- Learned aggression

No matter what the trigger, or the level of human intervention, it is not an acceptable community standard that dogs who display aggression be allowed to be in a position to carry out the physical act. Council, in its commitment to ensuring a safer environment, endorses legislation in relation to dangerous dogs.

The owner of a dog declared to be dangerous has the right to appeal the decision to a Magistrate, the appeal must be lodged within 14 days of notification of the declaration.

ACO's investigating a dog attack incident will make recommendation to the General Manager or his/her delegate as to whether the dog should be declared a dangerous dog. Any recommendation should be made after consultation with the victims, witnesses and the dog owners, and is to take into consideration:-

- The severity of the incident
- The history of the dog/owners
- The degree of human intervention
- Any other mitigating circumstance
- The desired outcome and the *need* for legal proceedings

The owner of a declared dangerous dog must comply with all relevant conditions of the DCA 2000. Council will act in accordance with standard operating procedures to any breaches of these conditions.

Properties where a declared dangerous dog lives will be inspected from time to time by ACO's to ensure compliance with conditions of the DCA 2000 and Council's Dog Management Plan.

Council will maintain a register of declared dangerous dogs in accordance with standard operating procedures. Any request for details from this register must be made in writing to the General Manager.

RESTRICTED BREED

An authorised person may declare a dog to be a restricted breed dog, having regard to any approved guidelines relating to restricted breeds, and is satisfied that the dog is a dog of a restricted breed.

The following breeds of dog are restricted breeds:

- (a) Dogo Argentino;
- (b) Fila Brasileiro;
- (c) Japanese Tosa;
- (d) American Pit Bull Terrier or Pit Bull Terrier
- (e) Perro de Presa Canario or Presa Canario;
- (f) Any other breed, kind or description of dog whose importation into Australia is prohibited by or under the *Customs Act 1901* of the Commonwealth.

GUARD DOG (Non-residential)

For a dog to be a worthy guard dog, it must exhibit certain characteristics of which the need to dominate is a major one. They are required to be strong, courageous, disciplined and intelligent animals. These dogs are easily trained and would exhibit learned territorial / protective aggression. The professionally trained guard dog should pose no greater threat than any other dog when it is "off duty".

Unfortunately, most guard dogs encountered receive very little or no training and their natural characteristics coupled with no discipline make them a threat in some situations. Council endorses legislation in relation to guard dogs.

The owner of a dog that is used to protect non-residential property must notify Council that they have a guard dog. The General Manager or his/her delegate will declare that dog to be a dangerous dog while it is working. The owner must comply with all conditions relating to a guard dog as prescribed by the DCA 2000.

Details of guard dogs will be maintained in the Dangerous Dog Register. Properties where guard dogs are kept will be inspected from time to time to ensure compliance with conditions of the DCA 2000.

Once notified in writing by the owner of a guard dog that the dog is no longer used to guard non-residential properties, the General Manager or his/her delegate may revoke the declaration that the dog is a dangerous dog.

REQUIREMENTS FOR KEEPING A DANGEROUS DOG/GUARD DOG

Micro-chipping - The owner of a dog declared dangerous must ensure that the dog is implanted with an identifying micro-chip in an approved manner within 30 days of being served notice of the declaration.

Warning Signs - The owner or person in charge of a dangerous dog must ensure that *approved* signs are displayed at all entrances to the property where the dog is kept. These are available only through Council.

Collars - The owner or person in charge of a dangerous dog must ensure the dog wears an *approved* collar at all times. These are available only through Council.

Childproof Enclosure - When on private premises and not under adult supervision, or in the case of a guard dog, when the dog is not performing guard duties, it is to be housed in a childproof enclosure.

The owner or person in charge of a dangerous dog must ensure that the dog, when in a public place is:

- a) muzzled; and
- b) on a lead not exceeding 2 metres that is of sufficient strength to control and restrain the dog; and
- c) under the control of a person at least 18 years of age.

CHILDPROOF ENCLOSURE

A childproof enclosure is to meet the following minimum standards:-

- be fully enclosed.
- walls, roof and gate to be constructed of brick, timber, iron or 3.15mm chain mesh or 4mm weldmesh with a maximum spacing of 50mm.
- The floor is to be constructed of concrete to a minimum depth of 50mm and graded to allow drainage.
- The walls are to be fixed to the floor or constructed to be no more than 50mm above the floor.
- The gate is to be self-closing and have affixed to it a lock, which is to be used whenever the dog is in the pen.
- Have a minimum floor area of 10 square metres.
- Have a minimum height of 1.8 metres.
- Have a minimum width of 1.8 metres.

- Contain a raised (50mm) weatherproof sleeping area.

8. IMPOUNDING

The DCA 2000 sets out certain provisions for the impounding of dogs. Where any dog is found at large in a public place in contravention of the Act, or, on any property other than the owner's, it may be impounded. Where any dog is impounded and the owner is known, Council shall make all attempts to contact the owner. The owner then has five **working** days to recover the dog from the pound.

In the event that the owner of the dog is unknown, Council must keep the dog for three **working** days. If the dog is not claimed after this time, the dog may be disposed of (for example a new owner found) or destroyed as Council sees fit. Where a dog is recovered from the pound, it shall not be released until it is registered and all registration and pound fees are paid.

There are pounds at the Bothwell and Hamilton Council Depot yards, and dogs are transferred from these pounds to the Dogs' Home, Risdon Vale.

9. COMPLAINTS

With an ever-increasing urban animal population, there will invariably be associated problems with them. It is expected that with a balance of proactive and reactive education and enforcement this will minimise the impact of inappropriate dog behaviour.

Council recognises the right of community members to seek assistance in dealing with nuisances created by dogs. Council exists to represent the community and ensure that quality services are provided. This is best achieved by open communication between Council staff, the complainant, and the dog owner/s.

To this end, ACO's will not respond to complaints made anonymously. Council maintains the right to ask the complainants name, address and telephone number. It is essential that staff have access to this information so they may clarify details, seek further information, and to advise outcomes of investigations into the complaint. This information is strictly confidential and not passed on to any other member of the community.

A refundable fee, as set by Council, will be charged for all official complaints.

COUNCIL'S ANIMAL CONTROL OFFICER WILL ONLY NOT DEAL WITH OFFICIAL COMPLAINTS OF A FRIVOLOUS OR VEXATIOUS NATURE.

TASMANIA

DOG CONTROL REGULATIONS 2020

STATUTORY RULES 2020, No.

CONTENTS

1. Short title
 2. Commencement
 3. Interpretation
 4. Prescribed details for microchip
 5. Requirements for enclosure for dangerous dog
 6. Offences under Act
- Schedule 1 – Offences

CONSULTATION DRAFT

DOG CONTROL REGULATIONS 2020

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Dog Control Act 2000*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Local Government

1. Short title

These regulations may be cited as the *Dog Control Regulations 2020*.

2. Commencement

These regulations take effect on 9 June 2020.

3. Interpretation

In these regulations –

Act means the *Dog Control Act 2000*.

4. Prescribed details for microchip

For the purposes of section 15A(5) of the Act, the following details are prescribed as the details to be entered into an approved database if a dog is implanted with a microchip:

- (a) the name, residential address and contact telephone number of the owner of the dog;
- (b) the postal address of the owner of the dog, if different from the residential address;
- (c) the email address of the owner of the dog, if known;
- (d) the address and municipal area in which the dog generally resides;
- (e) the name of the dog, if known;
- (f) the breed of the dog or, in the case of a mixed breed, the closest known breeds of the dog;
- (g) the sex of the dog and whether or not the dog has been desexed;
- (h) the colouring of the dog and any other distinctive markings or features of the dog;
- (i) details of any aggressive behaviour of the dog, if known;

- (j) each declaration made in respect of the dog under Division 3 of Part 3 of the Act, if applicable;
- (k) the microchip number of the microchip implanted in the dog and the date on which it was implanted;
- (l) the full name and address of the person who implanted the dog with the microchip.

5. Requirements for enclosure for dangerous dog

- (1) For the purposes of section 32(2)(a) of the Act, an enclosure for housing a dangerous dog must –
 - (a) be fully enclosed; and
 - (b) be childproof; and
 - (c) have a minimum height of 1.8 metres and a minimum width of 1.8 metres; and
 - (d) have a floor area of at least 10 square metres for each dog in the enclosure; and
 - (e) have the walls, roof and the door, or gate, made of brick, timber, concrete, iron or mesh, or a combination of these materials, of sufficient strength and durability to prevent the escape of a dog; and
 - (f) have a sufficient weatherproof sleeping area for each dog in the enclosure; and

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r. 5

- (g) have a sealed, graded concrete floor; and
 - (h) be situated so as not to require a person to pass through it to gain access to other parts of the property on which it is situated; and
 - (i) if fitted with a door or gate –
 - (i) be fitted with a self-closing and self-latching mechanism for the door or gate; and
 - (ii) be locked from the outside when a dog is inside the enclosure; and
 - (iii) have a clearly legible sign saying “Dangerous Dog” displayed on the door or gate; and
 - (j) be sufficient to prevent each dog in it from escaping.
- (2) If the walls, roof, door or gate of an enclosure are made of mesh, the mesh must be –
- (a) chain mesh of at least 3.15 millimetre gauge, with a maximum spacing of 50 millimetres; or
 - (b) weldmesh of at least 4 millimetres gauge, with a maximum spacing of 50 millimetres.
- (3) A wall, door or gate of an enclosure may have a gap of not more than 50 millimetres at the top and bottom of the wall, door or gate to provide ventilation and drainage.

6. Offences under Act

For the purposes of section 64 of the Act –

- (a) an offence specified in column 1 in the table in Schedule 1 is a prescribed offence; and
- (b) the penalty specified in column 3 of that table in respect of a prescribed offence is the penalty payable in respect of that offence.

CONSULTATION DRAFT

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sch. 1

SCHEDULE 1 – OFFENCES

Regulation 6

	Section of Act	Penalty units
1.	4(5)	1
2.	8(1)	1
3.	8(2)	1
4.	10(3)(a)	1
5.	10(3)(b)	1
6.	10(3)(c)	1
7.	10(3)(d)	1
8.	11(1)	0.5
9.	11(3)	0.5
10.	11(4)	1
11.	12(1)	0.5
12.	13(1)	0.5
13.	13(2)	0.5
14.	15A(1)	1
15.	16(1)	1
16.	16(2)	0.5
17.	16(3)	1

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sch. 1

	Section of Act	Penalty units
18.	17(1)	1
19.	17(2)	2
20.	18(3)	1
21.	18(4)	1
22.	19(1)	1
23.	19(2)	2
24.	19(3A)	4
25.	19(5)	1
26.	19AA(7)(a)	2
27.	19AA(7)(b)	2
28.	19AC(10)	2
29.	22(2)	4
30.	23(2)	1
31.	28(1)	1
32.	30(1)	1
33.	33	2
34.	34	4
35.	34B(1)	4
36.	34BA	4

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sch. 1

	Section of Act	Penalty units
37.	34C(1)	4
38.	34D(2)	4
39.	36(1)	1
40.	40(1)(a)	2
41.	40(1)(b)	2
42.	41(4)(a)	1
43.	41(4)(b)	1
44.	45(1)	1
45.	46(1)	2
46.	49A(3)	4
47.	50(1)	1
48.	51(3)	0.5
49.	55(3)	1
50.	55(4)	1
51.	77(2)(a)	1
52.	77(2)(b)	1
53.	78(a)	1
54.	78(b)	1
55.	79	2

Dog Control Regulations 2020
Statutory Rules 2020, No.

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These regulations are administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe, for the purposes of the *Dog Control Act 2000* –
 - (i) certain details to be recorded in respect of a microchip implanted under that Act; and
 - (ii) requirements for enclosures for dangerous dogs; and
 - (iii) offences in respect of which an infringement notice may be issued under that Act; and
- (b) are made consequent on the repeal of the *Dog Control Regulations 2010* under section 11 of the *Subordinate Legislation Act 1992*.

Draft Dog Control Regulations 2020

September 2020

Remaking of the *Dog Control Regulations 2010*

The Government is seeking feedback on the draft *Dog Control Regulations 2020* (the draft Regulations).

The draft Regulations will remake the *Dog Control Regulations 2010* (the Regulations). The Regulations include the prescribed details for microchips, the requirements for dangerous dog enclosures, and the offences under the *Dog Control Act 2000* for which infringement notices may be issued (and the associated penalties).

It is proposed that most provisions in the Regulations are remade without change. This is except for minor changes to the infringement notices which are prescribed under Schedule 1 – Offences. The proposed changes are necessary because of the December 2019 amendments to the Dog Control Act, which strengthened the law and increased the penalties associated with dogs attacking sensitive wildlife.

The Government needs to remake the Regulations because of the requirements of the *Subordinate Legislation Act 1992*. Section 11(2) of the Subordinate Legislation Act specifies that subordinate legislation (which applies to the Regulations) expires on the tenth anniversary of the date on which it was made. Remaking the Regulations will ensure that relevant rules continue to apply. This process also enables the Government to ensure that regulations remain up to date. The Regulations were originally set to expire on 9 June 2020, but their expiry has been extended 12 months by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

It is proposed that Schedule 1 of the Regulations is updated by:

1. prescribing an infringement notice for the new offence in the Dog Control Act, under section 19AC(10), that applies when a person obstructs, hinders, delays, impedes or threatens, or disobeys a direction given by, a person taking a sample from a dog suspected of committing an offence under section 19AB.

Comment: The penalty amount for the infringement notice will be 2 penalty units (\$344).

2. increasing the infringement penalty for section 22(2), which applies when a person fails to ensure their dog does not enter a prohibited area, from 2 to 4 penalty units (\$688).

Comment: This change is required because the maximum penalty for the offence under section 22(2) has been increased in the Dog Control Act from 10 to 20 penalty units. In most cases, for the infringement system to work effectively, it is appropriate to set the infringement notice penalty at 20 per cent of the maximum penalty of the offence.

3. not prescribing an infringement notice for the updated offence under section 19(3), for when a dog attacks a person and causes serious injury.

Comment: As part of the changes to the Dog Control Act, the offence that previously applied to serious dog attacks on both persons and animals, under section 19(3), has been separated into two different offences. Section 19(3) now applies only to serious dog attacks on persons, whereas 19(3A) applies to dog attacks on animals causing serious injury or death. The maximum penalty for serious dog attacks on persons has been increased, from 20 to 30 penalty units, in response to feedback from the community that serious dog attacks on persons should attract a similar penalty to that under the new sensitive wildlife offence, under section 19AB(1).

Infringement notices tend to be used for more minor offences. For example, none of the offences attracting a fine of up to 30 penalty units in the Dog Control Act (nor any of the offences relating to dangerous dogs) are prescribed as infringement notices in the Regulations. It is therefore proposed that the offence under section 19(3) is not suitable for the infringement system. This would mean breaches of section 19(3) would be considered by the courts.

Authorised officers may still issue an infringement notice under section 19(2), for dog attacks on persons causing non-serious injury, and under section 19(3A), where dogs attack animals causing serious injury or death.

It is appreciated that this change may have implications for enforcement activities of authorised officers under the Dog Control Act, and therefore views are welcome on the proposed change.

If section 19(3) was prescribed as an offence for which an infringement notice may be issued, the penalty would be 6 penalty units or \$1,032 (20 per cent of the maximum penalty).

Feedback

The Government is seeking submissions on the proposed amendments by 16 November 2020.

A consultation timeframe of six weeks has been agreed to with the Local Government Association of Tasmania (LGAT), in recognition that councils may, as a result of the pressures of COVID-19, have less resources available to participate in the consultation process. Councils are encouraged to provide their comments via LGAT.

Submissions are to be made in writing and are to be provided either by email to lga@dpac.tas.gov.au or by post to:

Local Government Division
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Process and timing

Once consultation closes, the Government will consider submissions and, if required, make changes to the draft Regulations. The Department of Premier and Cabinet will notify council General Managers and other enforcement entities (as appropriate), of the final changes at least two weeks ahead of the new Regulations coming into effect.

Department of Premier and Cabinet

Executive Building 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 1300 135 513 Fax: (03) 6233 5685
Web: www.dpac.tas.gov.au



Draft Dog Control Regulations 2020

Dear General Manager

I am writing to invite your Council to comment on the draft Dog Control Regulations 2020 (the draft Regulations). The draft Regulations, provided at Attachment 1, remake the *Dog Control Regulations 2010* (the Regulations) which will expire on 9 June 2021.

The Regulations prescribe the details for microchips, the requirements for dangerous dog enclosures, and the offences under the *Dog Control Act 2000* (the Dog Act) in respect of which infringement notices may be issued (including the associated infringement penalties).

It is proposed that most provisions in the Regulations are remade without change. This is except for minor changes to the infringement notices which are prescribed under Schedule 1 – Offences. The proposed changes are necessary because of the December 2019 amendments to the Dog Act, which strengthened the law and increased the penalties associated with dogs attacking sensitive wildlife. The Information Sheet at Attachment 2 provides a detailed overview of the proposed changes, which should assist your Council in understanding the scope of what is being proposed.

I would like to bring your attention to the proposed change that would remove the existing infringement notice that applies when a dog attacks a person and causes serious injury. The maximum penalty in the Dog Act that applies for a serious dog attack on a person has been increased, from 20 to 30 penalty units, to match the penalty for the new offence for dog attacks on sensitive wildlife under section 19AB(1). Due to the serious nature of these offences and their associated penalties, it is proposed that the infringement notice prescribed for section 19(3) is removed, and that the offence under section 19AB(1) is not prescribed as an infringement notice.

We have received informal feedback from some individual councils that they would like to retain the infringement notice for serious dog attacks on persons, as taking all breaches of section 19(3) to court may be cost prohibitive. We are seeking council views on the impact this proposed change would have for enforcement activities.

I appreciate that the current public health emergency from COVID-19 places a range of pressures on council processes. Therefore, the public consultation process will be open for a period of six weeks to enable councils enough time to assess and respond to these changes. The consultation process will close on 16 November 2020.

I encourage you to let relevant stakeholders in your local community know that the Regulations are being remade and that there is an opportunity to provide feedback. The details of the consultation process will be published on the Local Government Division's website, which will invite general community feedback on the draft Regulations.

Councils are encouraged to provide their comments via the Local Government Association of Tasmania. If your Council wishes to make a separate submission on the draft Regulations, please provide your comments in writing, either by email to lgd@dpac.tas.gov.au or by post to:

Local Government Division
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Important information to note

All submissions will be treated as public information and will be published on the Department of Premier and Cabinet's (DPAC) website once consideration of the submissions has concluded. However, if you would like your submissions to be treated as confidential, whether in whole or in part, please note this in writing at the time of making your submissions, and clearly indicate which parts of your submission are confidential, and advise the reasons as to why.

Please note that your name, or the name of your organisation making a submission, will be disclosed unless you request otherwise. In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), DPAC will treat the submission as public.

The Right to Information Act 2009 and confidentiality

By law, information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be treated as confidential, your statement detailing the reasons will be taken into account in determining whether or not to release the information in the event of an RTI application for assessed disclosure.

Process and timing

While the Regulations were set to expire on 9 June 2020, the *COVID-19 Virus Emergency (Miscellaneous Provisions) Act 2020* postponed the expiry of the Regulations until 9 June 2021.

DPAC will notify General Managers of the final changes' anticipated gazettal date at least two weeks ahead of the new Regulations coming into effect.

Should your Council have any queries in relation to this matter, please contact Mr Mitchell Cook, Policy and Project Officer, Local Government Division, by telephone on 6232 7553 or by email at Mitchell.Cook@dpac.tas.gov.au.

Yours sincerely



Craig Limkin
Deputy Secretary

5 October 2020

Attachments

- 1 Draft Dog Control Regulations 2020
- 2 Information Sheet – Draft Dog Control Regulations 2020

Receipt of Recyclables Agreement

**Cleanaway Pty Ltd
(Cleanaway)**

and

**[insert Council]
(Council)**

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This Agreement dated

2020

BETWEEN **Cleanaway Pty Ltd (ABN 79 000 164 938)** of Level 4, 441 St Kilda Road, Melbourne Victoria (**Cleanaway**)

AND **[insert] (Council)**

Recitals

- A** Cleanaway operates the Facility for the receipt and processing of Recyclables delivered by or on behalf of the Council.
- B** Cleanaway has agreed to receive, for processing, Recyclables delivered to the Facility by or on behalf of Council subject to and on the terms and conditions set out in this Agreement.

The parties hereby agree

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement, unless a contrary intention appears:

Business Day means any day other than a Saturday, Sunday, or Public Holiday in Tasmania

Commencement Date has the meaning set out in Schedule 1

Compaction Charges has the meaning set out in clause 5.5

Confidential Information means all confidential, non-public or proprietary information regardless of how the information is stored or delivered, exchanged between the Parties, or made known to a Party, before, on or after the date of this Agreement relating to the business, technology or other affairs of the Parties including:

- (a) the terms of this Agreement;
- (b) all trade secrets, business plans, financial, marketing, systems, technology, ideas, concepts, know-how, technique, designs, specifications, blueprints, tracings, diagrams, models, functions, capabilities and designs (including without limitation computer software, manufacturing processes or other information embodied in drawings or specifications), intellectual property or any other information which is indicated to be subject to an obligation of confidence, owned or used by or licensed to Council or Cleanaway; and
- (c) all confidential business information, documents, records, financial information, reports, product specifications, technical information and forecasts which relate to the business, products or processes of either Party,

but does not include information which:

- (d) is in, or becomes part of the public domain other than through a breach of this Agreement or an obligation of confidence owed to the other Party;
- (e) a Party can prove by contemporaneous written documentation was already known to it at the time of a disclosure by the other Party (unless such knowledge arose from disclosure of the information in breach of an obligation of confidentiality); or

- (f) a Party acquires from a source other than the other Party where the source is entitled to disclose it;

Consequential Loss means loss of revenue, loss of profits, loss of anticipated savings or business, pure economic loss, loss of data, loss of value of equipment (other than the cost of repair), loss of opportunity or expectation loss and any other form of consequential, special, indirect, punitive or exemplary loss or damages.

Contamination means any material of any kind that:

- (g) does not satisfy the definition of Recyclables; or
- (h) that would constitute Recyclables but that has been spoiled or contaminated by material that does not satisfy the definition of Recyclables

Contamination Level means percentage of Contamination by weight;

Expiry Date means the date as described in Schedule 1;

Fees has the meaning set out in clause 5.2

Facility has the meaning set out in Schedule 1

Force Majeure means by reason of war, act of God, pandemic, industrial dispute, disablement or destruction of the Facility, or any plant and equipment at the Facility or for any other reason beyond a party's reasonable control and it becomes impractical unviable to, accept or process Recyclables;

Gate Fee has the meaning set out in Schedule 1 as adjusted pursuant to this Agreement

Governmental Authority any province, city, municipality or other political subdivision, agency, authority, board, bureau, commission, court, department, instrumentality, or any other governmental authority having jurisdiction over the Parties, their respective property and assets and the performance of obligations under this Agreement.

Gross Contamination Charge means an additional charge, being the cost of disposal plus 20% for entire load + \$250.00 handling fee per load plus GST

Hazardous Waste means Offensive Waste or other waste containing material which poses an acute hazard by virtue of its reactivity, flammability, corrosivity or toxicity as classified in the Australian Dangerous Goods Code (Federal Office of Road Safety (FORS)), 1998 including:

- (a) any fuel, gas cylinder or ordnance or any potentially explosive item or substance;
- (b) any paint or thinner or volatile substance or liquid;
- (c) any radioactive item or substance, any radioactive medical waste or any smoke detector;
- (d) any pesticide, herbicide, medicine or toxic substance or liquid;
- (e) any battery, battery acid, pool aid, caustic substance, heavy duty cleaner, CLR or any corrosive substance or liquid;
- (f) any fuel, oil or grease or any flammable substance or liquid or material containing any flammable substance including any oily or greasy rags;

- (g) any chlorine (liquid or powder) or any reactive substance or liquid;
- (h) any lead acid, nickel cadmium or other battery; or
- (i) asbestos or materials containing asbestos.

Hours of Operation means between 7.00am and 4.00pm on Business Days;

Offensive Waste means blood, or human or animal waste, which has the potential to be infectious or offensive;

Party means a party to this Agreement and 'Parties' shall be construed accordingly;

Personal Information means any information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in writing or spoken, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion which is disclosed for the purpose of performing obligations under this Agreement;

Privacy Law means legislation, statutory instruments and any other enforceable codes or guidelines regulating the collection, use and/or disclosure of Personal Information that applies to either of the Parties or to this Agreement;

Recyclables means the following recyclable materials sourced by Council from the Source of Recyclable Material:

- (a) Recyclable paper and cardboard;
- (b) Glass bottles and jars (no ceramics);
- (c) Aluminium rigid and semi-rigid packaging;
- (d) PET (1), HDPE (2) and PVC (3) rigid plastic packaging;
- (e) Other rigid plastic packaging including LDPE (4), PP (5);
- (f) Steel rigid packaging, including aerosol cans; and
- (g) Any other commodities as agreed in writing between Cleanaway and the Council from time to time.

Services means the acceptance of Recyclables from the Source during the Hours of Operation.

Source of Recyclables means Recyclables collected from all properties, dwellings or residences within the Council via the kerbside collection services performed by the Council or a third party for and on behalf of the Council.

1.2 Interpretation

In this Agreement, unless a contrary intention appears:

- (a) words suggesting the singular include the plural and vice versa;
- (b) words suggesting any gender include any other gender;
- (c) reference to a person include a company, corporation, and unincorporated or

incorporated association or statutory authority;

- (d) references to clauses, paragraphs, subparagraphs and schedules are to clauses, paragraphs, and subparagraphs of, and schedules to, this Agreement as amended from time to time in accordance with the terms of this Agreement;
- (e) headings used for clauses, paragraphs, subparagraphs, schedules and the table of contents are for ease of reference only and will not affect the interpretation of this Agreement;
- (f) references to any agreement or instrument are to that agreement or instrument as amended, novated, supplemented, varied or replaced from time to time;
- (g) references to laws include any modification or re-enactment of those laws, or any legislative provisions substituted for such laws, and all orders, local laws, planning schemes, by-laws, regulations and other statutory instruments issued under those laws;
- (h) use of the words includes or including means without limitation, unless the contrary intention appears;
- (i) a reference to any body is:
 - (i) if that body is replaced by another organisation, deemed to refer to that organisation; and
 - (ii) if that body ceases to exist, taken to refer to the organisation which most nearly or substantially serves the same purposes or objects as that body; and
- (j) all dollar amounts specified in this Agreement are in Australian dollars.

2. Appointment and relationship

2.1 Exclusivity

- (a) The Council appoints Cleanaway on an exclusive basis to provide the Services in accordance with this agreement during the Term and Cleanaway accepts that appointment.

2.2 No agency

- (a) Cleanaway is an independent contractor. Nothing in this agreement constitutes a relationship of employer and employee, Council and agent, partnership or joint venture as between the Council and Cleanaway.

3. TERM

3.1 Term

Council agrees to exclusively deliver or cause to be delivered Recyclables to the Facility and Cleanaway agrees to receive Recyclables during the Term subject to and in accordance with the terms and conditions contained in this Agreement.

4. Services

4.1 Work to be Performed

Cleanaway must perform the Services during the Term:

- (a) with due care and skill, and to a standard to be expected of a competent person experienced in supplying similar services;
- (b) in a manner that supports (to the maximum extent reasonably practicable) the objective to recover and reuse the highest percentage of recyclable material possible;
- (c) in accordance with all applicable Laws; and
- (d) otherwise in accordance with the Agreement;"

4.2 Delivery process

- (a) As part of the Services, Cleanaway will weigh the Recyclable Materials received and record the origin, weight, grade, type, degree of Contamination and time of receipt.
- (b) The weight, grade, time of receipt and degree of contamination of Recyclable Materials delivered to the Facility under the Agreement will be determined by Cleanaway in accordance with the procedures set out in this Agreement and will be conclusive and binding on Council.
- (c) The Council, and its employees, agents and contractors, must comply with all laws and all Cleanaway policies and procedures disclosed pursuant to this Agreement, and the reasonable directions of Cleanaway, when delivering the Recyclables or when otherwise at the Facility.

5. Fee and Payment

5.1 Payment of Fees

Council must pay to Cleanaway the Fees within 30 days of the date of each invoice issued by Cleanaway after receipt of a valid tax invoice from Cleanaway showing the calculation of the Service Fee in respect of the previous month.

5.2 Fee

The Fees payable by the Council for Recyclables supplied to Cleanaway under this Agreement will be calculated as follows:

Fees = A + B + C

Where:

A = Gate Fee as amended from time to time

B = Gross Contamination Charge (if any)

C = Compaction Charge

5.3 Interest

- (a) Council shall pay to Cleanaway interest at the Specified Rate on money due to Cleanaway under this Agreement which is unpaid.
- (b) Interest is to accrue on a daily basis as is to be calculated from the due date until payment in full.
- (c) In this clause, the Specified Rate is 2% more than the overdraft rate of interest charged by Cleanaway's bank on an amount of \$100,000.

5.4 Gross Contamination Charge

- (a) Without limiting any rights of Cleanaway under this Agreement, where Contamination of a particular load of deliverables exceeds 20% or where Hazardous Material are found in Recyclables the full load will be rejected and may be sent to landfill. Cleanaway will be entitled to charge and the Council must pay, the Gross Contamination Charge (as an element of the Fees) in respect of each tonne contained in that load. Councils will be notified in accordance with Schedule 2.
- (b) The Council acknowledges and agrees that the Gross Contamination Charge reflect the cost to Cleanaway of receiving, handling and/or disposing of Gross Contamination.
- (c) Council may request to manage the disposal methodology where that is reasonably practicable in promptly disposing of the relevant Contamination or Hazardous Waste from the Cleanaway Facility. Where it is reasonably practical and safe to do so, Cleanaway may grant Council such access to the Facility to remove the Contamination or Hazardous Waste. Nothing in this clause

5.5 Compaction

- (a) Council must use all reasonable endeavours to ensure that a vehicle delivering Recyclables to the Facility does not deliver Recyclables which has been compacted in excess of the Maximum Compaction Level. Councils will be notified in accordance with Schedule 2.
- (b) If Recyclables is delivered to the Facility by or on behalf of Council which Recyclables has a compaction level exceeding the Maximum Compaction Level, the Cleanaway may charge and the Council must pay to Cleanaway the Compaction Charge calculated in accordance with the following:

Compaction Rate	Additional charge per Tonne Ex GST
$\leq 225 \text{ kg/m}^3$	No Additional Charge
$\geq 225.1 \text{ kg/m}^3$ and $\leq 250 \text{ kg/m}^3$	\$10.00 ex GST per Tonne for the entire load
$\geq 250.1 \text{ kg/m}^3$	Load will be rejected. Cost of disposal of the entire load + 20%. Plus \$250.00 Ex GST handling fee

- (c) Council acknowledges that Cleanaway may reject Recyclables that has a compaction level of 250 kilograms per cubic metre or more.

- (d) Cleanaway may dispose direct to landfill Recyclables that has a compaction level of 250 kilograms per cubic metre or more.

5.6 Market Change Adjustment

- (a) If there is a change in the market conditions affecting or in connection with the recycling or waste management industries, the Services or the availability of commercially viable end markets for Recyclables then Cleanaway may, on 30 days written notice, adjust the Fees or adjust pricing in any other way to reflect the changed conditions. Cleanaway must explain the circumstances to the Council in full, including providing all reasonable evidence of the nature and extent of any such changes
- (b) If the Council objects to an adjustment passed through by Cleanaway, the parties must negotiate in good faith an adjustment to the Fees within 10 Business Days of the date of invoice containing the adjusted Fees. Failing agreement to an adjustment to the Fees, either party may terminate this Agreement on 60 days' notice.

5.7 Change in legislation

- (a) Cleanaway may adjust any part of the Fees at any time during the Term upon 30 days written notice to the Council to reflect the change in costs or revenue incurred or derived by Cleanaway as a result of the introduction of or any changes in legislation, regulation, binding government policies or by laws or introduction of levies or charges by government authorities payable by Cleanaway in connection with the performance of the Services, including, without limitation, in connection with:
 - (i) any changes to landfill levies or gate rates at disposal facilities;
 - (ii) the disposal of commodities;
 - (iii) the introduction of a container deposit scheme;
 - (iv) the introduction of additional kerbside bins/containers for additional waste streams or changed waste streams;
 - (v) the introduction or change to kerbside collection systems or frequencies; and
 - (vi) changes to the composition of existing kerbside commingled waste streams.
- (b) Cleanaway must explain the circumstances to the Council in full, including providing all reasonable evidence of the nature and extent of any such changes.
- (c) If Council does not agree to an adjustment to the Fees under this Clause 6.4, then either party may terminate this Agreement on 60 days notice to the other party.

6. Quality of Recyclables

6.1 Council responsible

- (a) Council will be responsible for the quality of the Recyclables delivered to the Facility and must comply with the compaction requirements set out in this Agreement.
- (b) Council acknowledges that the quality of the collected Recyclable Materials,

especially the presence of Gross Contaminant is beyond the control of Cleanaway and that Council has an obligation to Cleanaway to minimise these two issues that severely impact on quality and disposal to landfill.

- (c) Council also acknowledges and agrees that Cleanaway has introduced Contamination Charges and Compaction Charges to further encourage the minimisation of contamination and glass breakage and which reflect, amongst other things, its increased disposal and/or handling costs. Cleanaway will use reasonable endeavours at all times to maximise recovery of Recyclables but its ability to do so is limited by a number of factors including the quality and integrity of the Recyclable Materials delivered by Council.
- (d) Cleanaway acknowledges that due to the nature of kerbside collections a small amount of contamination may be present in Recyclables.

7. Contamination Audits

7.1 Contamination Audits

- (a) Physical contamination audits (Audits) may, by agreement between the parties, be conducted not less than once every three months during the Term from random sample that is representative of the municipality.
- (b) Audits will be performed by an independent auditor agreed between the parties or, failing such agreement, by a person nominated by Cleanaway acting reasonably (Independent Auditor). The costs of the Auditor will be shared equally between the Council and Cleanaway.
- (c) Each Party acknowledges and agrees that the purpose of the Audit is to
 - (vii) determine the levels of Contamination in the Recyclables delivered to the Facility,
 - (viii) assist the Parties understanding of the financial and operational impact of processing and disposing of Contamination; and
 - (ix) assist the Council in measuring results achieved from communication and education campaigns in respect of Recyclables.
- (d) Audits must be conducted in accordance with the Audit Procedure.
- (e) Nominated Council staff are invited to participate in the observation of the audit.
- (f) Unless otherwise agreed between the parties, the costs of each Audit must be shared equally between the parties.

7.2 Audit Procedure

Unless otherwise agreed by the parties, The Independent Auditor must follow the procedure determined by Cleanaway (acting reasonably) when conducting the Audit.

8. Risk, Title & Responsibilities

- (a) Property and risk in the Recyclable Materials will pass to Cleanaway upon delivery to the Facility (subject always to Council's responsibility to pay the Fees, the Contamination Charges and Compaction Charges under this Agreement).

9. GST

- (a) If GST is imposed or levied in respect of any Supply made by a Party under or in accordance with this Agreement then the Party making the Supply may recover the GST Amount from the Party receiving the Supply in addition to the Consideration. The Party making the Supply must provide such invoices to the Party receiving the supply as are required pursuant to the GST Legislation.

- (b) In this clause:

GST means any form of goods and services tax or similar value added tax;

GST Amount means the Operational Cost Contribution (after deducting the GST Exempt Component) multiplied by the Rate;

GST Exempt Component means any part of the Operational Cost Contribution which solely relates to a supply that is free or exempt from the imposition of GST;

GST Legislation means any legislation which imposes, levies, implements or varies a GST or any applicable rulings issued by the Commissioner of Taxation;

Rate means the rate at which GST Legislation from time to time imposes or levies GST on the relevant Supply under this Agreement;

Supply includes supply as defined under GST Legislation.

10. OBLIGATIONS OF COUNCIL

10.1 Use of Facility by Council

- (a) During the Term, Council must deliver or cause to be delivered to the Facility Recyclables unless notice is given by Cleanaway pursuant to clauses 10.2(a)
- (b) Council must not knowingly deliver or permit to be delivered to the Facility any waste other than Recyclables, including, without limitation any Hazardous Material.

10.2 Effect of Force Majeure

- (a) Where, at any time after the Commencement Date during the Term, a Party is unable wholly or in part by reason of Force Majeure to deliver, receive or process Recyclables the Party may give the other Party a notice to that effect.
- (b) A notice given under subclause (a) shall state that it is given under subclause (a) and:
- (i) state that no Recyclables are to be delivered; or
 - (ii) specify the maximum number of tonnes (per day, per week or per month) of Recyclables to be delivered by or on behalf of Council.
- (c) Within 24 hours after receipt of a notice referred to in subclause (b)(i), Council must cease or cause to be ceased delivery of all Recyclables to the Facility and must dispose of the recyclable material elsewhere at its own cost.
- (d) Within 24 hours after receipt of a notice referred to in subclause (b)(ii), Council must commence to deliver or cause to be delivered Recyclables not exceeding the maximum number of tonnes specified in the notice and must dispose of all other

Recyclables elsewhere at its cost.

- (e) Cleanaway is not obliged to receive Recyclables delivered by Council in default of an obligation under this clause.
- (f) The Party affected by Force Majeure who has given notice under this clause, may amend that notice referred to in subclause (b)(ii) and subclause (d) are to apply with respect to the amended notice.
- (g) The Party affected by Force Majeure who has given notice under this clause,, may give notice that the receipt of all Recyclables at the Facility will resume from a date and time specified in the notice.
- (h) Within 7 days after issue of a notice given under subclause (g), Council may recommence use of the Facility for the disposal of Recyclables in accordance with its obligations under this Agreement.

10.3 Delivery during Hours of Operation

Council must ensure that Recyclables is only delivered to the Facility during the Hours of Operation unless otherwise agreed in writing.

10.4 Delivery and unloading procedures

- (a) As soon as reasonably practicable before the Commencement Date, and from time to time, Cleanaway is to give to Council notice in writing of the procedure for the delivery of Recyclables to the Facility by Council and for the unloading of the Recyclables (Delivery Procedure).
- (b) Council must, and must procure that its contractors, observe the Delivery Procedure at all times.
- (c) If Council, or its contractors, fail to comply with the Delivery Procedure in any way, the Council will be liable for any losses or costs incurred by Cleanaway in respect of such failure.

10.5 Delivery vehicles to bear Council's name

- (a) Council must ensure that every vehicle delivering Recyclables to the Facility by or on behalf of Council and bears:
 - (i) the name; or
 - (ii) the logo,
 of Council, or any other organisation delivering Recyclables on behalf of Council as notified by Council to Cleanaway from time to time.
- (b) Prior to any vehicle delivering Recyclables to the Facility, Council must give to Cleanaway written notice of the registration number of the vehicle.

10.6 Weighing and inspection of vehicles

Council must:

- (a) ensure that every vehicle delivering Recyclables to the Facility by or on behalf of Council, is weighed, on arrival, at Cleanaway's Weighbridge to ascertain the gross

weight of the vehicle and, when required by Cleanaway, the tare weight of the vehicle;

- (b) permit Cleanaway to inspect the vehicles and their loads; and
- (c) permit Cleanaway to measure the volumetric carrying capacity of the compaction body of the vehicles

10.7 Public education

Council must use reasonable endeavours to follow and carry out the public education program for disposal of Recyclables which programme is adopted by Cleanaway from time to time.

11. Indemnity and Insurance

11.1 Indemnity

Each party must indemnify the other party from and against all claims, demands, writs, summonses, actions, suits, proceedings, judgments, orders, decrees, damages, costs, losses and expenses of any nature whatsoever which the first party may suffer or incur in connection with any the loss of life, personal injury or damage to property arising from or out of any occurrence of negligence by the other party in connection with performance or non-performance of the party's rights and obligations under this Agreement, including any failure by the Council to comply with the Delivery Procedure..

11.2 Insurance

- (a) Council must ensure any organisation delivering Recyclables on its behalf effects and maintains:
 - (i) Public liability insurance for at least \$20 million for any one occurrence;
 - (ii) Workers compensation insurance as required by the laws of the jurisdiction in which the Services are performed;
 - (i) (iii) Motor vehicle/automobile third party liability insurance covering all liabilities in respect of any injury to, or death of, any person or any loss, damage or destruction to any property arising from the use of motor vehicles.
- (b) Council must produce to Cleanaway, on demand, a certificate of currency of the insurance referred to in clause 0.

11.3 Insurance

- (a) Each Party must effect and maintain,:
 - (i) Public liability insurance for at least \$20 million for any one occurrence;
 - (ii) Workers compensation insurance as required by the laws of the jurisdiction in which the Services are performed;
 - (iii) Motor vehicle/automobile third party liability insurance covering all liabilities in respect of any injury to, or death of, any person or any loss, damage or destruction to any property arising from the use of motor vehicles.
- (b) Each party must produce to the other party, on demand, a certificate of currency of the insurance referred to in clause 12.3.

11.4 Damage to property

Each party must make good any damage to any property of the other party caused by that party or any of its employees, subcontractors, or agents..

11.5 Hours of Operation

Cleanaway must keep the Facility open for receiving deliveries of Recyclables by or on behalf of Council during the Hours of Operation or any other times agreed by the Parties.

12. Limitation of Cleanaway's liability

- (a) Cleanaway is liable to the Council in respect of the provision of the Services and to this agreement only to the extent provided for in this clause 12. To the extent that any liability is not expressly accepted by Cleanaway under this clause 12 then that liability is excluded to the fullest extent permitted by law.
- (b) Cleanaway is liable to the Council under the *Competition and Consumer Act 2010 (Cth)* and all other laws if it would be illegal to attempt to avoid any such liability or if any part of this clause 12 would be void or unenforceable as a result. All conditions and warranties implied into this agreement are otherwise excluded to the fullest extent permitted by law.
- (c) Cleanaway accepts liability for any Loss (excluding Consequential Loss) arising from personal injury to the Council's representatives to the extent that it is caused or contributed to by a negligent act or omission of Cleanaway in connection with this agreement. The limitation provided for in clause 12(b) does not apply to the liability of Cleanaway for any Loss arising under this clause 12(c).
- (d) Cleanaway accepts liability for any Loss (excluding Consequential Loss) arising from damage to any property or equipment of the Council to the extent that it is caused or contributed by a negligent act or omission of Cleanaway in connection with this agreement.
- (e) The liability of Cleanaway for any Loss under or in connection with this agreement or the provision of the Services (whether based in contract, tort (including negligence), statute or otherwise) will be reduced to the extent that any acts or omissions of the Council or its representatives cause or contribute to that Loss.
- (f) Notwithstanding any other subclause in this clause 12, Cleanaway's liability to the Council, in connection with the performance of the Services, is limited to amount of fees paid (at the time such liability arises) by the Council to Cleanaway under this agreement.
- (g) Neither party is liability to the other party for any Consequential Loss suffered or incurred in connection with the performance of the Services or with this agreement (whether based in contract, tort (including negligence), statute or otherwise).

13. Reporting requirements

13.1 Reporting requirements

Cleanaway must provide to Council, no later than the end of the second week of every month, the following reports:

- (a) tonnage of Recyclables received at the Facility from Council during the previous month;
- (i) gross and tare weights and compaction levels of Council's vehicles during that month; and
- (ii) any other matter agreed by the Parties.

13.2 Weighing of vehicles

Cleanaway must:

- (a) on the occasion of each delivery, weigh, at Cleanaway's Weighbridge located at the Facility Land, the gross weight of all vehicles delivering Recyclables to the Facility;
- (b) from time to time as Cleanaway considers reasonable, weigh the tare weight of those vehicles;
- (c) maintain a record of each vehicle and its gross and tare weights.

13.3 No warranties

Cleanaway makes no warranties or representations with respect to:

- (a) the processing at the Facility of Recyclables delivered by or on behalf of Council, including the standard or quality of the product produced by the Facility, or the manner in which the product or any residue is disposed of; or
- (b) the delivery to, and the unloading of Recyclables at, the Facility, including the time which vehicles delivering Recyclables may spend on the Facility Land or at the Facility delivering and unloading Recyclables or queuing behind the vehicles of others using the Facility.

14. Review Meetings

14.1 Review Meeting

- (a) Nominated representatives of each of the parties must meet no less than once every three (3) months during the Term (Review Meetings) to discuss in good faith (subject to any confidentiality arrangements) any potential initiatives in connection with the Recyclables processed at the Facility, including, without limitation any innovation initiatives or gain share arrangements (to the extent they are relevant), in connection with the Services or the Recyclables.
- (b) If the Parties cannot agree on a time and place to conduct the Meetings, the Review Meeting must be held at 11am on the first Business Day of each calendar quarter at the Facility, or such other time and place reasonably nominated by Cleanaway.

15. TERMINATION

15.1 Termination for default

- (a) A Party may, by giving notice to the other Party, immediately terminate this Agreement if:
 - (i) the other Party commits, persistently, any material breach of this Agreement that is not capable of being rectified; or
 - (ii) the other Party commits any material breach of this Agreement which is capable of being rectified, and if that Party has not rectified the breach, after receiving a notice of breach from the first Party within a reasonable period specified in the notice, which must not be less than 15 Business Days; or
 - (iii) either Party is abolished or wound up.
- (b) A Party may terminate this Agreement pursuant to subclause (a) without prejudice to any other rights or remedies against the other Party under this Agreement or otherwise, and without releasing the other Party in respect of any antecedent breach or failure to observe or perform any term or condition of this Agreement.

15.2 Termination by reason of product quality

- (a) If, at any time, Cleanaway considers on reasonable grounds that the Facility will not process Recyclables and other material so as to produce a product meeting the Product Standard by reason of the nature or quality of the Recyclables delivered by or on behalf of Council:
 - (i) Cleanaway will give to Council notice that this clause 15.2(a) applies;
 - (ii) for a period of 3 months after notice is given under clause 15.2(a)(i), the Parties will enter into bona fide discussions with a view to identifying whether actions can be taken by Council to improve the nature or quality of the Recyclables to the satisfaction of Cleanaway; and
 - (iii) at the end of the 3 month period Cleanaway shall advise Council that:
 - A. Cleanaway is satisfied that the Facility will process Recyclables so as to produce a product meeting the Product Standard; or
 - B. Cleanaway is not so satisfied, in which event Cleanaway may terminate this Agreement by giving to Council 7 days' notice.
- (b) If Cleanaway considers that, for any reason other than a reason referred to in clause 15.2(a), the Facility will not process Recyclables and other material so as to produce a product meeting the Product Standard then Cleanaway may terminate this Agreement by giving to Council one month's notice.

16. DISPUTE RESOLUTION

16.1 No proceedings

A Party must not start court proceedings (except proceedings seeking interlocutory relief) in

respect of a dispute arising out of this Agreement (Dispute) unless it has complied with this clause.

16.2 Notification of Dispute

A Party claiming that a Dispute has arisen must notify the other Party to the Dispute giving details of the Dispute.

16.3 Reasonable efforts to resolve Dispute

- (a) During the 20 Business Day period after a notice is given under clause 16.2 (or longer period agreed in writing by the Parties) (Negotiation Period), the Parties must use their reasonable efforts to resolve the Dispute.
- (b) Within the first five Business Days of the Negotiation Period, the operational teams of the Parties must meet and use their reasonable endeavours to resolve the Dispute.
- (c) Within the next five Business Days of the Negotiation Period, if the Dispute continues, the relevant senior management of the Parties must meet and use their reasonable endeavours to resolve the Dispute.
- (d) Within the balance of the Negotiation Period, if the Dispute continues, the Executive General Managers of the Parties must meet and use their reasonable endeavours to resolve the Dispute.

16.4 Dispute resolution process

If the Dispute is not resolved within the Negotiation Period, the Parties must meet and agree on:

- (a) a process for resolving the Dispute other than by litigation or arbitration (such as by further negotiations, mediation, conciliation or expert determination);
- (b) the procedure and timetable for any exchange of documents and other information relating to the Dispute;
- (c) the procedural rules and a timetable for the conduct of the selected mode of proceeding;
- (d) a procedure for the selection and compensation of any independent persons engaged by the Parties to assist in resolution of the Dispute; and
- (e) whether or not the Parties should seek the assistance of a dispute resolution organisation.

16.5 Commencing proceedings

Either Party may commence court proceedings after:

- (a) that Party has complied with the dispute resolution process agreed between the Parties in accordance with clause 16.4; or

16.6 Breach of this clause

If, in relation to a Dispute, a Party breaches any provision of this clause 16, the other Party need not comply with those clauses in relation to that Dispute.

16.7 Continued performance of obligations

The Parties must continue to perform their respective obligations under this Agreement pending the resolution of a dispute.

17. Confidentiality

17.1 Provision of Confidential Information

- (a) Upon the Parties executing this Agreement, Cleanaway may make Confidential Information available to Council for the purpose of performing obligations under this Agreement.
- (b) Any Confidential Information disclosed to Council will be subject to this Agreement, whether disclosed before, on or after the date of this Agreement.

17.2 Confidentiality obligations

- (a) Council acknowledges:
 - (i) the commercial value of the Confidential Information;
 - (ii) that the Confidential Information is valuable to Cleanaway;
 - (iii) Cleanaway will suffer significant Loss if Council discloses, or permits the disclosure of, any of the Confidential Information in contravention of this Agreement; and
 - (iv) that it will as a minimum implement and comply with, and ensure that all of its personnel directly or indirectly involved in the performance of the Agreement or that has, or may have, access to any Confidential Information comply with confidentiality obligations substantially similar to those contained in this Agreement.
- (b) Council must, subject to the terms of this Agreement, at all times:
 - (i) keep the Confidential Information secret and preserve its confidential nature;
 - (ii) not use Confidential Information for any purpose other than the purpose of performing its obligations under this Agreement;
 - (iii) not reverse engineer, decompile or disassemble any Confidential Information; and
 - (i) only copy or reproduce Confidential Information for the purpose of performing its obligations under this Agreement, or with the written consent of Cleanaway.
- (c) Council must not disclose any Confidential Information to any person except:
 - (i) with the prior written consent of Cleanaway, which consent may be withheld in its discretion;
 - (ii) to its personnel but only to the extent necessary for the performance of its obligations under this Agreement;

- (iii) subject to clause 17, if it is required to do so by law, a Government Authority or by a stock exchange; or
 - (iv) to any third party contractor, consultant, Council or vendor but only to the extent necessary for the performance of its obligations under this Agreement.
- (d) Council must ensure that any of its personnel or any third party receiving Confidential Information under this clause 17.2 does not disclose that information except in the circumstances permitted in this clause 17.2.
- (e) Council must not use any Confidential Information except for the purpose of performing its obligations under this Agreement.

17.3 Limitation on disclosure required by law

- (a) If Council considers that disclosure of Confidential Information is required by law, it must do all of the following:
 - (i) immediately notify Cleanaway of the requirement;
 - (ii) take all reasonable steps to lawfully resist or narrow the requirement to disclose the Confidential Information; and
 - (iii) assist and cooperate with Cleanaway if Cleanaway seeks to limit or resist the requirement for the Confidential Information to be disclosed.
- (b) Council will not incur any out of pocket third party expenses in complying with this clause 17 without Cleanaway's prior written consent.

17.4 Announcement or releases

Council must not make press or other announcements or releases relating to this Agreement, or the matters referred to in this Agreement, without the prior written approval of Cleanaway to the form and manner of the announcement or release unless and to the extent that disclosure is required to be made by Council by law, by a Government Authority or by a stock exchange (and whether or not the requirement arises independently or as a result of any action taken by Council before or after the date of this agreement). To the extent that the announcement or release is required to be made by Council by Law, by a Government Authority or by a stock exchange, Council must, as far as reasonably possible, consult with Cleanaway as to the form, content and manner of the announcement or release

17.5 Breach of obligations

Council acknowledges that damages may not be an adequate remedy for any breach of the confidentiality provisions of this Agreement. Council agrees to consent to the grant of any injunctive relief sought by Cleanaway to restrain any conduct or threatened conduct which is or will be a breach of the confidentiality provisions of this Agreement, or specific performance to compel Council to perform its obligations under this Agreement, as a remedy for any breach or threatened breach and in addition to any other remedies available to Cleanaway.

17.6 Operation of this clause

The Parties' obligations under this clause 17 will continue to apply despite any other provisions of this Agreement to the contrary for a period of four years from the Termination Date.

18. General

18.1 Waivers

- (a) A right in favour of Cleanaway under this agreement, subject to any express provision of this agreement to the contrary, may be waived prospectively or retrospectively by writing signed by Cleanaway.
- (b) No other act, omission or delay by Cleanaway will constitute a waiver of a right.

18.2 Exercise rights

A single or partial exercise or waiver by Cleanaway of any right relating to this agreement will not prevent any other exercise of that right or the exercise of any other right.

18.3 Remedies cumulative

The rights provided under this agreement are cumulative and not exclusive of any rights provided by law.

18.4 Counterparts

This agreement may be executed in original form and/or by electronic transmission in any number of counterparts and all counterparts taken together shall constitute one and the same instrument.

18.5 Costs

Each party shall be responsible for all its own costs incurred in the negotiation of, and the performance of its obligations pursuant to, this agreement including, without limitation, legal costs.

18.6 Whole agreement

- (a) This agreement supersedes all prior representations, arrangements, understandings and agreements between the parties and represents the entire complete and exclusive understanding and agreement between the parties relating to the subject matter of this agreement.
- (b) The parties acknowledge and agree that they have not relied on any written or oral representation, arrangement, understanding or agreement not expressly set out or referred to in this agreement.

18.7 Entire agreement and variation

This Agreement:

- (a) constitutes the entire agreement between the Parties as to its subject matter;
- (b) in relation to its subject matter, supersedes any prior understanding or agreement between the Parties and any prior condition, warranty, indemnity or representation imposed, given or made by a Party; and
- (c) may only be amended in writing signed by all Parties.

18.8 Severability

If any provision of this Agreement or the application of a provision to a person or circumstances is, or becomes, invalid or unenforceable then the remaining provisions are not to be affected by the invalidity or enforceability, and each provision of this Agreement will be valid and enforceable to the fullest extent permitted by law.

18.9 Assignment, novation and subcontracting

- (a) Subject to clauses **Error! Reference source not found.** and 0, neither Party may assign, novate or otherwise transfer the whole or any part of this Agreement without the prior written consent of the other Party (which must not be unreasonably withheld or delayed).
- (b) Cleanaway may novate this Agreement, provided that the entity to which the Agreement is novated has the financial and technical ability to perform Cleanaway's obligations under this Agreement. Cleanaway will give Council reasonable notice of any proposed novation.
- (c) Nothing in this Agreement prohibits a Party from procuring services from a sub-contractor that has the necessary financial standing and expertise to undertake the works or services being subcontracted.
- (d) A Party remains liable for the acts and omissions of its sub-contractors as if they were the acts and omissions of that Party.

18.10 Notices

(a) Method of Giving Notices

A notice required or permitted to be given by one party to another under this Contract must be in writing, legible and in the English language, be addressed to the party to receive it, and:

- (i) handed to that Party's Representative;
- (ii) delivered to that party's address;
- (iii) sent by pre-paid mail to that party's address; or
- (iv) sent by email to that party's email address.

(b) Time of Receipt

A notice given to a party in accordance with sub-clause 1.5(a) must be treated as having been duly given and received:

- (i) if handed to the Party's Representative, immediately;
- (ii) if delivered to a party's address, on the day of delivery;
- (iii) if sent by pre-paid mail, on the third day after posting; or
- (iv) if sent by email to a party's address and the sender does not receive a report indicating the email transmission failed, on the day of transmission.

(c) Addresses of Parties

For the purposes of this clause, the address or email address of a party is the address or email address stated in Schedule 1 unless notice of another address or email address has been given to the other party.

18.11 Contract interpretation

No rule of contract interpretation is to be applied in the interpretation of this Agreement to the disadvantage of one Party on the basis that it prepared or put forward any document comprising part of this Agreement.

18.12 Inconsistency

If there is any inconsistency between any provision this Agreement and any provision of the Schedules of this Agreement then the provisions within the body of this Agreement shall prevail to the extent of the inconsistency.

18.13 Governing law

The law of Tasmania governs this Agreement and any legal proceedings or arbitration under this Agreement.

SCHEDULE 1

Item No.	Description	Details	
1.	Cleanaway Notice Details	Address	Level 4, 441 St Kilda Road, Melbourne, Victoria, 3004
		Representative	Conan Hookings
		Phone	0466 455 151
		Email	Conan.hookings@cleanaway.com.au
2.	Council Notice Details	Address	[insert]
		Representative	[insert]
		Phone	[insert]
		Email	[insert]
3.	Facility	Derwent Park MRF + address	
4.	Initial Term	2 years	
	Commencement Date	1 December 2019	
	Expiry Date	1 December 2021	
5.	Gate Fee	\$139.00 (plus GST) per tonne of Recyclables supplied to and accepted by Cleanaway	
6.	Maximum Compaction Level	Means a level of compaction which is up to 225 kilograms per cubic metre.	



EXECUTED by the Parties.

Executed by **Cleanaway Pty Ltd** (ABN 79 000 164 938) in accordance with section 127 of the *Corporations Act 2001*

.....
Signature of director

.....
Signature of director/company secretary

.....
Name of director (print)

.....
Name of director/company secretary (print)

Executed for and on behalf of **[Council]** (ABN **[insert]**) by an authorised representative in accordance with a **Delegated Authority** **[insert]** which as at the date of signing has not been revoked

.....
Signature of Chief Executive Officer

.....
Name of Chief Executive Officer (print)

SCHEDULE 2

Southern Tasmanian Material Recycling Facility Communication Protocols

Compaction

- A simple communication system set up to notify council of “over compaction”. This will entail an email being sent to delegated persons at council notifying them of any instances by COB the following day where possible, otherwise within 5 workdays.

Contamination

- Identified loads to be isolated and contamination to be removed and weighed. This will form the basis of the % of contamination as we know the total weight of each load as it is “tipped” (photos to be provided for both total load and contaminated portion).
- The notification system for any loads that have contamination (Gross – 20% and where we identify systemic issues) will entail an email being sent to delegated persons at council notifying them of any instances, including: Photos of waste in question, Date of collection, Geographical area waste in question was collected from, Number of times we have had issues with identified geographical area (can discuss any other info required by Council). This is designed to create a partnership with councils and provide the best recycling outcome for residents.
- Hazardous material will be separated where possible (this will form part of contamination %), but where it can't be separated or has affected the entire load, this will result in Gross contamination.

TASMANIA

**LAND (MISCELLANEOUS AMENDMENTS) BILL
2020**

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- 69. Principal Act
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- 71. Principal Act
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- 73. Principal Act
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- 75. Principal Act
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- 81. Repeal of Act

consultation draft

LAND (MISCELLANEOUS AMENDMENTS) BILL 2020

*(Brought in by the Minister for Primary Industries and Water,
the Honourable Guy Barnett)*

A BILL FOR

An Act to amend the *Abandoned Lands Act 1973*, the *Associations Incorporation Act 1964*, the *Conveyancing and Law of Property Act 1884*, the *Conveyancing and Law of Property (Building Title Plans) Regulations 2012*, the *Homes Act 1935*, the *Land Acquisition Act 1993*, the *Land Titles Act 1980*, the *Land Titles Regulations 2012*, the *Local Government (Building and Miscellaneous Provisions) Act 1993*, the *Local Government (Highways) Act 1982*, the *Neighbourhood Disputes About Plants Act 2017*, the *War Service Land Settlement Act 1950* and the *Wellington Park Act 1993*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Land (Miscellaneous Amendments) Act 2020*.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 2

Part 1 – Preliminary

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

consultation draft

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 2 – Abandoned Lands Act 1973 Amended

s. 3

PART 2 – ABANDONED LANDS ACT 1973 AMENDED

3. Principal Act

In this Part, the *Abandoned Lands Act 1973** is referred to as the Principal Act.

4. Section 10 amended (Effect of registration of abandoned land notices)

Section 10(4) of the Principal Act is amended by omitting “shall issue” and substituting “may issue”.

5. Section 11 amended (Compensation in respect of registration of abandoned land notices)

Section 11(11) of the Principal Act is amended by omitting paragraphs (a) and (b) and substituting the following paragraphs:

- (a) the grant, if any, or the certificate of title, if any, to the land has been lodged with the Recorder; or
- (b) where the land is not registered land, all the deeds that collectively evidence a good root of title, including the last conveyance of the land, or document of title, if any, to the land, have been delivered to the Crown Solicitor.

*No. 42 of 1973

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 6

Part 3 – Associations Incorporation Act 1964 Amended

**PART 3 – ASSOCIATIONS INCORPORATION ACT
1964 AMENDED**

6. Principal Act

In this Part, the *Associations Incorporation Act 1964** is referred to as the Principal Act.

7. Section 13 amended (Vesting of property in incorporated association)

Section 13(3) of the Principal Act is amended by omitting “the certificate of title” and substituting “the folio of the Register, under the *Land Titles Act 1980*, for the land,”.

*No. 64 of 1964

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 4 – Conveyancing and Law of Property (Building Title Plans)
Regulations 2012 Amended

s. 8

**PART 4 – CONVEYANCING AND LAW OF PROPERTY
(BUILDING TITLE PLANS) REGULATIONS 2012
AMENDED**

8. Principal Regulations

In this Part, the *Conveyancing and Law of Property (Building Title Plans) Regulations 2012** are referred to as the Principal Regulations.

9. Regulation 8 amended (Notification on certificate of title)

Regulation 8 of the Principal Regulations is amended by omitting “each certificate of title issued for a building title plan” and substituting “each folio of the Register, under the *Land Titles Act 1980*, for the building title plan,”.

*S.R. 2012, No. 106

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 10

Part 5 – Conveyancing and Law of Property Act 1884 Amended

**PART 5 – CONVEYANCING AND LAW OF PROPERTY
ACT 1884 AMENDED**

10. Principal Act

In this Part, the *Conveyancing and Law of Property Act 1884** is referred to as the Principal Act.

11. Section 84D amended (Vesting of blocks subject to rights of way)

Section 84D(8) of the Principal Act is amended as follows:

- (a) by omitting “furnished to him the certificate of title of that land, or an application to dispense therewith, or such evidence as will enable him to bring that land under the *Land Titles Act 1980*.” and substituting “provided to the Recorder –”;
- (b) by inserting the following paragraphs after subsection (8):
 - (a) the certificate of title, if any, of the land; or
 - (b) an application to dispense with the requirement to provide to the Recorder the certificate of title, if any, of the land; or

*No. 19 of 1884

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 5 – Conveyancing and Law of Property Act 1884 Amended

s. 11

- (c) evidence that will enable the Recorder to bring the land under the *Land Titles Act 1980*.

consultation draft

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 12

Part 6 – Homes Act 1935 Amended

PART 6 – HOMES ACT 1935 AMENDED

12. Principal Act

In this Part, the *Homes Act 1935** is referred to as the Principal Act.

13. Section 18B amended (Enforcement of restriction on transfers, &c., of land sold)

Section 18B of the Principal Act is amended as follows:

- (a) by inserting in subsection (2) “, if any,” after “of title”;
- (b) by inserting in subsection (4) “or her” after “him”;
- (c) by omitting from subsection (4) “and on the certificate of title of the land”;
- (d) by omitting from subsection (10) “, and, on the production to the Recorder of the certificate of title of the land to which the notification relates, make a corresponding recording on that certificate of title.” and substituting “on the folio of the Register, under the *Land Titles Act 1980*, for the land and may make a corresponding recording on the certificate of title, if any, of the land, if it is produced to the Recorder.”.

*No. 98 of 1935

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 7 – Land Acquisition Act 1993 Amended

s. 14

PART 7 – LAND ACQUISITION ACT 1993 AMENDED

14. Principal Act

In this Part, the *Land Acquisition Act 1993** is referred to as the Principal Act.

15. Section 21 amended (Notice to former owner after acquisition)

Section 21(2) of the Principal Act is amended by omitting “60 days” and substituting “6 months”.

16. Section 34 amended (Amount of compensation for mortgagee)

Section 34(3)(b) of the Principal Act is amended by omitting “60 days” and substituting “6 months”.

17. Section 66 amended (Public Trustee to represent unascertained owner)

Section 66 of the Principal Act is amended as follows:

- (a) by inserting the following subsection before subsection (1):

- (1A) A requirement of this section in relation to an address of a person is taken to be satisfied if the requirement is satisfied in relation

*No. 23 of 1993

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 18

Part 7 – Land Acquisition Act 1993 Amended

to an electronic address that has been established by the person for the use of the person, whether or not the person has consented to the sending of any notices, or such notices, under this Act, to that address.

(b) by inserting the following subsection after subsection (5):

(6) A notice referred to in subsection (4) may be provided to an owner electronically.

18. Section 80 amended

Section 80 of the Principal Act is amended as follows:

(a) by renumbering the section as subsection (1);

(b) by inserting the following subsections after subsection (1):

(2) If a notice or other document under this Act is served on a person electronically under section 81, the signature of a person (including the clerk of the authority or the Minister) on a notice or other document under this Act may be, but is not required to be, an electronic signature.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 7 – Land Acquisition Act 1993 Amended

s. 19

- (3) If a form approved for the purposes of this Act by the Secretary provides for the signature of a person, the signature of the person may be an electronic signature.

19. Section 81 amended (Service of notices and other documents)

Section 81 of the Principal Act is amended as follows:

- (a) by inserting the following subparagraph after subparagraph (ii) in subsection (1)(a):
- (ia) sent electronically to, and received at, an electronic address that has been indicated by the person, in electronic or other correspondence to the person sending or giving the notice, to be the electronic address to which a notice, or other document, may be served, or given, electronically, whether or not the person has consented to the sending of any notices, or such notices, under this Act, to that address; or
- (b) by inserting the following subparagraph after subparagraph (i) in subsection (1)(b):

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 19

Part 7 – Land Acquisition Act 1993 Amended

- (ia) subject to subsection (4), sent electronically to, and received at, an electronic address that has been indicated by the person, in electronic or other correspondence to the person sending or giving the notice, to be the electronic address to which a notice, or other document, may be served, or given, electronically, whether or not the person has consented to the sending of any notices, or such notices, under this Act, to that address; or
- (c) by inserting the following subparagraph after subparagraph (i) in subsection (2)(a):
 - (ia) subject to subsection (4), sending it to an electronic address that is indicated, on correspondence from the Secretary to the person serving or giving the notice, to be the address of the Secretary to which a notice, or other document, under this Act to the Crown or the Minister, may be served, or given, electronically; or
- (d) by inserting the following subparagraph after subparagraph (ii) in subsection (2)(b):

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 7 – Land Acquisition Act 1993 Amended

s. 19

-
- (iia) subject to subsection (4), sending it to an electronic address that has been indicated, in correspondence sent by the acquiring authority to the person sending or giving the notice, to be the address of the acquiring authority to which a notice, or other document, under this Act, to the acquiring authority is to be served, or given, electronically; or
- (e) by inserting the following subsections after subsection (3):
- (4) Subsection (2)(a)(ia) and subsection (2)(b)(iia) do not apply in relation to a notice under section 25(1) or section 7G(6).
- (5) A notice or other document served or provided under this Act by sending it electronically to an electronic address is served, or provided, respectively, at the time at which it reaches the electronic address and is capable of being read at that address.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 20

Part 8 – Land Titles Act 1980 Amended

PART 8 – LAND TITLES ACT 1980 AMENDED

20. Principal Act

In this Part, the *Land Titles Act 1980** is referred to as the Principal Act.

21. Section 13 amended (Notices)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “one month” and substituting “30 days”;
- (b) by omitting from subsection (1)(b) “one month” and substituting “30 days”;
- (c) by omitting from subsection (3) “one month” and substituting “30 days”.

22. Section 24 amended (Qualified title may be cancelled or corrected in certain circumstances)

Section 24 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
 - (1) If, on application made to the Recorder for that purpose, it appears to the Recorder that the proprietor of an estate or interest

*No. 19 of 1980

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 23

in the land comprised in a qualified title has suffered judgment for the recovery of the land or a declaration, injunction, or other judgment destructive of that proprietor's estate or interest wholly or in part, the Recorder –

- (a) shall cancel or correct the folio of the Register relating to that land; and
- (b) shall call in and cancel or correct the corresponding certificate of title, if any, as the circumstances may require.
- (b) by omitting from subsection (2) “his claim” and substituting “the applicant's claim”;
- (c) by inserting in subsection (2) “, if any,” after “of title”.

23. Section 31 amended (Persons to produce deeds)

Section 31 of the Principal Act is amended by omitting subsection (4) and substituting the following subsections:

- (4) A person producing instruments to the Recorder under subsection (1) may do so subject to the condition that, upon the bringing under this Act of the land, or any part of the land, to which the

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 24

Part 8 – Land Titles Act 1980 Amended

instruments relate, the Recorder shall create for that land a folio of the Register.

- (5) An order made under subsection (2) may contain a similar condition to the condition referred to in subsection (4).

24. Section 35 amended (Lost certificate of title, folio of the Register, or duplicate registered dealing)

Section 35 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:

- (1) If the Recorder –
- (a) receives proof to his or her satisfaction that a certificate of title or duplicate grant has been lost, mislaid, or destroyed; and
 - (b) accepts an application for the issue of a new certificate of title under this subsection –

the Recorder may issue a new certificate of title.

- (1A) The Recorder, may before issuing a new certificate of title under subsection (1), require the applicant to give an advertisement, notice, or indemnity, to the satisfaction of the Recorder.

- (1B) If the Recorder issues a new certificate of title under subsection (1), the Record

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 25

shall record on the relevant folio of the Register that he or she has done so pursuant to this section.

25. Section 50 amended (Dealings not to be registered except in accordance with this Act)

Section 50(16) of the Principal Act is amended by omitting “3 months” from paragraph (b) of the definition of *the prescribed period* and substituting “90 days”.

26. Section 51 amended (Recording of dealing on certificate of title, &c.)

Section 51 of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) The Recorder shall not register a dealing unless –

- (a) the certificate of title, if any; or
- (b) the grant, if any; or
- (c) the duplicate registered dealing, if any –

to be affected by the dealing has been lodged with the Recorder for the purpose of registering that dealing.

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 26

Part 8 – Land Titles Act 1980 Amended

- (b) by inserting in subsection (2)(f) “, if any,” after “registered dealing”;
- (c) by omitting paragraphs (a) and (b) from subsection (3) and substituting the following paragraphs:
 - (a) where the Recorder dispenses, pursuant to section 160(5), with production of –
 - (i) a certificate of title, if any; or
 - (ii) a grant, if any; or
 - (iii) duplicate registered dealing, if any; or
 - (b) where by the provisions of this or any other Act the Recorder is, expressly or by necessary implication, required or authorized to make the recording without production of –
 - (i) a certificate of title, if any; or
 - (ii) a grant, if any; or
 - (iii) duplicate registered dealing, if any.
- (d) by omitting from subsection (5) “before he registers a dealing, the Recorder shall,” and substituting “before he or she registers a dealing, the Recorder may,”;

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 8 – Land Titles Act 1980 Amended

s. 26

(e) by omitting paragraph (a) from subsection (5) and substituting the following paragraph:

(a) make the same recording on –

- (i) the relevant certificate of title, if any; or
- (ii) the grant, if any; or
- (iii) the duplicate registered dealing, if any –

as he or she has made on the folio of the Register or registered dealing to give effect to the dealing; or

(f) by omitting subsections (6) and (7) and substituting the following subsections:

(6) Where the Recorder has registered a dealing without the certificate of title, grant, or duplicate registered dealing being produced to him or her, he or she may act as provided in subsection (5) when the certificate of title, grant, or duplicate registered dealing is next produced to him or her for any purpose.

(7) Nothing in this section affects any power of the Recorder to compel production to him or her of the certificate of title, if any,

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Part 8 – Land Titles Act 1980 Amended

the grant, if any, or the duplicate
registered dealing, if any.

- (g) by omitting from subsection (9)(a) “certificate of title or grant” and substituting “certificate of title, if any, or a grant, if any”;
- (h) by inserting in subsection (9)(b) “, if any” after “duplicate registered dealing”.

27. Section 52 amended (Priority notices)

Section 52(2) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:

- (b) except as provided by subsection (5A), limits a period, which –
 - (i) takes effect immediately at the time at which, on the day on which, the priority notice is lodged with the Recorder; and
 - (ii) extends from that time on that day, for the remainder of that day and for the prescribed period beginning immediately after that day; and
 - (iii) ends at midnight on the day that is the last day of the prescribed period –

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during which priority shall be reserved
for lodgment of the dealing specified in
the notice;

28. Section 52A amended (Attorney-General to give notice of forfeiture orders)

Section 52A of the Principal Act is amended by
omitting “registered as the owner of land under
this Act” and substituting “recorded under this
Act as the registered proprietor of land”.

29. Section 54 amended (Delivery of certificate of title or duplicate registered dealing)

Section 54 of the Principal Act is amended by
omitting subsection (1) and substituting the
following subsection:

(1) The Recorder –

- (a) where he or she considers it proper to do so, may deliver, to the person by whom it was lodged, a certificate of title, or duplicate registered dealing, that is in the Recorder’s custody, unless that person has given written instructions to the Recorder to deliver the certificate of title or duplicate registered dealing to some other person;
- (b) shall not, where written instructions have been given as

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mentioned in paragraph (a), deliver the certificate of title, or duplicate registered dealing, that is in the Recorder's custody, otherwise than in accordance with those instructions or by order of the Supreme Court; and

(c) where the Recorder is unable to determine to whom a certificate of title, or duplicate registered dealing, in the Recorder's custody, should be delivered, may –

(i) deliver it to the person the Recorder considers best entitled to the certificate of title or duplicate registered dealing; or

(ii) retain it in the Recorder's office.

30. Section 61 amended (Sale under writ)

Section 61 of the Principal Act is amended as follows:

(a) by omitting from subsection (2) “3 months” and substituting “90 days”;

(b) by omitting from subsection (4) “3 months” and substituting “90 days”;

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- (c) by inserting in subsection (4) “, if any,” after “relevant certificate of title”;
- (d) by inserting in subsection (4) “, if any,” after “any, or duplicate registered dealing”;
- (e) by inserting in subsection (4) “registered dealing” after “title or duplicate”;
- (f) by inserting in subsection (4) “or her” after “his”;
- (g) by omitting from subsection (5)(a) “3 months” and substituting “90 days”;
- (h) by omitting from subsection (8) “3 months” and substituting “90 days”.

31. Section 63 amended (Severance of joint tenancy)

Section 63 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

- (4) Despite subsection (1), if there were, immediately before a joint tenant of registered land severed his or her joint tenancy under that subsection, more than 2 joint tenants in related to the registered land, the joint tenancy of the other registered proprietors of the land is not affected by the severance.

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Part 8 – Land Titles Act 1980 Amended

32. Section 67 amended (Powers in lessor)

Section 67(b) of the Principal Act is amended by omitting “3 months” twice occurring and substituting “90 days”.

33. Section 77 amended (Procedure in case of default)

Section 77(1) of the Principal Act is amended by omitting “one month” and substituting “30 days”.

34. Section 85 amended (Mortgagee may apply to Recorder for order for foreclosure)

Section 85 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “6 months” and substituting “180 days”;
- (b) by omitting from subsection (2)(a) “6 months” and substituting “180 days”.

35. Section 86 amended (Order for foreclosure)

Section 86(1) of the Principal Act is amended as follows:

- (a) by inserting “or she” after “he”;
- (b) by omitting “one month” and substituting “30 days”.

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36. Section 87 amended (First mortgagee or encumbrancee to produce title for registration of subsequent dealing)

Section 87 of the Principal Act is amended as follows:

- (a) by omitting “he holds the certificate of title or duplicate registered dealing” and substituting “if he or she holds the certificate of title, if any, or the duplicate registered dealing, if any,”;
- (b) by omitting “or duplicate” second occurring and substituting “, if any, or duplicate registered dealing, if any,”.

37. Section 93 amended (Registration of order)

Section 93(1) of the Principal Act is amended as follows:

- (a) by inserting “or she” after “he”;
- (b) by inserting “if any,” after “title,”;
- (c) by inserting “if any,” after “grant,”;
- (d) by inserting “if any” after “dealing,”;
- (e) by inserting “, if any” after “encumbrance”.

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38. Section 94 amended (Recording of satisfaction of encumbrance)

Section 94(1) of the Principal Act is amended as follows:

- (a) by inserting “if any,” after “title,”;
- (b) by inserting “if any,” after “grant,”;
- (c) by inserting “, if any,” after “duplicate registered dealing”;
- (d) by inserting “, if any” after “duplicate encumbrance”.

39. Section 98 amended (Transmission on death (old procedure))

Section 98 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

- (5) Before registering the applicant as proprietor pursuant to subsection (4), the Recorder –
 - (a) may, if he or she thinks fit, cause notice of the application to be published and given to such persons (if any) as he or she thinks fit; and
 - (b) shall in each notice appoint a time not less than 30 days from the completion of notice, after which the Recorder may, unless in the

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interval the Recorder receives a caveat forbidding the Recorder from doing so, register the applicant as proprietor.

40. Section 101 amended (Re-entry determining fee)

Section 101(1) of the Principal Act is amended as follows:

- (a) by inserting “or her” after “his”;
- (b) by inserting “, if any” after “title”.

41. Section 126 amended (Registration of acquiring authority as proprietor)

Section 126(4) of the Principal Act is amended as follows:

- (a) by inserting “, if any,” after “title”;
- (b) by inserting “, if any,” after “dealings”.

42. Section 133 amended (Caveat against dealings)

Section 133(5) of the Principal Act is amended as follows:

- (a) by inserting “in the manner approved by the Recorder or the approved form” after “withdrawn”;
- (b) by omitting paragraph (a) and substituting the following paragraph:

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- (a) by the caveator or, on the caveator's behalf, by –
 - (i) the caveator's legal practitioner; or
 - (ii) an agent authorized in writing by the caveator to withdraw the caveat;
- (c) by inserting in paragraph (b)(i) "or her" after "his".

43. Section 134 amended (Caveat may be lodged by judgment creditor)

Section 134(2)(a) of the Principal Act is amended by omitting "a copy" and substituting "an office copy".

44. Section 136A amended (Cancellation of caveat on application of proprietor of estate or interest)

Section 136A of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) "(other than under section 134)" after "lodged";
- (b) by omitting subsection (4) and substituting the following subsection:
 - (4) If –
 - (a) an order referred to in subsection (3) has not

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Part 8 – Land Titles Act 1980 Amended

s. 45

been obtained and lodged with the Recorder before the expiry of the 28-day period referred to in subsection (3), the Recorder is, unless paragraph (b) applies, to cancel the caveat on the expiry of that 28-day period; or

- (b) where the period referred to in paragraph (a) expires on a day on which the office of the Recorder is closed, an order referred to in subsection (3) has not been obtained and lodged with the Recorder before the end of the next day on which the office is open, the Recorder is to cancel the caveat on the expiry of that next day.

45. Section 138A amended (Registration as proprietor of person entitled to land by operation of any Act)

Section 138A(3) of the Principal Act is amended by inserting “may” after “Register, and”.

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Part 8 – Land Titles Act 1980 Amended

46. Section 138D amended (Recorder may make vesting order in certain circumstances when purchaser in possession)

Section 138D of the Principal Act is amended as follows:

- (a) by omitting from subsection (5)(b) “one month” and substituting “30 days”;
- (b) by omitting from subsection (7) “one month” and substituting “30 days”;
- (c) by omitting from subsection (8) “one month” and substituting “30 days”.

47. Section 138J amended (Acquisition of easements by possession)

Section 138J(3)(c) of the Principal Act is amended by omitting “6 months” and substituting “180 days”.

48. Section 138L amended (Requirements for application)

Section 138L(2) of the Principal Act is amended by omitting “*Land Surveyors Act 1909*” and substituting “*Surveyors Act 2002*”.

49. Section 138Q amended (Power of Recorder to make recordings, &c.)

Section 138Q(b) of the Principal Act is amended by inserting “, if any,” after “dealings”.

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Part 8 – Land Titles Act 1980 Amended

s. 50

50. Section 138W amended (Registered proprietor to hold land on trust)

Section 138W of the Principal Act is amended as follows:

- (a) by omitting from subsection (7) “*Land Surveyors Act 1909*” and substituting “*Surveyors Act 2002*”;
- (b) by omitting from subsection (8)(d) “one month” and substituting “30 days”;
- (c) by omitting from subsection (9) “2 months” and substituting “60 days”.

51. Section 138ZA amended (Restriction on renewal of caveats)

Section 138ZA(2) of the Principal Act is amended by omitting “A copy” and substituting “An office copy”.

52. Section 139 amended (Correction of errors)

Section 139 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or her” after “him”;
- (b) by inserting in subsection (2)(a) “or she” after “he”.

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s. 53

Part 8 – Land Titles Act 1980 Amended

53. Section 140 amended (Cancellation of superfluous recordings)

Section 140 of the Principal Act is amended as follows:

- (a) by inserting “or she” after “as he”;
- (b) by inserting “or she” after “which he”.

54. Section 143A amended (Recorder may specify format, &c., of certain plans)

Section 143A(1) of the Principal Act is amended by omitting “*Land Surveyors Act 1909*” and substituting “*Surveyors Act 2002*”.

55. Section 143B amended (Recorder may require information, &c., in respect of plans, &c.)

Section 143B of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “3 months” and substituting “90 days”;
- (b) by omitting from subsection (3) “3 months” and substituting “90 days”.

56. Section 144 amended (Proprietor if dissatisfied may summon Recorder to show cause)

Section 144(1A) of the Principal Act is amended by omitting “3 months” and substituting “90 days”.

Land (Miscellaneous Amendments) Act 2020
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Part 8 – Land Titles Act 1980 Amended

s. 57

57. Section 146 amended (Mortgagee, encumbrancee or lessor may obtain possession in certain cases)

Section 146(5) of the Principal Act is amended by omitting “4 weeks” and substituting “28 days”.

58. Section 147 amended (Right of mortgagee of lease not to be barred)

Section 147 of the Principal Act is amended by omitting “6 months” and substituting “180 days”.

59. Section 152 amended (Compensation for party deprived of land)

Section 152(6) of the Principal Act is amended by inserting “, if any,” after “title”.

60. Section 156 amended (Notice of action)

Section 156 of the Principal Act is amended by omitting “one month” and substituting “30 days”.

61. Section 160 amended (General powers of Recorder)

Section 160(3) of the Principal Act is amended as follows:

- (a) by inserting “or her” after “him”;
- (b) by omitting “in” and substituting “on a folio of the register or”.

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s. 62

Part 8 – Land Titles Act 1980 Amended

62. Section 169A amended (Power of Recorder to approve forms)

Section 169A of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “at any time” after “may”;
- (b) by omitting subparagraph (i) from subsection (3)(a).

**PART 9 – LAND TITLES REGULATIONS 2012
AMENDED**

63. Principal Regulations

In this Part, the *Land Titles Regulations 2012** are referred to as the Principal Regulations.

64. Regulation 12 amended (Lodgment of dealings)

Regulation 12 of the Principal Regulations is amended by omitting subregulation (2).

65. Regulation 13 amended (General requirements)

Regulation 13 of the Principal Regulations is amended as follows:

- (a) by inserting in subregulation (1)(a) “on one side of each page only” after “printed”;
- (b) by inserting in subregulation (1)(i) “or full workplace” after “residential”;
- (c) by omitting from subregulation (2)(e) “dealing.” and substituting “dealing; and”;
- (d) by inserting the following paragraph after paragraph (e) in subregulation (2):
 - (f) if the information is a copy of a document, must comply with the

*S.R. 2012, No. 111

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 65

Part 9 – Land Titles Regulations 2012 Amended

requirements under the Act in relation to an office copy.

(e) by inserting the following subregulations after subregulation (2):

(2A) An application or dealing that is lodged for registration, and any document that forms part of, or is provided in relation to, the dealing, must –

(a) be in the English language; or

(b) if it is not in the English language, be accompanied by the relevant documents in relation to the application, dealing or document.

(2B) For the purposes of subregulation (2A), the relevant documents in relation to an application, dealing or document are –

(a) a full written translation, into the English language, of the application, dealing or document, that has been –

(i) made by a person who the Recorder is satisfied is

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Part 9 – Land Titles Regulations 2012 Amended

s. 65

-
- suitably qualified
to provide such a
translation; and
- (ii) certified, in a form
approved by the
Recorder or
otherwise to the
satisfaction of the
Recorder, by the
person who
translated it, to be
an accurate and
complete
translation of the
application,
dealing or
document; and
- (b) any other information that
the Recorder, in his or her
discretion, requires.
- (f) by omitting from subregulation (3)(b)
“material.” and substituting “material;
and”;
- (g) by inserting the following paragraph after
paragraph (b) in subregulation (3):
- (c) must be initialled, and the date on
which the initialling occurs must
be added next to the initialling,
by or on behalf of each signatory
to the application, dealing or
annexure.

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s. 65

Part 9 – Land Titles Regulations 2012 Amended

(h) by inserting the following subregulation after subregulation (3):

(3A) Where an alteration to an application, dealing or annexure is made by a person on behalf of a signatory to the application, dealing or annexure –

- (a) the person must state, on the application, dealing or annexure, his or her name and the capacity in which he or she is acting on behalf of the signatory; and
- (b) the person, in dating and initialling the application, dealing or annexure, is to be taken to be representing that the person has full legal authority to do so on behalf of the signatory; and
- (c) the Recorder shall be entitled to rely on the representation without making further enquiry as to whether the person has full legal authority to date and initial the application, dealing or annexure on behalf of the signatory.

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Act No. of 2020

Part 9 – Land Titles Regulations 2012 Amended

s. 66

66. Regulation 14 amended (Execution and lodgment of instruments under section 49(2))

Regulation 14(3) of the Principal Regulations is amended as follows:

- (a) by inserting “, if any, that has been issued by the Recorder and that is” after “dealing”;
- (b) by omitting “available to” and substituting “provided to”.

67. Regulation 18A inserted

After regulation 18 of the Principal Regulations, the following regulation is inserted in Division 3:

18A. Prescribed period for the purposes of section 52(2)(b)

For the purpose of section 52(2)(b) of the Act, the period of 90 days is prescribed.

68. Regulation 21 substituted

Regulation 21 of the Principal Regulations is rescinded and the following regulation is substituted:

21. Forms approved by Recorder

The following must be made in a form approved from time to time by the Recorder:

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s. 68

Part 9 – Land Titles Regulations 2012 Amended

- (a) an application under the Act;
- (b) a consent to the recording of a highway under section 112(2) of the Act.

consultation draft

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 10 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

s. 69

**PART 10 – LOCAL GOVERNMENT (BUILDING AND
MISCELLANEOUS PROVISIONS) ACT 1993
AMENDED**

69. Principal Act

In this Part, the *Local Government (Building and Miscellaneous Provisions) Act 1993** is referred to as the Principal Act.

70. Section 244 amended (Registering preservation order)

Section 244(2) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:

- (b) endorse the memorial on the folio of the Register, under the *Land Titles Act 1980*, for the land.

*No. 96 of 1993

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 71

Part 11 – Local Government (Highways) Act 1982 Amended

**PART 11 – LOCAL GOVERNMENT (HIGHWAYS) ACT
1982 AMENDED**

71. Principal Act

In this Part, the *Local Government (Highways) Act 1982** is referred to as the Principal Act.

72. Section 60 amended (Restrictive covenants for benefit of highway)

Section 60(5) of the Principal Act is amended by omitting “the memorandum of the lease burdened by the covenant” and substituting “the folio of the Register, under the *Land Titles Act 1980*, for the land and any folio of the Register, under the *Land Titles Act 1980*, for the lease”.

*No. 57 of 1982

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 12 – Neighbourhood Disputes About Plants Act 2017 Amended

s. 73

**PART 12 – NEIGHBOURHOOD DISPUTES ABOUT
PLANTS ACT 2017 AMENDED**

73. Principal Act

In this Part, the *Neighbourhood Disputes About Plants Act 2017** is referred to as the Principal Act.

74. Section 23 amended (Application to Appeal Tribunal)

Section 23(5)(b) of the Principal Act is amended by omitting “a certificate of title in relation to the affected land” and substituting “the folio of the Register, under the *Land Titles Act 1980*, for the land”.

*No. 32 of 2017

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

s. 75

Part 13 – War Service Land Settlement Act 1950 Amended

**PART 13 – WAR SERVICE LAND SETTLEMENT ACT
1950 AMENDED**

75. Principal Act

In this Part, the *War Service Land Settlement Act 1950** is referred to as the Principal Act.

76. Section 39D amended (Issue of certificates of title)

Section 39D of the Principal Act is amended by omitting “shall” and substituting “may”.

77. Section 39E amended (Registration of grants)

Section 39E of the Principal Act is amended as follows:

- (a) by inserting “, if any,” after “up the grant”;
- (b) by inserting “, if any,” after “title”.

78. Section 39J amended (Release of seignior)

Section 39J(2) of the Principal Act is amended as follows:

- (a) by inserting “, if any,” after “grant”;
- (b) by inserting “, if any,” after “or certificate of title”;
- (c) by inserting “or her” after “his”;

*No. 82 of 1950

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 13 – War Service Land Settlement Act 1950 Amended

s. 78

-
- (d) by inserting “, if any,” after “her certificate of title”.

consultation draft

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s. 79

Part 14 – Wellington Park Act 1993 Amended

PART 14 – WELLINGTON PARK ACT 1993 AMENDED

79. Principal Act

In this Part, the *Wellington Park Act 1993** is referred to as the Principal Act.

80. Schedule 2 amended (Registration of Proclamations)

Schedule 2 to the Principal Act is amended as follows:

- (a) by inserting in clause 1(3) “if any,” after “title,”;
- (b) by inserting in clause 1(3) “, if any,” after “grant”;
- (c) by inserting in clause 1(3) “, if any,” after “dealing”;
- (d) by inserting in clause 4(3) “if any,” after “title,”;
- (e) by inserting in clause 4(3) “, if any,” after “grant”;
- (f) by inserting in clause 4(3) “, if any” after “dealing”.

*No. 59 of 1993

Land (Miscellaneous Amendments) Act 2020
Act No. of 2020

Part 15 – Concluding Provision

s. 81

PART 15 – CONCLUDING PROVISION

81. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

consultation draft

*Land Acquisition Act 1993
Stakeholder and Community
Consultation Report and
Preferred Position*

July 2020

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Background

SUSTAINABLE DEVELOPMENT requires governments to provide public facilities and infrastructure that ensure health and welfare, safety and security, social and economic enhancement, and protection of the natural environment. An early step in the process of providing such facilities and infrastructure is the acquisition of the necessary land.

THE LAND ACQUISITION ACT 1993 is an essential legislative tool that enables an acquiring authority to acquire privately owned land necessary for the construction of new public infrastructure. It also provides the basis for determination of compensation arising from the acquisition of that land. The ability to compulsorily acquire land provides an acquiring authority with a strong degree of certainty that it can obtain the necessary land required for the provision of public infrastructure. In Tasmania the *Land Acquisition Act 1993* is administered by the Minister for Primary Industries and Water, Guy Barnett. Guy Barnett in turn has delegated the Valuer-General to manage the operation of the *Land Acquisition Act 1993* on her behalf, except the power to commence a compulsory acquisition.

An acquiring authority is a body that is empowered to purchase land under the *Land Acquisition Act 1993*. Normally it is a Crown body such as a government department or statutory authority, although sometimes it is a non-Crown body such as a one of the 29 Local Council, Tas Irrigation, TasWater or Aurora.

Government and non-Crown bodies perform a range of functions for public purposes, such as building new or upgrading existing infrastructure such as hospitals, schools, roads, dams, power lines and water pipelines. Such an acquisition may be for the whole property, part of a property or for an interest over a property such as an easement for a power line.

Whilst the *Land Acquisition Act 1993* details the specific process to be followed in relation to the compulsory acquisition of privately owned land, an acquiring authority will be authorised under other legislation to use the *Land Acquisition Act 1993* to acquire land. In most instances an acquiring authority will also be required to obtain the approval of the Minister for Primary Industries and Water to use the *Land Acquisition Act 1993* to commence a compulsory acquisition of land.

The *Land Acquisition Act 1993* authorises an acquiring authority to acquire land by either (1) section 9 purchase by agreement, (2) section 16 compulsory process by agreement, and (3) section 18 by compulsory process.

This review of the *Land Acquisition Act 1993* only concerns reviewing (a) electronic service delivery (b) affixing of the electronic signature to the Notice to Treat and the Notice of Acquisition.

Nature of the Restriction on Competition:

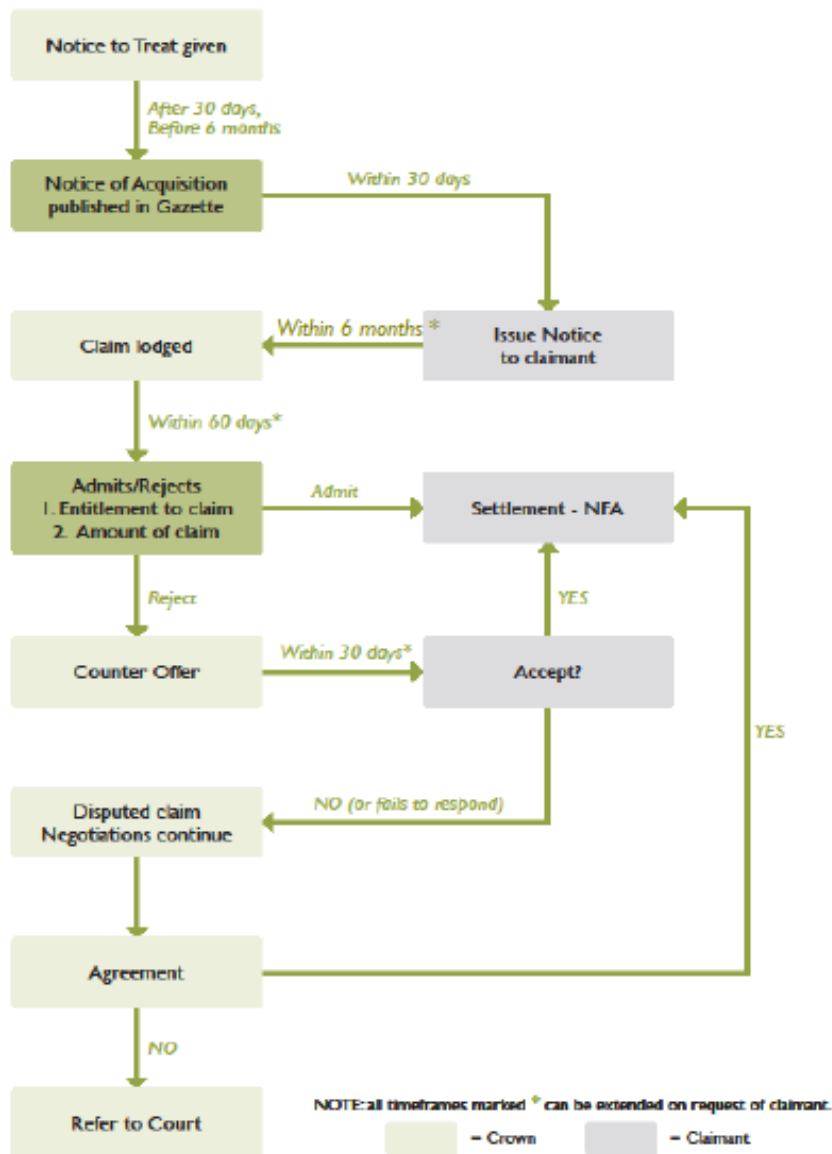
Governments, through legislation, intervene in markets for many reasons and in many ways. At one level, all such intervention affects competition and almost no regulatory activity is neutral in its implications for competition.

It is this Department's opinion that no part of the proposed amendments will restrict competition in any way, nor do the amendments have a significant negative impact on business.

Nine (9) primary issues were identified during the review process:

1. Section 11(c) – This amendment will update the Act to allow electronic signature on a notice to treat without the consent of the Recipient.
2. Sections 12 – This amendment will allow for electronic service and signature of the notices of withdrawal to be served electronically.
3. Section 18 (d) – This amendment will update the Act to allow electronic signature and service on the notice of acquisition.
4. Section 21(1) – This amendment will update the Act to allow for electronic signature and service without consent on the former owner after acquisition.
5. Section 36(d) – This amendment will allow for electronic signature and service of the claim for compensation.
6. Section 66(a)– This amendment will update the Act to allow electronic signature and service on the Public Trustee.
7. Section 81 – This amendment will update the Act to allow for electronic service under the Act.
8. Section 34 (3)(b) – This amendment will update the Act to include a 6 month provision for the service of the mortgagee of notice under section 21 or ss (3)
9. Section 21(2) – This amendment will update the Act to allow for an informed person on whom a notice is served, within 6 months after the notice is so served, to lodge a claim for compensation under the Act.

Land Acquisition - Tasmania



About this document

This document discusses each of the issues which were presented as proposals in the *Land Acquisition Act 1993 Issues Paper July 2020* which was distributed to stakeholders and general public for comment and support. The document states the original proposal from the *Issues Paper* and discusses the feedback that was received on each issue.

Important stakeholders were provided with a copy of this document electronically in early July 2020 and were also provided with the link to the Paper at <https://dpiwwe.tas.gov.au/land-tasmania/office-of-the-valuer-general/acts-administered-by-the-valuer-general/land-acquisition-act-amendments>

The purpose of this document is to provide the stakeholders with a summary of the preferred position, which having considered the feedback, and will now form the basis of the drafting instructions to be developed for the proposed new *Land Use Miscellaneous Bill 2020*.

Overview

Introduction

An *Issues Paper* was developed to present a number of issues and proposals to help inform proposed amendments to the *Land Acquisition Act 1993*. These issues have been identified through previous stakeholder consultation and by the office of the Valuer-General through its administration of the Act.

This Stakeholder and Community Consultation Report and Preferred Position summaries the outcome of the consultation process and provides a preferred position.

The Report will be distributed to stakeholders groups for information prior to commencing the drafting of new legislation.

Consultation Process

The objective of the consultation process was to engage with key stakeholders and interested members of the broader Tasmanian community to assess community opinion and generate constructive feedback.

The *Land Acquisition Act 1993*, Issues Paper, was distributed in July 2020 via email to a range of stakeholders having been identified as either contributing to the land acquisition process, or having an interest in the process. Including the 29 Municipal Councils, Tas Water, Aurora and Tas Irrigation as well as governmental departments including State Growth.

Consultation has been undertaken with the Law Society of Tasmania with no negative feedback received.

It is noted that the legislative amendments involve the exercise of amendments to functions, powers and obligations of the Valuer-General. The intention of the changes is to improve existing legislation, specifically non-contentious issues that do not have a negative impact on business, and which are unlikely to require

Stakeholders were invited to provide submissions on the proposals outlined in the issue paper, together with support or otherwise for the options proposed. The closing date for submissions was 16 July 2020.

Submissions

Two submissions were received in relation to the *The Land Acquisition Act 1993 Issues Paper 2020*.

The general consensus is that the amendments to the Act to enable electronic and service of documents will streamline the process significantly.

Recap of Proposed Amendments:

1. Add section 11(c) legislative amendment to allow for the use of electronic signature – Notice to Treat

Section 11 refers to the notice to treat. (1) An acquiring authority must – (a) take all reasonable steps to ascertain all owners of any land the authority proposes to take and the addresses of those owners; and (b) cause a notice to treat to be served on every owner so ascertained whose address has also been ascertained.

Section 80 of the Act provides that where the notices must be provided to be served on any person “that notice or document is to be signed by the clerk of the authority or by the Minister as the case requires”.

Notices to treat must be served on landowners. A notice to treat must be served in a form approved by the Secretary and this at present requires manual signature. It is suggested that an additional clause be added to section 11 allowing for a notice to treat to be served on every owner so ascertained whose address has been ascertained by means of electronic communication with an electronic signature.

2. Proposed Amendment 2: Section 12 – Notice of Withdrawal

Section 12(4) of the Act refers to notice of withdrawal. An acquiring authority may withdraw a notice to treat by serving a notice of withdrawal. Where a notice of withdrawal is served on an owner as provided in this section, any other owner of the land, or a part of the land, to which the notice relates who is unknown, or whose address is unknown, to the acquiring authority is taken to have been served with a notice of withdrawal in respect of that land or part of the land, as the case may be.

It is suggested that this clause should be amended to allow for electronics communication with an electronic signature.

3. Proposed Amendment 3: Section 18 – Notice of Acquisition

Section 18(3) refers to the notice of acquisition. A notice of acquisition (a) is to be in a form approved by the Secretary and (b) is to specify the authorised purpose for which the land to which the notice relates is being taken; and (c) where the acquiring authority is not the Crown, is, to be signed on behalf of the authority by the clerk or the authority's legal practitioner.

Section 80 of the Act provides that where the notices must be provided to be served on any person “ that notice or document is to be signed by the clerk of the authority or by the Minister as the case requires”. Notices of acquisition must be served on landowners. A notice of acquisition must be served in a form approved by the Secretary and this at present requires manual signature. It is suggested that an additional clause be added to allow for electronic communication with an electronic signature. The wording suggest that the Act contemplates that all Notices of Acquisitions are required to be signed.

4. Proposed Amendment 4: Section 21 – Notice to former owner after Acquisition.

Section 21 refers to notices to form owners after acquisition. An acquiring authority must within the period, of 30 days after a notice of acquisition is gazetted, serve on every former owner of the land taken.

It is suggested that an additional clause be added to allow for electronic communication with an electronic signature.

5. Proposed Amendment 5: Section 36 – Claim for Compensation

Section 36 refers to the claim for compensation. This amendment will allow for a person with an entitled claim for compensation to lodge that claim electronically with an electronic signature.

It is suggested that an additional clause be added to allow for electronic communication with an electronic signature.

6. Proposed Amendment 6: Section 66 – Public Trustee to represent unascertained owner.

Section 66 refers to serve on the Public Trustee. If an acquiring authority is unable to ascertain the existence or address, of an owner of subject land, the authority must serve on the Public Trustee any notice in respect of that land that it is required to serve on the owner.

It is suggested that an additional clause be added to allow for electronic communication with an electronic signature.

7. Proposed Amendment 7: Section 81 service of Notice and other Documents.

The *Land Acquisition Act 1993* (“the Act”) makes express provision for service of notices in s 81:

81. Service of notices and other documents

(1) A notice or other document is effectively served under this Act if –

(a) in the case of a natural person, it is –

(i) given to the person; or

(ii) left at, or sent by post to, the person's postal or residential address or place or address of business or employment last known to the person required by this Act to serve the notice or other document; or

(iii) sent by way of facsimile to the person's facsimile number; and

(b) in the case of any other person, it is –

(i) left at, or sent by post to, the person's principal or registered office or principal place of business; or

(ii) sent by way of facsimile to the person's facsimile number.

(2) A notice or other document required or permitted by this Act to be served on or given to –

(a) the Crown or the Minister, may be served or given by –

(i) leaving it at, or sending it by post to, the office of the Secretary; or

(ii) sending it by way of facsimile to the Secretary at that office; or

(b) an acquiring authority other than the Crown, may be served or given to the authority by –

(i) leaving it at, or by sending it by post to, the office of the authority or its principal office if there are more offices than one; or

- (ii) serving it on or giving it to, or sending it by post to, the clerk or the authority's legal practitioner; or
 - (iii) sending it by way of facsimile to that office, the clerk or the authority's legal practitioner.
- (1) A notice or other document served under this Act by sending it by post is served at the time when the letter is deposited in a post box or at a post office for delivery by post.

Express provision is made for how service of notices is to occur. Amendment is required of the Act for service of notices to occur in a manner other than the methods specified in s 80. Notices to treat must be served on landowners (see s 11(1)(b)). Service on the landowner is also required for notices of withdrawal under s 12 and for notices to former owners after acquisition under s 21. Service of notices on the Public Trustee is required where the owner cannot be ascertained under s 66. Claims for compensation also need to be served by landowners on the relevant authority pursuant to s 36(2)(d). Section 80 applies to all of these notices. Notices of acquisition are published in the Gazette rather than being served and so s 80 is not applicable so far as the notice of acquisition is concerned, or at least, not until after acquisition as provided by s 21. Preferred method of service is electronic.

8. Proposed Amendment – Section 34(3)(b) Amount of Compensation for Mortgage.

Section 34 (3)(b) – This amendment will update the Act to include a 6 month provision for the service of the mortgagee of notice under section 21 or 22(3).

This amendment adds certainty to the timeframe and makes wording consistent with the Land Acquisition Amendment Bill of 2019 which was proclaimed on 1 January 2020.

9. Proposed Amendment – Section 21(2) Notice to former owner after acquisition.

Section 21(2) provides that a notice referred to in subsection (1) (a) is to inform the person on whom it is served that the person, within 60 days after the notice is so served, is entitled to lodge a claim for compensation under the Act.

The time frame is extended from 60 days to 6 months.

This amendment adds certainty to the timeframe and makes wording consistent with the *Land Acquisition Amendment Bill 2019* which was proclaimed on 1 January 2020.

Feedback

Discussions: - Electronic Service

Tasman Council, Building & Development Service Manager, Melissa Geard's, submission was received on the 9th July 2020. Tasman Council supported the proposed amendments to the Act to enable electronic signature and service of documents. These amendments will streamline the process significantly.

Huon Valley Council, Director of Legal and Governance Services, Matthew Grimsey's, submission was received on the 9th July 2020. Huon Valley Council supported the proposed amendments to the Act stating that the amendments allow for the use and application of electronic signatures, and service of documents by electronic means, and reflect modern and efficient business and dealings with third parties.

Huon Valley Council noted concerns in relation to the ability to service a notice to treat under Section 11 by electronic means without any prior consent or knowledge of the receiver as suggested in Proposed Amendment 1: Section 11 and Proposed Amendment 7: Section 81.

Section 11 is the first time that an owner is formally notified in relation to the Act and enlivens a number of time frames and legal rights for the owner of the land. It is therefore important that there is certainty associated with service of the notice to treat.

The issue was clearly relevant in the case of the State of *Tasmania v Herlihy* [2019] TASSC 5 where the Court concluded that the State could not assume that the email was readily accessible or physically received by the respondent.

Establishing a presumption of service by email raises the potential for costs and litigation arising out of an acquisition being undertaken without the knowledge of the owner.

The ability to electronically serve the notice to treat is supported however this is perhaps the one circumstance where consent would be appropriate.

Response:

Herlihy's case might be used to argue that the landowner needs to know that they can refuse to give consent.

In the absence of amendment to the Act arguably a telephone call by the Acquiring Authority to the land owner obtaining consent to service a notice via email would be required.

Also, if, for example, there is no response at all to a notice to treat, there is no basis to infer consent.

Amendments are not being sought to presume service by email but rather to facilitate service by email.

The Office of the Valuer-General is the acquiring authority as such wishes to mitigate the potential for costs and litigation arising out of an acquisition.

Considerable interaction occurs between the Department of State Growth, other Acquiring Authorities and the Office of the Valuer-General and the Valuer with the landowner during the Acquisition process.

The simple Act of amending the legislation to allow electronic transaction will always be followed up with client interaction. A valuation will occur at the site. The Valuer will prepare a valuation brief for the instructing party. The Valuer will consider the letter of instruction, undertake a valuation of the land being acquired and undertake an assessment of compensation payable as a result of the acquisition. Considerable interaction occurs during this process with the land owner. The Valuation contained in the report will be undertaken on the basis of market value as defined in the International Valuation Standard Council and endorsed by the

Australian Property Institute and sets out the estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.

Discussions: - Electronic Signature:

Legislative amendment to allow for the use of electronic signature on notices to treat and notices of acquisition, without the consent of the recipient is the preferred option and was supported unequivocally.

Response:

At common law, electronic signatures are generally accepted and need a requirement to sign a document, so long as the electronic signature can be regarded, as a question of fact, to have conveyed the same representation as a traditional signature.

Provision for electronic signature is made in the *Electronic Signatures Act 2000*. Section 7 applies when a signature is required at law. With respect to notices of acquisition s 18(3) (c) the Act relevantly provides where the acquiring authority is not the Crown, [a notice of acquisition] is to be signed on behalf of the authority by the clerk or the authority's legal practitioner.

In *Kavia Holdings Pty Ltd v Suntrack Holdings Pty Ltd* [2011] NSWSC 716, where the court wrote at [33]: As to the requirement for signing, there are two answers. "In my view the inclusion of the sender's name on the email amounted to 'signing' for the purpose of the clause. The requirement for signing is intended to identify the sender and authenticate the communication. This is sufficiently achieved in an email by the setting out of the sender's name together with the email address is dispatched. The name of the sender and his email address are readily and rapidly verifiable. Any other conclusion would produce a capricious and commercially inconvenient result that might have wide-reaching and unintended consequences in modern day trade and commerce".

Section 80 of the Act provides that where notices must be provided to or served on any person "that notice or document is to be signed by the clerk of the authority or by the Minister, as the case requires".

For Section 7(1)(b) you need a method to identify the person signing the document and to indicate the person's intention in respect of the information communicated in accordance. *The Electronic Transactions Act 2000* is based on uniform legislation. Provision equivalent to s 7 has been considered by courts in other jurisdictions. In *Russell's Solicitors v McArdle* [2014] VSC 287 the Victorian Supreme Court considered that a practical approach was required for the interpretation and application of the Victorian equivalent of s 7 (1)(a). It was held that the question whether a person has used a method of identification in a document and indicated a relevant intention about the information conveyed is one of fact. Similarly in *Stellard Pty Ltd v North Queensland Fuel Pty Ltd* [2015] QSC 119 it was noted that the equivalent provision of s 7(1) (b) provided alternative methods to satisfy the requirements of identification and intention in s 7(1)(a). The question of whether there was a sufficient identity and intention in that case arose in circumstances where there had been a course of dealings in a property transaction, in which the vendor had been paying off prospective purchases in an attempt to inflate the price of the property. The vendor attempted to deny the efficacy of an electronic signature on an offer that had been accepted by one of the purchasers. The court had no difficulty inputting an authentic electronic signature to the vendor.

From these authorities, the court will draw inferences about the intention of the signatory. It has all been observed that inferences will also be drawn about the requirements of s 7 (1) (c) for the consent of the recipient of the document.

It is noted that the person who affixes the electronic signature should be the person identified by the signature. It is contended that consent to the use of electronic signature is inferred if a party responds to a notice to treat by commencing negotiations or similar.

Appendix A: Submissions Received

The *Land Acquisition Act Issues Paper* was distributed to key stakeholders within Tasmania covering all those organisations and groups that have had an interest or role in the land acquisition process.

Organisation	Representation	Comment Received
Tasman Council	Melissa Geard, Building & Development Service Manager	9 July 2020
Huon Valley Council	Matthew Grimsey, Director Legal and Governance Services	9 July 2020

Land Acquisition Act 1993

Issues paper

June 2020

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About this document

SUSTAINABLE DEVELOPMENT requires governments to provide public facilities and infrastructure that ensure health and welfare, safety and security, social and economic enhancement, and protection of the natural environment. An early step in the process of providing such facilities and infrastructure is the acquisition of the necessary land.

THE LAND ACQUISITION ACT 1993 is an essential legislative tool that enables an acquiring authority to acquire privately owned land necessary for the construction of new public infrastructure. It also provides the basis for determination of compensation arising from the acquisition of that land. The ability to compulsorily acquire land provides an acquiring authority with a strong degree of certainty that it can obtain the necessary land required for the provision of public infrastructure. In Tasmania the *Land Acquisition Act 1993* is administered by the Minister for Primary Industries and Water, Guy Barnett. Minister Barnett in turn has delegated the Valuer-General to manage the operation of the *Land Acquisition Act 1993* on her behalf, except the power to commence a compulsory acquisition.

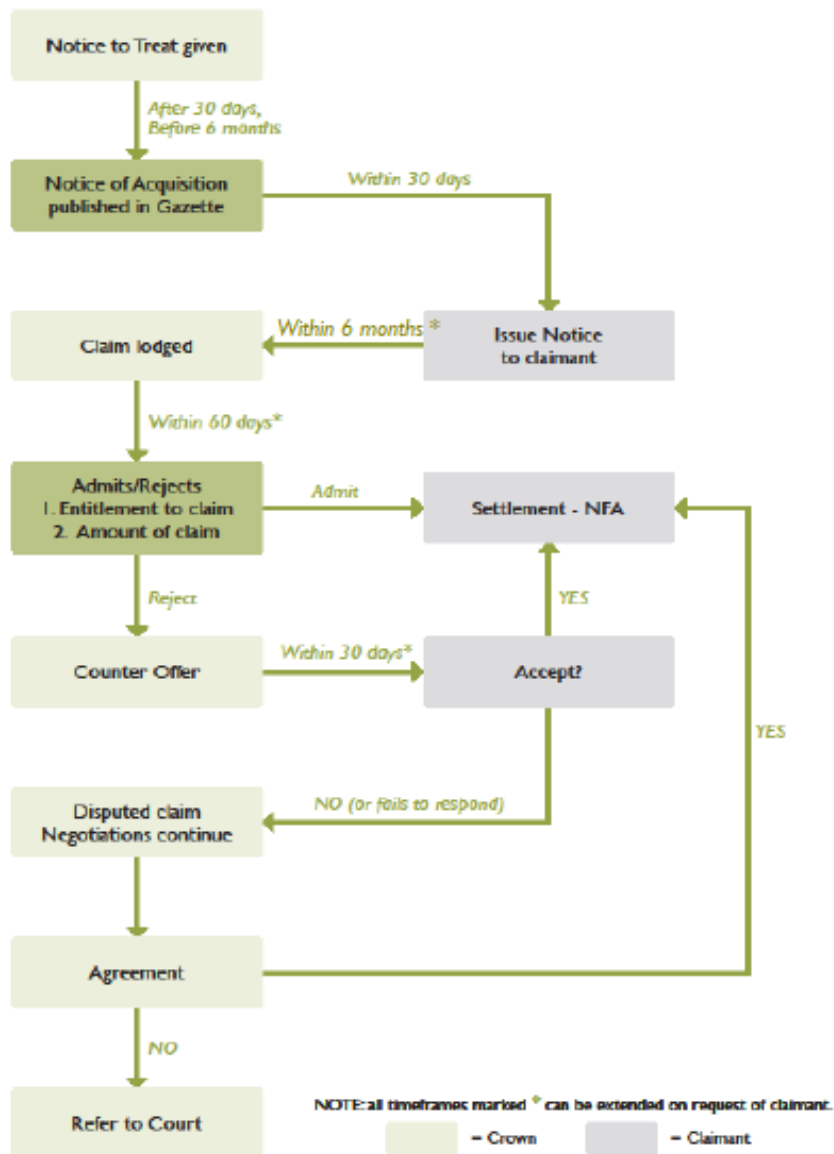
An acquiring authority is a body that is empowered to purchase land under the *Land Acquisition Act 1993*. Normally it is a Crown body such as a government department or statutory authority, although sometimes it is a non-Crown body such as a local Council, Tas Irrigation, TasWater or Aurora. Government and non-Crown bodies perform a range of functions for public purposes, such as building new or upgrading existing infrastructure such as hospitals, schools, roads, dams, power lines and water pipelines. Such an acquisition may be for the whole property, part of a property or for an interest over a property such as an easement for a power line.

Whilst the *Land Acquisition Act 1993* details the specific process to be followed in relation to the compulsory acquisition of privately owned land, an acquiring authority will be authorised under other legislation to use the *Land Acquisition Act 1993* to acquire land. In most instances an acquiring authority will also be required to obtain the approval of the Minister for Primary Industries and Water to use the *Land Acquisition Act 1993* to commence a compulsory acquisition of land.

The *Land Acquisition Act 1993* authorises an acquiring authority to acquire land by either (1) section 9 purchase by agreement, (2) section 16 compulsory process by agreement, and (3) section 18 by compulsory process.

This review of the *Land Acquisition Act 1993* only concerns electronic signature and service.

Land Acquisition - Tasmania



This *Issues paper* presents a number of issues and proposals to streamline the administrative structure of how the the *Land Acquisition Act 1993* is administered.

These issues have been identified through previous stakeholder consultation and by the Office of the Valuer-General through its administration of the Act. This is an opportunity for all interested members of the public to comment on these and related matters.

All submissions are welcome.

Your feedback will provide valuable input to the review of the legislation.

More information about the submission of comments is provided on page 10.

The case for change

The *Land Acquisition Act 1993* was preceded by the *Lands Resumption Act 1957*. The *Land Acquisition Act 1993* represented a major rewrite of its preceding legislation. The *Lands Resumption Act 1957* was in turn preceded by the *Land Clauses Act 1857*.

The *Land Acquisition Act 1993* has been in force for 27 years. Over time it becomes necessary to review legislation to ensure it continues to provide better ways of working to stay relevant with electronic transmission.

This review does not represent a major change to the operation of the *Land Acquisition Act 1993*. Instead, it proposes mostly minor amendments to streamline the administrative process and reduce red tape and to better align with case law and other Australian jurisdictions.

Overview of proposed amendments

All of the proposed amendments relate either to electronic transmission or electronic signature.

The Office of the Valuer-General is currently building an electronic process for land acquisition and by enacting legislative amendments this will complement the Acquisition process for all parties concerned.

Amendments in Summary:

- Affixing the Valuer-General's Signature electronically to all correspondence relating to Land Acquisition including the Notice to Treat and the Notice of Acquisition.
- Amending the Act to better align with the *Electronic Transaction Act 2000*. To allow electronic service without first seeking consent of the recipient. This will streamline the administrative efficiencies of the Acquisition program allowing all correspondence to be sent electronically.

Current Law

Signature

An electronic signature will suffice for notice to treat and notice of acquisitions, provided that the requirements of section 7 of the *Electronic Transaction Act 2000* are met. However, the *Land Acquisition Act 1993* does not cover the recipients consent to the electronic signature.

Currently seeking legislative reform to allow the use of electronic signature on notice to treat and notices of acquisition, without the consent of the recipient.

In the absence of legislative amendment the Office of the Valuer- General would be required to send a form seeking consent to electronic signature to land-owners in advance of the first communication to the land owner and thereafter, only using the electronic signature where written consent has been received.

The act of signing a document “is a formal act ‘which itself ordinarily conveys a representation to a reasonable reader of the document. At common law electronic signatures are generally acceptable and meet a requirement to sign a document, so long as the electronic signature can be regarded, as a question of fact, to have conveyed the same representation as a traditional signature: that is, the signature must identify the person signing; and indicate that the person so signing adopts the content of the communication signed.

Provision for electronic signatures is also made in the *Electronic Transactions Act 2000*.

Section 7 of the *Electronic Transactions Act 2000* allows electronic signatures to be recognised for transactions, in place of traditional signatures:

7. Signatures

(1) If, under a law of this jurisdiction, the signature of a person is required, that requirement is taken to have been met in relation to an electronic communication if:

(a) a method is used to identify the person and to indicate the person's intention in respect of the information communicated; and

(b) the method used was either –

(i) as reliable as appropriate for the purpose for which the electronic communication was generated or communicated, in the light of all the circumstances, including any relevant agreement; or

(ii) proven in fact to have fulfilled the functions described in paragraph (a) , by itself or together with further evidence; and

(c) the person to whom the signature is required to be given consents to that requirement being met by way of the use of the method mentioned in paragraph (a)

Consent to the use of electronic signature might be inferred if a party responds to a notice to treat to by commencing negotiations or similar. However, consent within the meaning of the *Electronic Transaction Act 2000* was found not to be present in the *State of Tasmania v Herlihy* [2019] TASC 5. This case related to consent to receiving a written communication via electronic means under 6 (1) (a) of the *Electronic Transaction Act 2000*, rather than consent to an electronic signature, however the definition of consent is the same in either case. However, there was nothing in the form indicating that the worker had a choice about giving this information. Several emails had been sent to her, and a read receipt had been received, but the worker had not replied via email or sent email correspondence to the employer. Consent was not inferred.

Legislative change is the preferred choice due to this case law. By enacting legislative change, the Office of the Valuer-General will not have to send a form seeking consent to electronic signature to land owners in advance of the first communication to the landowner and thereafter, only using the electronic signature where written consent has been received.

Service

In the Act express provision is made on how service of notices is to occur. Amendments to the Act are required if notices are to be served in a manner or other method than specified in Section 80 of the Act. The *Land Acquisition Act 1993* ("the Act") makes express provision for service of notices in s 81:

81. Service of notices and other documents

(1) A notice or other document is effectively served under this Act if –

(a) in the case of a natural person, it is –

(i) given to the person; or

(ii) left at, or sent by post to, the person's postal or residential address or place or address of business or employment last known to the person required by this Act to serve the notice or other document; or

(iii) sent by way of facsimile to the person's facsimile number; and

(b) in the case of any other person, it is –

(i) left at, or sent by post to, the person's principal or registered office or principal place of business; or

(ii) sent by way of facsimile to the person's facsimile number.

(2) A notice or other document required or permitted by this Act to be served on or given to –

(a) the Crown or the Minister, may be served or given by –

(i) leaving it at, or sending it by post to, the office of the Secretary; or

- (ii) sending it by way of facsimile to the Secretary at that office; or
- (b) an acquiring authority other than the Crown, may be served or given to the authority by –
 - (i) leaving it at, or by sending it by post to, the office of the authority or its principal office if there are more offices than one; or
 - (ii) serving it on or giving it to, or sending it by post to, the clerk or the authority's legal practitioner; or
 - (iii) sending it by way of facsimile to that office, the clerk or the authority's legal practitioner.
- (3) A notice or other document served under this Act by sending it by post is served at the time when the letter is deposited in a post box or at a post office for delivery by post.

Notices to treat must be served on landowners (see s 11(1)(b)). Service on the landowner is also required for notices of withdrawal under s 12 and for notices to former owners after acquisition under s 21. Service of notices on the Public Trustee is required where the owner cannot be ascertained under s 66. Claims for compensation also need to be served by landowners on the relevant authority pursuant to s 36(2)(d). Section 80 applies to all of these notices.

Notices of acquisition are published in the Gazette rather than being served and so s 80 is not applicable so far as the notice of acquisition is concerned, or at least, not until after acquisition as provided by s 21. Amendments are sought to make this process electronic in a nature.

The proposed amendments include:

1. Section 11 – This amendment will update the Act to allow electronic signature on a notice to treat without the consent of the Recipient.
2. Sections 12 – This amendment will allow for electronic service and signature of the notices of withdrawal to be served electronically.
3. Section 18 – This amendment will update the Act to allow electronic signature and service on the notice of acquisition.
4. Section 21 – This amendment will update the Act to allow for electronic signature and service without consent on the former owner after Acquisition.
5. Section 36 – This amendment will allow for electronic signature and service of the Claim for Compensation.
6. Section 66 – This amendment will update the Act to allow electronic signature and service on the Public Trustee.
7. Section 81 – This amendment will update the Act to allow for electronic service under the Act.

Proposed Amendment 1: Section 11

Add section 11(1)(c) legislative amendment to allow for the use of electronic signature

Section 11 refers to the notice to treat. (1) An acquiring authority must – (a) take all reasonable steps to ascertain all owners of any land the authority proposes to take and the addresses of those owners; and (b) cause a notice to treat to be served on every owner so ascertained whose address has also been ascertained.

Section 80 of the Act provides that where the notices must be provided to be served on any person “that notice, or document is to be signed by the clerk of the authority or by the Minister as the case requires”. Notices to treat must be served on landowners. A notice to treat must be served in a form approved by the Secretary and this at present requires manual signature.

It is suggested that an additional clause be added to section 11(1) allowing for a notice to treat to be served on every owner so ascertained whose address has been ascertained by means of electronic communication with an electronic signature.

Proposed Amendment 2: Section 12

Section 12(4) of the Act refers to notice of withdrawal. An acquiring authority may withdraw a notice to treat by serving a notice of withdrawal. Where a notice of withdrawal is served on an owner as provided in this section, any other owner of the land, or a part of the land, to which the notice relates who is unknown, or whose address is unknown, to the acquiring authority is taken to have been served with a notice of withdrawal in respect of that land or part of the land, as the case may be.

It is suggested that this clause should be amended to allow for electronics communication with an electronic signature.

Proposed Amendment 3: Section 18

Section 18(3) refers to the notice of acquisition. A notice of acquisition (a) is to be in a form approved by the Secretary and (b) is to specify the authorised purpose for which the land to which the notice relates is being taken; and (c) where the acquiring authority is not the Crown, is, to be signed on behalf of the authority by the clerk or the authority’s legal practitioner.

Section 80 of the Act provides that where the notices must be provided to be served on any person “that notice or document is to be signed by the clerk of the authority or by the Minister as the case requires”. Notices of acquisition must be served on landowners. A notice of acquisition must be served in a form approved

by the Secretary and this at present requires manual signature.

It is suggested that an additional clause be added to allow for electronic communication with an electronic signature. The wording suggests that the Act contemplates that all notices of acquisitions are required to be signed.

Proposed Amendment 4: Section 21

Section 21 refers to notices to former owners after acquisition. An acquiring authority must within the period, of 30 days after a notice of acquisition is gazetted, serve on every former owner of the land taken.

It is suggested that an additional clause be added to allow for electronic communication with an electronic signature.

Proposed Amendment 5: Section 36

Section 36 refers to the claim for compensation. This amendment will allow for a person who claims to be entitled to compensation to lodge that claim electronically with an electronic signature.

It is suggested that an additional clause be added to allow for electronic communication with an electronic signature.

Proposed Amendment 6: Section 66

Section 66 refers to the Public Trustee. If an acquiring authority is unable to ascertain the existence or address, of an owner of subject land, the authority must serve on the Public Trustee any notice in respect of that land that it is required to serve on the owner.

It is suggested that an additional clause be added to allow for electronic communication with an electronic signature.

Proposed Amendment 7: Section 81

The *Land Acquisition Act 1993* (“the Act”) makes express provision for service of notices in s 81:

81. Service of notices and other documents

- (1) A notice or other document is effectively served under this Act if –
 - (a) in the case of a natural person, it is –
 - (i) given to the person; or

-
- (ii) left at, or sent by post to, the person's postal or residential address or place or address of business or employment last known to the person required by this Act to serve the notice or other document; or
 - (iii) sent by way of facsimile to the person's facsimile number; and
 - (b) in the case of any other person, it is –
 - (i) left at, or sent by post to, the person's principal or registered office or principal place of business; or
 - (ii) sent by way of facsimile to the person's facsimile number.
 - (2) A notice or other document required or permitted by this Act to be served on or given to –
 - (a) the Crown or the Minister, may be served or given by –
 - (i) leaving it at, or sending it by post to, the office of the Secretary; or
 - (ii) sending it by way of facsimile to the Secretary at that office; or
 - (b) an acquiring authority other than the Crown, may be served or given to the authority by –
 - (i) leaving it at, or by sending it by post to, the office of the authority or its principal office if there are more offices than one; or
 - (ii) serving it on or giving it to, or sending it by post to, the clerk or the authority's legal practitioner; or
 - (iii) sending it by way of facsimile to that office, the clerk or the authority's legal practitioner.
 - (2) A notice or other document served under this Act by sending it by post is served at the time when the letter is deposited in a post box or at a post office for delivery by post.

Express provision is made for how service of notices is to occur. Amendment is required to the Act for service of notices to occur in a manner other than the methods specified in s 80. Notices to treat must be served on landowners (see s 11(1)(b)). Service on the landowner is also required for notices of withdrawal under s 12 and for notices to former owners after acquisition under s 21. Service of notices on the Public Trustee is required where the owner cannot be ascertained under s 66. Claims for compensation also need to be served by landowners on the relevant authority pursuant to s 36(2)(d). Section 80 applies to all of these notices. Notices of acquisition are published in the Gazette rather than being served and so s 80 is not applicable so far as the notice of acquisition is concerned, or at least, not until after acquisition as provided by s 21. Preferred method of service is electronic.

Submissions in response to this paper

If you would like to comment on any issues raised in this document, including the identification of alternative approaches, please forward your written submission to:

The Valuer-General, Land Tasmania, GPO Box 44, HOBART TAS 7001

Or to Simone.lickiss@dpipwe.tas.gov.au

All submissions are most welcome. **Submissions close midnight 16 July 2020.**

All submissions will be treated as public documents and made available on the Department's website. If you wish your submission to be treated as confidential, either in whole or in part, please note this in writing at the time of making your submission. (However, see below on the *Right to Information Act 2009*.)

The Right to Information Act 2009 and confidentiality

By law, information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be confidential, the statement that details your reason will be taken into account in determining whether or not to release the information in the event of an RTI application for the assessed disclosure.

Next steps

After all feedback is collated, the outcomes and recommendations of this consultation process will be reflected in a *Stakeholder and Community Consultation Report*, which will be made publicly available.

TASMANIA

BUSHFIRE MITIGATION MEASURES BILL 2020

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
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SCHEDULE 1 – MEMBERSHIP AND MEETINGS OF THE BMM PANEL

BUSHFIRE MITIGATION MEASURES BILL 2020

(Brought in by the Premier, the Honourable Peter Carl Gutwein)

A BILL FOR

An Act to provide for the mitigation of the risk of the occurrence, spread and severity of bushfires and for related purposes

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Bushfire Mitigation Measures Act 2020*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

In this Act –

approved means approved by the BMM Panel;

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authorised officer means an officer of the TFS authorised in writing by the Chief Officer;

BMP means a bushfire mitigation plan referred to in section 10;

BMM Panel means the Bushfire Mitigation Measures Panel established under section 7;

brigade has the same meaning as in the *Fire Service Act 1979*;

bushfire hazard reduction notice means a notice issued under section 19;

bushfire mitigation measures means the measures specified in section 5;

bushfire-prone area means –

- (a) land that is within the boundary of an area shown as being a bushfire-prone on an overlay on a planning scheme map; or
- (b) where there is no overlay on a planning scheme map, land that is within 100 metres of an area of bushfire-prone vegetation equal to or greater than one hectare;

bushfire-prone vegetation means contiguous vegetation including grasses and shrubs but not including maintained lawns, parks or gardens, nature strips, plant

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nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes;

Chief Officer means the Chief Officer appointed under section 10 of the *Fire Service Act 1979*;

council-owned company means a company incorporated under the Corporations Act that is controlled by one or more local councils or by another company that is so controlled;

Director, Environment Protection Authority means the Director, Environment Protection Authority appointed under section 18 of the *Environmental Management and Pollution Control Act 1994*;

Forestry corporation means the Forestry corporation continued by section 6 of the *Forest Management Act 2013*;

Government Business Enterprise means a Government Business Enterprise within the meaning of the *Government Business Enterprises Act 1995*;

guidelines means guidelines issued by the relevant Minister under section 33;

local council means a council within the meaning of the *Local Government Act 1993*;

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occupier includes a person having the care, control or management of any land or premises;

owner means –

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

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but does not include the holder of an interest in land other than the Crown in right of Tasmania if the interest of the holder cannot reasonably be discovered by a search of the Register, within the meaning of the *Land Titles Act 1980*, or a search conducted at the Registry, within the meaning of the *Registration of Deeds Act 1935*;

public authority means any of the following:

- (a) a State Service Agency;
- (b) the University of Tasmania;
- (c) the Police Service;
- (d) a local council;
- (e) a statutory authority;
- (f) a body, whether corporate or unincorporate, that is established by or under an Act for a public purpose;
- (g) a body whose members, or a majority of whose members, are appointed by the Governor or a Minister of the Crown;
- (h) a Government Business Enterprise;
- (i) a council-owned company;
- (j) a State-owned company;

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State Fire Commission means the State Fire Commission established under section 7 of the *Fire Service Act 1979*;

State-owned company means a company incorporated under the Corporations Act that is controlled by –

- (a) the Crown; or
- (b) a Government Business Enterprise; or
- (c) a statutory authority; or
- (d) another company that is so controlled;

statutory authority means a body or authority, whether corporate or unincorporate, that is established or constituted by or under an Act or under the royal prerogative, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor, a Minister or another statutory authority but does not include a State Service Agency;

TFS means the Tasmania Fire Service established under section 6 of the *Fire Service Act 1979*.

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4. Object of Act

The object of this Act is to facilitate the mitigation of the risk of bushfires whilst balancing natural and cultural heritage values.

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Part 2 – Obligation to mitigate bushfires

PART 2 – OBLIGATION TO MITIGATE BUSHFIRES

5. Bushfire mitigation measures

- (1) For the purposes of this Act, bushfire mitigation measures are measures taken for the strategic reduction of the risk and consequences of bushfires.
- (2) Bushfire mitigation measures include measures for –
 - (a) preventing bushfires; and
 - (b) minimising the spread of bushfires; and
 - (c) protecting life and property from bushfires.
- (3) Bushfire mitigation measures must comply with any relevant standards issued by the Chief Officer.

6. Duty to mitigate risk of bushfires

- (1) It is the duty of a public authority to take bushfire mitigation measures, having regard to any relevant guidelines and any BMP, to mitigate the risk of the occurrence of bushfires on, and to minimise the danger of the spread of a bushfire on or from:
 - (a) any land vested in or under its control or management, or

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- (b) any highway, road, street, land or thoroughfare, the maintenance of which is charged on the authority.
- (2) It is the duty of the occupier of land to take bushfire mitigation measures, having regard to any relevant guidelines and any BMP, to mitigate the risk of the occurrence of bushfires on, and to minimise the danger of the spread of bush fires on or from, that land.
- (3) A public authority or occupier is liable for the costs incurred by it in performing the duty imposed by this section.

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Part 3 – Bushfire Mitigation Measures Panel

**PART 3 – BUSHFIRE MITIGATION MEASURES
PANEL**

7. Bushfire Mitigation Measures Panel

- (1) The Bushfire Mitigation Measures Panel is established.
- (2) The BMM Panel is made up of –
 - (a) the Secretary of the Department of Police, Fire and Emergency Management or his or her delegate; and
 - (b) the Secretary of the Department of Premier and Cabinet or his or her delegate; and
 - (c) the Director, Environment Protection Authority; and
 - (d) a person nominated by the Local Government Association of Tasmania; and
 - (e) a suitably qualified person appointed by the Minister.
- (3) Schedule 1 has effect with respect to membership and meetings of the BMM Panel.

8. Functions of BMM Panel

The functions of the BMM Panel are to –

- (a) consider any BMP submitted to it and approve the BMP in accordance with

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Part 4 if it considers it appropriate to do so; and

- (b) hear and determine appeals against bushfire hazard reduction notices issued under section 19.

9. Powers of BMM Panel

The BMM Panel has all the powers necessary or desirable to fulfil its functions under this Act, including power to –

- (a) request additional information in support of an application under this Act and require that information to be verified by statutory declaration; and
- (b) make whatever inquiries the BMM Panel considers appropriate in order to clarify any matter related to an application; and
- (c) require expert advice from the TFS or other body that the BMM Panel considers suitably qualified to assist in assessing an application.

PART 4 – BUSHFIRE MITIGATION PLANS

10. Bushfire Mitigation Plans

- (1) A bushfire mitigation plan for any land is to specify the bushfire mitigation measures that may be undertaken in respect of that land.
- (2) A BMP is to provide for the maintenance of bushfire mitigation measures to provide for the on-going prevention, or minimisation of risk, of bushfires and for the protection of life and property.
- (3) A BMP is to contain any details that may be specified in guidelines.

11. BMP may relate to more than one parcel of land

- (1) A BMP may relate to more than one parcel of land.
- (2) Where a BMP relates to more than one parcel of land with different owners, the owner of each parcel must consent in writing to the BMP before it is submitted for approval in accordance with section 12.

12. Applications to Panel

- (1) A person may apply to the BMM Panel for approval of a BMP in respect of land in a bushfire-prone area.

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- (2) An application in respect of certain land may be made by –
- (a) the owner of the land; or
 - (b) the occupier of the land, with the written consent of the owner; or
 - (c) the Chief Officer or an authorised officer; or
 - (d) a public authority if the land is vested in it or under its control or management.
- (3) An application is to be –
- (a) accompanied by the prescribed fee, if any; and
 - (b) in writing and in a form approved by the BMM Panel.

13. Endorsement of BMP

- (1) Before it is submitted to the BMM Panel for approval, a BMP must be submitted for endorsement to the Chief Officer.
- (2) If the Chief Officer is satisfied that the BMP specifies appropriate bushfire mitigation measures and complies with any relevant standards issued by the Chief Officer, he she or it may endorse the BMP.
- (3) An endorsement under this section is to be in a form approved by the BMM Panel.

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Part 4 – Bushfire Mitigation Plans

14. Factors to be considered by BMM Panel

- (1) The BMM Panel must not approve a BMP in respect of any land unless it is satisfied of the following:
 - (a) that the land is in a bushfire-prone area;
 - (b) that works to be carried out in accordance with the BMP are solely for the mitigation of the risk of bushfires and not for any other purpose such as agricultural burning or the clearing of vegetation;
 - (c) that it is in the public interest;
 - (d) that the BMP is in accordance with any relevant guidelines;
 - (e) that the BMP has been endorsed under section 13.
- (2) The BMM Panel may take into account the following matters:
 - (a) the strategic value of the proposed bushfire mitigation measures in preventing the occurrence, stopping the spread and facilitating the suppression, of bushfires;
 - (b) the objects of this Act;
 - (c) any other factor that the BMM Panel considers relevant.

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15. Approval of BMP by BMM Panel

- (1) The BMM Panel is to consider an application to approve a BMP as soon as practicable after the application is received.
- (2) After considering a BMP, the BMM Panel may –
 - (a) approve the BMP, with or without conditions; or
 - (b) refuse to approve the BMP.
- (3) The BMM Panel must not impose conditions that alter the bushfire mitigation measures contained in a BMP.
- (4) If the BMM Panel approves a BMP, the Panel is to –
 - (a) issue a certificate to that effect; and
 - (b) provide the Chief Officer with a copy of the certificate and approved BMP.

16. Exemption from other Acts

- (1) Subject to subsection (2), if the BMM Panel approves a BMP in respect of land, bushfire mitigation measures may be undertaken on that land in accordance with the BMP despite any requirement under an Act for a licence, approval, permit, consent or other authorisation for the work and despite any covenant or other restriction.

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Part 4 – Bushfire Mitigation Plans

- (2) Subsection (1) applies only in respect of bushfire mitigation measures that are carried out on land in accordance with the approved BMP and any conditions to which it is subject.
- (3) Where a licence, approval, permit, consent or other authorisation or a covenant or other restriction is inconsistent with an approved BMP, the approved BMP prevails to the extent of the inconsistency.
- (4) The regulations may prescribe that any land, or class of land, or a licence, approval, permit, consent or other authorisation, or a covenant or other restriction, is to be excluded from the application of this section.

17. Duration of approval

An approval remains in force for such period, not exceeding 5 years, as is specified in the approval.

18. Register of approved BMPs

- (1) The Chief Officer is to maintain a register of approved BMPs.
- (2) On the written request of any person and on payment of any prescribed fee, the Chief Officer is to provide the person with a copy of an approved BMP and the certificate issued under section 15(4)(a).

**PART 5 – BUSHFIRE HAZARD REDUCTION NOTICES
AND FUEL-BREAKS**

19. Bushfire hazard reduction notices

- (1) The Chief Officer may issue a bushfire hazard reduction notice if in the opinion of an authorised officer –
- (a) any hedge, vegetation, rubbish, or similar matter in or on any land or premises is in such a condition, or, if permitted to remain in or on the land or premises, would become in such a condition, as to constitute a bushfire danger; or
 - (b) the occupier of any land has failed to comply with his or her duty under section 6; or
 - (c) the formation of a fuel-break is necessary or desirable to arrest the spread, or facilitate the suppression, of bushfires that may occur in any part of the State.
- (2) A local council may issue a bushfire hazard reduction notice requiring the formation of a fuel-break in respect of land in its municipal area if it considers that a fuel-break is necessary or desirable to arrest the spread, or to facilitate the suppression, of bushfires.
- (3) A bushfire hazard reduction notice is to be –
- (a) in an approved form; and

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(b) served on the occupier of the land or premises.

- (4) A bushfire hazard reduction notice may require the occupier to carry out such bushfire mitigation measures, or form such fuel-breaks, as may be specified in the notice.
- (5) An occupier to whom a notice issued under subsection (2) is given must comply with the notice within such period as is specified in it, or such other period as may be specified under section 22(4) or section 23(5).

Penalty: Fine not exceeding 26 penalty units.

- (6) The owner of any land or premises which is unoccupied is taken to be the occupier for the purpose of this section.

20. State Fire Commission or council may make arrangements for fuel-break

- (1) Where a person fails to comply with a bushfire hazard reduction notice issued under section 19(1)(c) or section 19(2), the State Fire Commission or a local council may make arrangements with any person or the holder of a particular office for the formation or maintenance of a fuel-break.
- (2) A reference in this section to the formation of a fuel-break includes a reference to the clearing of the means of access to a fuel-break formed or to be formed.

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21. Cost recovery where notice not complied with

- (1) If an occupier of land on whom a notice is served under section 19(3), or a local council to which notice is given under section 24, fails or refuses to comply with the notice –
 - (a) members of a brigade, authorised by the Chief Officer for the purpose, may enter the land and carry out the specified bushfire mitigation measures or the formation of the specified fuel-breaks; and
 - (b) the Chief Officer may make arrangements with any person or the holder of a particular office to enter the land and carry out the specified bushfire mitigation measures or the formation of the specified fuel-breaks.
- (2) The expenses incurred by the State Fire Commission in exercising the powers referred to in subsection (1) are a debt due from the occupier or the council, as the case may be, to the State Fire Commission and are recoverable in a court of competent jurisdiction.
- (3) In any proceedings brought by the State Fire Commission under subsection (2), the court may decline to make an order for the recovery of the amount referred to in that subsection if the person or council against whom the proceedings are brought satisfies the court that he, she or it took all reasonable steps to comply with the notice or that it was reasonable in all the

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circumstances that he, she or it did not comply with the notice.

- (4) If, having regard to the circumstances of any particular case, the State Fire Commission considers it reasonable to do so, the State Fire Commission may waive the whole or any part of a debt otherwise recoverable under this section.

22. Objection against notice

- (1) A person on whom a bushfire hazard reduction notice has been served may lodge a written objection with the Chief Officer within 7 days of the service of the notice stating the grounds of objection.

- (2) If –

(a) a person lodges an objection in accordance with subsection (1); and

(b) the Chief Officer, having regard to any BMP and any relevant guidelines, considers the grounds of objection to be reasonable –

the Chief Officer must –

- (c) consult with –

(i) the person; and

(ii) in the case of an objection against a notice issued by a local council, the local council; and

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- (d) make a genuine attempt to resolve the matter that is the subject of the bushfire hazard reduction notice.
- (3) Within 7 days of the lodging of an objection the Chief Officer must –
 - (a) confirm the notice; or
 - (b) vary the notice, if the Chief Officer is satisfied that the variation will appropriately address the threat of bushfire; or
 - (c) withdraw the notice.
- (4) If the Chief Officer confirms or varies the notice he or she must specify a new time within which the person must comply with the notice.
- (5) The Chief Officer may delegate to an authorised officer his or her functions under this section.

23. Appeal against notices

- (1) If a person has lodged an objection under section 22 and –
 - (a) the Chief Officer has failed to confirm, vary or withdraw the notice within 7 days; or
 - (b) the person is not satisfied with the confirmation or variation of the notice –

the person may appeal in writing to the BMM Panel within 7 days after the end of that 7 day

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Part 5 – Bushfire hazard reduction notices and fuel-breaks

period or the date of the confirmation or variation, whichever is earlier, stating the grounds of appeal.

- (2) An appeal is to be in writing in a form approved by the BMM Panel.
- (3) The BMM Panel –
 - (a) is to consider the appeal as soon as reasonably practicable; and
 - (b) is to have regard to any BMP and any relevant guidelines; and
 - (c) may take into account any matter it considers relevant.
- (4) After considering the appeal, the BMM Panel must –
 - (a) confirm the notice; or
 - (b) cancel the notice.
- (5) If the BMM Panel confirms the notice, the Panel must specify a new period within which the appellant must comply with the notice.
- (6) If the BMM Panel cancels a notice, the Panel must provide written reasons for the cancellation to –
 - (a) the appellant; and
 - (b) the Chief Officer; and

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Part 5 – Bushfire hazard reduction notices and fuel-breaks

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- (c) in the case of a notice issued by a local council, the local council.

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PART 6 – MISCELLANEOUS

24. Bushfire danger may be treated as nuisance

Where the Chief Officer or an authorised officer reasonably considers that there is on any land any plant growth, structure, material or thing that constitutes, or may constitute, a bushfire danger, the Chief Officer or authorised officer may, by notice in writing given to the local council of the municipal area in which that land is situated, require that local council to deal with the bushfire danger, within such reasonable period of not less than 30 days as is specified in the notice, as if that bushfire danger were a nuisance under the *Local Government Act 1993*.

25. Inspection of land and premises

An authorised officer, in order to determine whether –

- (a) a bushfire hazard reduction notice may be required; or
- (b) the terms of an approved BMP have been, or are being, complied with –

may enter and inspect any land or premises in a bushfire-prone area, together with such other persons as he or she considers necessary.

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26. Evidence as to certain matters

- (1) In proceedings for an offence alleged to have been committed under this Act or for the recovery of any amount alleged to be due under this Act, an averment in a complaint that –
- (a) any land or premises is, or was at any time, situated in or outside an operational district, within the meaning of the *Fire Service Act 1979*;
 - (b) any person is, or was at any time, the owner or occupier of any land or premises;
 - (c) any person is, or was at any time, the agent of the owner or occupier of any land or premises; or
 - (d) any person is, or was at any time, the owner or person in charge of any property –

is, until the contrary is established, *prima facie* evidence of those matters.

- (2) Where, in any proceedings for an offence alleged to have been committed under this Act, it is necessary to prove that any report or recommendation was made to the State Fire Commission, evidence that that report or recommendation was so made may be given in those proceedings by the production of a document that –

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- (a) purports to be a copy of that report or recommendation; and
- (b) includes a certificate purporting to be signed by the Chief Officer –
 - (i) stating that the document is a true copy of that report or recommendation; and
 - (ii) specifying the date on which that report or recommendation was made to the State Fire Commission.

27. Substituted service

- (1) A person may apply to a magistrate for an order for substituted service of a bushfire hazard reduction notice if the occupier of the relevant land cannot be found.
- (2) An application for an order for substituted service is to be –
 - (a) in writing; and
 - (b) supported by an affidavit setting out particulars of the applicant's efforts to find the occupier of the relevant land.
- (3) A magistrate may make an order for substituted service if satisfied that the applicant cannot find the owner of the subject land, or other person whose agreement to the entry on the subject land is required, despite making a reasonable attempt to do so.

28. Recovery and appropriation of charges

- (1) A charge payable to the State Fire Commission under this Act may be recovered in a court of competent jurisdiction as a debt due to the State Fire Commission.
- (2) All charges recovered by the State Fire Commission are to be applied in payment of its expenses under this Act.

29. Damage caused by brigade

Any damage to property caused by a brigade in the lawful execution of any power conferred by this Act is taken to be damage by fire, within the meaning of a policy of insurance against fire, covering the property so damaged, notwithstanding anything in that policy to the contrary.

30. Proceedings to be heard by magistrate

Proceedings in respect of an offence against this Act are to be heard and determined by a magistrate sitting alone.

31. Protection from liability

The State Fire Commission, a brigade and a member of the BMM Panel do not incur any personal liability for any act done or purported or omitted to be done by it, him or her in good faith in the performance or exercise or purported

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performance or exercise of any functions or powers under this Act.

32. Relationship with *Fire Service Act 1979*

If a provision of this Act is inconsistent with a provision of the *Fire Service Act 1979*, the provision of this Act prevails to the extent of the inconsistency.

33. Guidelines

(1) In this section –

relevant Minister means –

- (a) the Minister responsible for the administration of this Act; or
 - (b) in respect of public land, the Minister responsible for the management of that land.
- (2) The relevant Minister may, after consultation with the State Fire Commission and any other person the relevant Minister considers appropriate, issue guidelines for the purposes of this Act.
- (3) The relevant Minister may amend, revoke or substitute the guidelines.
- (4) The relevant Minister must cause guidelines, an amendment of guidelines or substituted guidelines to be laid before each House of Parliament within the first 5 sitting-days of that

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House after the day on which the guidelines, the amendment of guidelines or the substituted guidelines take effect.

- (5) Either House of Parliament may pass a resolution disallowing guidelines, an amendment of guidelines or substituted guidelines within 5 sitting-days after the guidelines, the amendment of guidelines or the substituted guidelines have been laid before it.
- (6) If a House of Parliament passes a motion to disallow guidelines, an amendment of guidelines or substituted guidelines –
 - (a) the guidelines, amendment of guidelines or substituted guidelines are void on and from the date of the passing of the motion of disallowance; but
 - (b) the passing of the motion of disallowance does not affect the validity of anything done under the guidelines, the amendment of guidelines or the substituted guidelines before the date of the passing of that motion.
- (7) If at the expiration of 5 sitting-days after the guidelines, an amendment of guidelines or the substituted guidelines are laid before either House of Parliament, no notice has been given of a motion to disallow the guidelines, the amendment of guidelines or the substituted guidelines, or, if such notice has been given, the notice has been withdrawn or the motion has been negatived, the guidelines, the amendment

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of guidelines or the substituted guidelines are taken to have been confirmed by that House.

- (8) The relevant Minister is to ensure that the guidelines, as in force, are published on the website of the Department and made available to the public in any other manner the relevant Minister considers appropriate.
- (9) The guidelines are not –
 - (a) statutory rules for the purposes of the *Rules Publication Act 1953*; or
 - (b) subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

34. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may be made in relation to one or more of the following:
 - (a) fees and charges payable in respect of any matter under this Act;
 - (b) the costs of proceedings under this Act and the recovery of those costs;
 - (c) matters that may be specified, or included, in the guidelines;

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- (d) matters that are specified in this Act as being matters to be contained in the guidelines.
- (3) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

35. Review of Act

The Minister is to review the operation of this Act as soon as practicable after the period of 3 years after the commencement of this Act.

36. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Police, Fire and Emergency Management; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Police, Fire and Emergency Management.

**SCHEDULE 1 – MEMBERSHIP AND MEETINGS OF
THE BMM PANEL**

Section 7

PART 1 – INTERPRETATION

1. Interpretation

In this Schedule –

chairperson means the chairperson of the
BMM Panel;

member means a member of the BMM Panel,
including the chairperson.

PART 2 – MEMBERSHIP OF BMM PANEL

1. Chairperson

The Secretary of the Department of Police, Fire
and Emergency Management, or his or her
delegate, is to be chairperson of the BMM Panel.

2. Term of office

A member referred to in section 7(2)(d) or (e)
holds office for the period, not exceeding 3
years, specified in the instrument of
appointment.

3. Holding other office

The holder of an office who is required by the terms of his or her employment to devote the whole of his or her time to the duties of that office is not disqualified from –

- (a) holding that office and also the office of a member; or
- (b) accepting any remuneration payable to a member.

4. *State Service Act 2000*

- (1) The *State Service Act 2000* does not apply in relation to a member in his or her capacity as a member.
- (2) A person may hold the office of member in conjunction with State Service employment.

5. Remuneration and conditions of appointment

- (1) A member is entitled to be paid such remuneration and allowances as the Minister determines.
- (2) A member who is a State Service officer or State Service employee is not entitled to remuneration or allowances under this clause except with the approval of the Minister administering the *State Service Act 2000*.
- (3) A member holds office on such conditions in relation to matters not provided for by this Act

as are specified in the member's instrument of appointment.

6. Vacation of office

- (1) A member vacates office if the member –
 - (a) dies; or
 - (b) resigns; or
 - (c) is removed from office under subclause (2).
- (2) The Minister may remove a member from office if satisfied that the member is unable to perform adequately or competently the duties of office.

7. Filling of vacancies

If the office of a member becomes vacant, the Minister may appoint a person to the vacant office for the remainder of that member's term of office.

PART 3 – MEETINGS OF THE BMM PANEL

1. Meetings

The BMM Panel is to meet at the times and places determined by the chairperson.

2. General principles

- (1) The BMM Panel is to proceed with as little formality and as expeditiously as a proper consideration of the matter before it allows.
- (2) The BMM Panel may, subject to the rules of natural justice, regulate its own proceedings for meetings.

3. Voting

- (1) Questions for the determination of the BMM Panel are to be determined by a majority of votes of the members present and voting.
- (2) In the event of a tied vote, the chairperson is to have a casting vote.

4. Quorum

Three members of the BMM Panel constitutes a quorum.

FACT SHEET

Bushfire Mitigation Measures Bill 2020

The Tasmanian Government is committed to protecting life and property from the potentially devastating impacts of bushfire. To enhance Tasmania's bushfire preparedness, the Government is proposing to introduce a new legislative framework to support bushfire mitigation in Tasmania.

Summary

It is not possible to eliminate bushfires. However, measures can and should be put in place to reduce the impact of fires. The Bushfire Mitigation Measures Bill will introduce a new legislative framework for bushfire mitigation in Tasmania.

The Bill will ensure that there is clear accountability for landowners and occupiers in regards to bushfire mitigation. The Bill aims to proactively manage and mitigate risks to better protect human life, property and natural and cultural heritage values from the ravages of devastating bushfire.

What will the Bill do?

Reinforce the duty of public and private land owners/occupiers to mitigate bushfire risks

The Bushfire Mitigation Measures Bill will make it clear that landowners and occupiers have a duty to take practical steps to proactively manage bushfire risks on land they own or control.

Streamline Bushfire Mitigation Plan (BMP) approval processes

For new developments, bushfire risks are largely dealt with under existing planning and building laws. However, for existing developments or vacant land, the authorisation process for bushfire mitigation activities can be much more complex. These processes may deter or delay landowners and occupiers from taking steps to mitigate bushfire risks on their land. To combat this, the Bill creates a 'one-stop' approval process where landowners or occupiers can submit for approval a Bushfire Mitigation Plan (BMP) to a newly established Bushfire Mitigation Measures Panel (BMM Panel).

The new legislative framework aims to make it easier for landowners/occupiers to undertake bushfire mitigation activities within existing developments or on vacant land.

Allow for the establishment of a Bushfire Mitigation Measures (BMM) Panel

The BMM Panel will be made up of:

- the Secretary of the Department of Police, Fire and Emergency Services (or their delegate);
- the Secretary of the Department of Premier and Cabinet (or their delegate);
- the Director of the Environment Protection Authority;
- a representative nominated by the Local Government Association of Tasmania (LGAT); and
- an expert member appointed by the Minister.

The BMM Panel's representation allows a range of perspectives to be considered as part of the new BMP approval process. The Panel will also be able to request expert advice to assist it to assess an application. The Panel will need to be satisfied that proposed measures are intended for bushfire mitigation and not for other purposes such as clearing for agricultural purposes.

Consolidate the framework for bushfire hazard reduction notices

The Bill makes clear that there may be implications for landowners and occupiers who do not appropriately discharge their duties in relation to bushfire mitigation. The Bushfire Mitigation Measures Bill will provide the Tasmania Fire Service with the power to issue a bushfire hazard reduction notice to an occupier of land requiring the reduction of bushfire dangers and removal of bushfire hazards.

The Bill will also facilitate the prompt resolution of disputes relating to bushfire hazard reduction notices.

Further Information

You can read more about the Bill on the Department of Premier and Cabinet's website at www.dpac.tas.gov.au/bmmb. Here you will find a copy of the Bill and an Explanatory Paper.

Have your Say

The measures we take to manage the risks of bushfire are important to all Tasmanians. This is why we want the community and other stakeholders to have their say about the Tasmanian Government's new draft Bushfire Mitigation Measures Bill.

Submissions can be made on any aspect of the Draft Exposure Bill by visiting the Department of Premier and Cabinet's website at www.dpac.tas.gov.au/bmmb or by writing to the Project Team:

Email: bushfiremitigation@dpac.tas.gov.au

Post: Office of Security and Emergency Management
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Submissions close on 23 October 2020.

Please note, unless stated as confidential, submissions will be treated as public information. Any offensive or defamatory material will not be published.

Department of Premier and Cabinet
Office of Emergency and Security Management

Minister for Police, Fire and Emergency Management Minister for Local Government

Level 5, 4 Salamanca Place, Parliament Square Building HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7770
Email: Mark.Shelton@dpac.tas.gov.au



30/09/2020

A Letter to all Tasmanian Councils

Dear Mayors and General Managers

On 16 September 2020, the Premier, the Hon Peter Gutwein MP, released the draft Bushfire Mitigation Measures Bill 2020 (the draft Bill) for public consultation.

The Bill has been designed to set up a new legislative framework for bushfire mitigation. Bushfire mitigation is a shared responsibility between communities, fire agencies and all three levels of government. The Bill will make this clear by placing a duty on both public authorities and private landowners/occupiers to appropriately manage bushfire risks.

This will be a new approach to bushfire mitigation in Tasmania. The Government is committed to working with key stakeholders, including the local government sector, to develop the necessary supporting detail for the framework.

The Premier has written to the Local Government Association of Tasmania (LGAT) inviting comments from the sector on the draft Bill. I would like to take this opportunity to invite your council to make its own individual submission if it wishes to do so.

Submissions can be provided in writing either by email to bushfiremitigation@dpac.tas.gov.au or by post to:

Office of Security and Emergency Management
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

The draft Bill, along with an explanatory paper, is available on the Department of Premier and Cabinet (DPAC)'s website at www.dpac.tas.gov.au/bmmb. The closing date for submissions is **Friday 23 October 2020**.

I am aware that DPAC officers have provided a briefing to LGAT on the contents of the draft Bill. Further to this, I have asked DPAC's Deputy Secretary Mr Craig Limkin to gauge whether there is interest from the sector in scheduling a briefing for General Managers or a specific cohort of council officers.

Important information to note

All submissions will be treated as public information and will be published on DPAC's website once consideration of the submissions has concluded. However, if you would like your submissions to be treated as confidential, whether in whole or in part, please note this in writing at the time of making your submissions, and clearly indicate which parts of your submission are confidential, and advise the reasons as to why.

Please note that your name, or the name of your organisation making a submission, will be disclosed unless you request otherwise. In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), DPAC will treat the submission as public.

The *Right to Information Act 2009* and confidentiality

By law, information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be treated as confidential, your statement detailing the reasons will be taken into account in determining whether or not to release the information in the event of an RTI application for assessed disclosure.

Should you have any queries in relation to this matter, please email bushfiremitigation@dpac.tas.gov.au

Yours sincerely



Hon Mark Shelton MP

Minister for Local Government

Minister for Police, Fire and Emergency Management

Copy to: LGAT, CEO, Dr Katrena Stephenson

Minister for Police, Fire and Emergency Management Minister for Local Government

Level 5, 4 Salamanca Place, Parliament Square Building HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
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Should you have any queries in relation to this matter, please email bushfiremitigation@dpac.tas.gov.au

Yours sincerely



Hon Mark Shelton MP

Minister for Local Government

Minister for Police, Fire and Emergency Management

Copy to: LGAT, CEO, Dr Katrena Stephenson

Bushfire Mitigation Measures Draft Exposure Bill

Explanatory Paper



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BUSHFIRE MITIGATION MEASURES BILL

The Tasmanian Government is committed to protecting life and property from the potentially devastating impacts of bushfire. The measures we take to manage the risks of bushfire are important to all Tasmanians. This is why we want the community and other stakeholders to have their say about the Tasmanian Government's new draft Bushfire Mitigation Measures Bill.

How to Make a Submission

You can find the submission template at Appendix I. The template is also available on the Department of Premier and Cabinet's website. The Government seeks feedback on the main elements the Bill. You do not have to answer all the questions in the template when making your submission for your views to be considered as part of the consultation process. If you want, you can also write an email or a letter explaining your views.

Submissions can be made on any aspect of the Draft Exposure Bill by either:

- Completing the Submission Template on the Department of Premier and Cabinet's website: www.dpac.tas.gov.au/bmmb
- Writing to the Project Team

Email: bushfiremitigation@dpac.tas.gov.au

Post: Office of Security and Emergency Management
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Submissions close on 23 October 2020.

Please provide your name and contact details with your submission. If you are providing a confidential submission, please clearly state this.

Submissions should address issues that are relevant to what the Government is trying to achieve with the draft Bill. Any offensive or defamatory material will not be published.

Queries on the lodgement of submissions can be made by contacting the Project Team at bushfiremitigation@dpac.tas.gov.au

Use of Submissions

All submissions will be taken into account in finalising the draft Bushfire Mitigation Measures Bill. Unless stated as confidential, submissions will be treated as public information and will be published on the Department of Premier and Cabinet's website as soon as reasonably practical after the closing date for submissions. No personal information other than an individual's name or the organisation making a submission will be published.

SUMMARY

Australia is experiencing more extreme fire weather events. The prevailing scientific evidence tells us that bushfire seasons are starting earlier and lasting longer. Recent bushfire events – both in Tasmania and on mainland Australia – have shown us the increasing scale and severity of the bushfire threat.

Bushfires can result in the loss of life and the destruction of homes and property. They also have devastating impacts to wildlife and our natural environment. The social and economic impact of recent bushfires is significant, and ongoing.

It is not possible to eliminate bushfires. They are, and will continue to be, a part of Tasmania's natural landscape. However, measures can and should be put in place to reduce the impact of these fires. In Tasmania, there are already a range of measures in place to support bushfire prevention and preparedness. For example, the Government's Fuel Reduction Program has reduced Tasmania's bushfire risk. However, as the duration of our bushfire season extends, the window in which activities such as fuel reduction burns can take place narrows. This makes it crucial for governments, and the broader community, to consider and adopt new and flexible approaches to managing bushfire risk.

The Bushfire Mitigation Measures Bill will introduce a new legislative framework for bushfire mitigation in Tasmania. The Bill will ensure that there is clear accountability for landowners and occupiers. The Bill aims to proactively manage and mitigate risks to better protect human life, property and natural and cultural heritage values from the ravages of devastating bushfire.

Consultation Process

By releasing the Draft Exposure Bill, the Government wants to consult with the community on the proposed framework, and is committed to listening to and incorporating stakeholder feedback.

The purpose of the Bill is to set up a new, overarching framework for managing and mitigating bushfire risk. The Government understands that it will need to work with all stakeholders – including the scientific and subject area experts – to develop the necessary supporting detail.

The Government also recognises that there are likely to be technical issues with the overarching framework that need to be resolved before the Bill is introduced to the Parliament. The Government is committed to working through the issues so that we deliver a best-practice, contemporary bushfire mitigation framework for Tasmania.

Background

Bushfire mitigation typically involves:

- **Fuel reduction** – clearing, slashing, mowing, or burning to remove fine fuels only (i.e. not large trees); or
- **Fuel breaks** – mechanical clearing or modification of vegetation to reduce overall fuel loads that might be available to a fire.

A range of Tasmanian laws already deal with land management, pollution and maintenance of natural and cultural heritage as they relate to proposed bushfire mitigation works. For new developments, bushfire risks are largely dealt with under existing planning and building laws. The Tasmanian Planning Scheme establishes a Bushfire-Prone Areas Code to ensure that use and development is appropriately designed, located, serviced and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfire. The Building

Regulations also contain certain requirements for works in a bushfire-prone area. New developments must be considered against these requirements and bushfire protections measures installed as part of the development. The required protection measures are detailed within a certified plan called a Bushfire Hazard Management Plan, which forms part of the Planning or Building Permit.

For existing developments or undeveloped vacant land, the authorisation process for bushfire mitigation activities can be much more complex. The current approval process can be lengthy and, as a result, may deter or delay landowners and occupiers from taking steps to reduce bushfire risks on their land. Reforms under the Bushfire Mitigation Measures Bill aim to address this issue by creating a streamlined approval process for bushfire mitigation activities. In this way, the Bill is intended to complement Tasmania's existing planning and building laws.

Under the *Fire Service Act 1979* the State Fire Commission has the power to issue notices to:

- require occupiers of land to remove fire hazards;
- require local councils to deal with fire dangers as if they were a nuisance under the *Local Government Act 1993*; and
- require the formation of necessary firebreaks (local councils also have this power).

The Bushfire Mitigation Measures Bill will provide a consolidated legislative framework for the issue of bushfire hazard reduction notices requiring the removal or mitigation of bushfire risks (including the establishment of fuel breaks).

OVERVIEW

The Bushfire Mitigation Measures Bill (the Bill) will establish a new legislative framework to support the proactive management of bushfire risks. The Bill:

- reinforces the duty of public authorities and private landowners/occupiers to appropriately manage bushfire risks; and
- introduces new streamlined processes to better support public authorities and private landowners/occupiers to manage bushfire risks.

What will the Bill do?

I. Reinforce the duty of public and private land owners/occupiers to mitigate bushfire risks

Bushfire mitigation measures are those that aim to:

- prevent bushfires;
- minimise the spread of bushfires; and
- protect life and property from bushfires.

The *Fire Service Act 1979* already enables the State Fire Commission to issue notices where it considers that steps need to be taken to mitigate bushfire risks. These might require an occupier to remove a fire danger or provide for the construction of a firebreak. However, legislation does not currently include an obligation on landowners or occupiers to *actively* manage bushfire risks.

The Bill will make it clear that landowners or occupiers have a duty to take practical steps, at their own cost, to proactively manage bushfire risks on land they own or control. It will also allow for clear guidelines to be developed to give more detail about what this duty means and how it may be assessed. This guidance

will be contained in Statutory Guidelines, which will be issued by the relevant Minister, and subject to Parliamentary scrutiny.

2. Streamline Bushfire Mitigation Plan approval processes

The Bill will also make it easier for landowners/occupiers to meet their obligation to mitigate bushfire risks.

The Bill creates a 'one-stop' approval process where landowners or occupiers can submit for approval a Bushfire Mitigation Plan (BMP) to a newly established Bushfire Mitigation Measures Panel (BMM Panel). Statutory Guidelines will provide guidance about the planning and development of BMPs and matters to be considered in this process. Any BMP must be endorsed by the Tasmania Fire Service (TFS) before it is submitted to the Panel. If the BMM Panel approves the BMP, then this will enable the measures detailed in the BMP to be undertaken, despite any other statutory approval process. The Bill outlines matters that the BMM Panel will need to consider before approving a BMP with the Statutory Guidelines able to give further guidance about how environmental and cultural heritage values of land are to be considered.

The BMM Panel's endorsement of a BMP removes the potential for multiple, lengthy, and complex assessment and approval processes that may otherwise be required. It also provides certainty and reduces the risk that performing appropriate bushfire mitigation could inadvertently result in a breach of other legislation. Relevant legislation that may be exempted by the BMM Panel's endorsement of a BMP include:

- *Forest Practices Act 1985*;
- *Threatened Species Protection Act 1995*;
- *Land Use Planning and Approvals Act 1993*;
- *National Parks and Reserves Management Act 2002*;
- *Wellington Park Act 1993*;
- *Weed Management Act 1999*;
- *Nature Conservation Act 2002*;
- *Environmental Management and Pollution Control Act 1994*;
- *Aboriginal Heritage Act 1975*;
- *Historic Cultural Heritage Act 1995*; and
- *Crown Lands Act 1976*.

In order to obtain an exemption, bushfire mitigation measures would need to be undertaken in accordance with the terms of the BMP and any conditions of the BMM Panel.

The BMM Panel's endorsement of a BMP will have effect for a maximum of five years, although the Panel may impose a shorter time period as a condition of its endorsement.

There may be bushfire mitigation measures detailed under a BMP that do not presently require additional permits or approvals; for example, undertaking hand-clearing or mowing. In those circumstances, approval from the BMM Panel would not be necessary as that would impose an additional barrier on land owners and occupiers that does not currently exist.

3. Allow for the establishment of a Bushfire Mitigation Measures (BMM) Panel

The BMM Panel will comprise:

- the Secretary of the Department of Police, Fire and Emergency Services (or their delegate);
- the Secretary of the Department of Premier and Cabinet (or their delegate);
- the Director of the Environment Protection Authority;
- a representative nominated by the Local Government Association of Tasmania (LGAT); and
- an expert member appointed by the Minister.

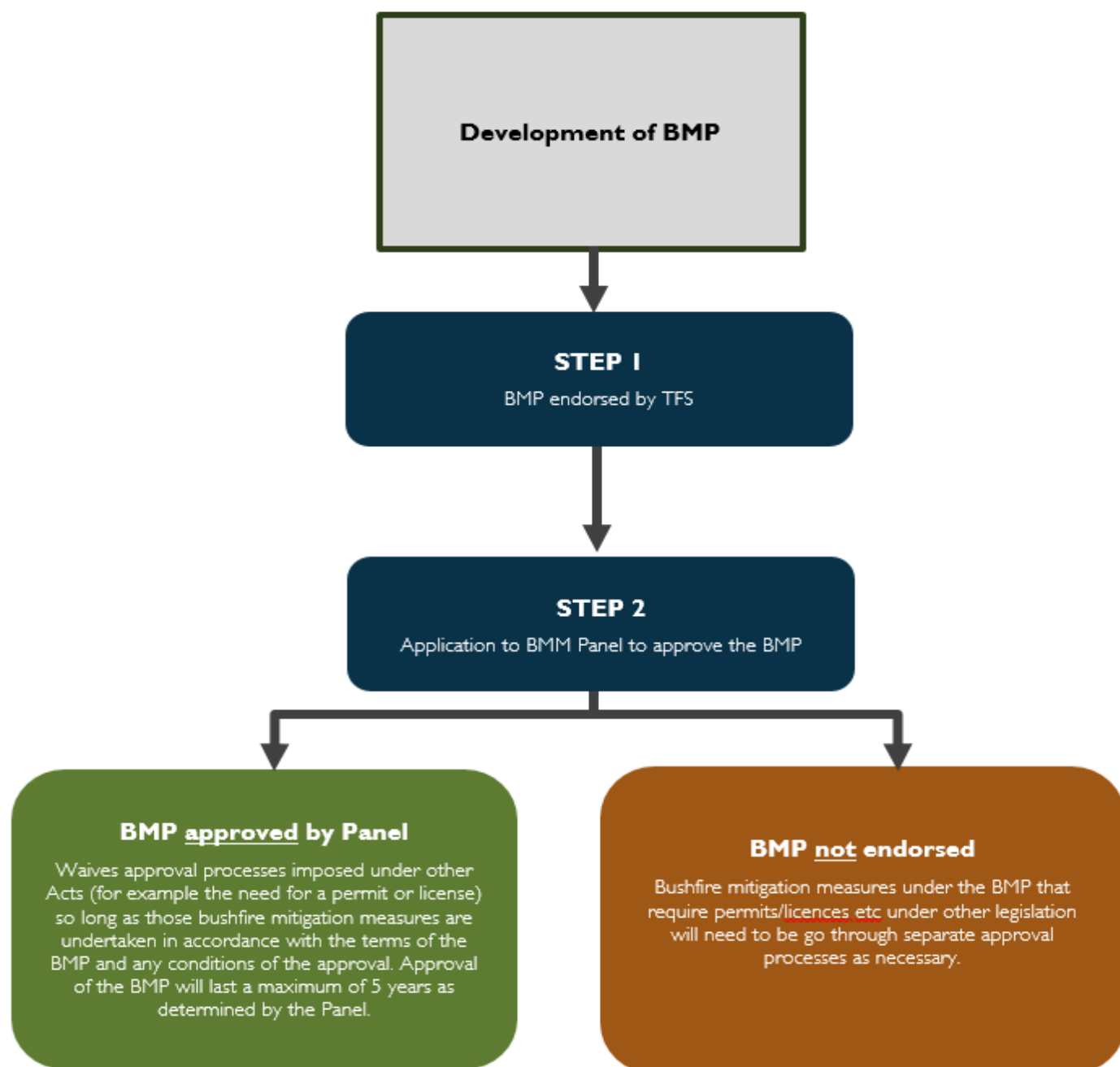
The BMM Panel's representation allows a range of perspectives to be considered. The membership separates TFS's role in supporting the development of BMPs and the approval of the technical specifications of a BMP and the BMM Panel's role to assess whether a BMP should have an exemption from other approval processes under relevant Tasmanian Acts.

To assist it making its determination, the BMM Panel will be able to request expert advice as it considers appropriate. The Panel needs to be satisfied that the purpose of the proposed measures are intended for bushfire mitigation and not for other purposes such as clearing for agricultural purposes. The Bill provides high-level principles for the BMM Panel to assess and allows for the development of Statutory Guidelines outlining other criteria a BMP must meet. Those Statutory Guidelines may, for example, include details relating to the development and content of a BMP. Statutory Guidelines made by the Minister are tabled in both Houses of Parliament, providing flexibility, accountability and transparency.

Where the BMM Panel does not endorse a BMP, the bushfire mitigation measures detailed in a BMP may still be performed, however this would be subject to obtaining any approvals under applicable legislation.

The process for the BMM Panel's endorsement of a BMP is detailed at Figure 1.1.

Figure 1.1 – Bushfire Mitigation Plan Endorsement



4. Consolidate the framework for bushfire hazard reduction notices

The Bill also makes clear that there may be implications for landowners or occupiers who do not appropriately discharge their duties in relation to bushfire mitigation. Similar to the *Fire Service Act 1979*, the Bushfire Mitigation Measures Bill enables a bushfire hazard reduction notice to be issued to an occupier of land requiring the reduction of bushfire dangers and removal of bushfire hazards. The Chief Officer of TFS or local council will also be able to give notice requiring the creation of a fuelbreak as it considers necessary or desirable to arrest the spread of bushfires or facilitate the suppression of bushfires. Where a notice is not complied with within the time specified, TFS will be able to undertake those steps detailed in the notice, with costs recoverable against the occupier.

The Bill will also facilitate the prompt resolution of disputes relating to bushfire hazard reduction notices. Under the *Fire Service Act 1979*, there is no defined appeal pathway for notices relating to fire hazards. Practically, this means that the only option for appeal is via judicial review. An application for the review of a notice for the formation of a firebreak must be made to the Magistrates Court (Administrative Appeals Division). If a notice is subject to review, this can shorten the window of opportunity for a firebreak to be established if the notice is upheld. This can hinder works being carried out if a change in conditions do not allow for the firebreak to be established.

Notices issued under the Bushfire Mitigation Measures Bill will be subject to appeal mechanisms provided for within the Bill. If an occupier wishes to object to a notice, they will first need to raise their concerns with the Chief Officer of TFS. If the issue cannot be resolved, the occupier will be able to appeal via the BMM Panel. The Bill sets out clear timeframes for the appeal process to facilitate the speedy resolution of disputes and to enable appropriate bushfire mitigation to be undertaken in a timely manner.

FREQUENTLY ASKED QUESTIONS

How will the Bill impact my existing Bushfire Hazard Management Plan (BHMP)?

The Bushfire Mitigation Measures Bill does not affect existing Bushfire Hazard Management Plans (BHMPs) that have been completed as part of a new development or use of land for building or planning purposes. Landowners or occupiers with an existing BHMP should not have to do anything further than those things set out in their BHMP.

Can I develop my own Bushfire Mitigation Plan (BMP)?

Yes, you may develop your own BMP if you wish. The proposed bushfire mitigation measures will need to comply with any standards relating to specifications or technical requirements that the Chief Officer of TFS may issue. The Bill provides flexibility in relation to the form and content of a BMP although Statutory Guidelines may detail certain matters to be included in a BMP. TFS will be available to support private landowners and occupiers to develop BMPs as required.

BMPs will need to be approved by the Chief Officer before being submitted to the Bushfire Mitigation Measures Panel for endorsement to ensure that the bushfire mitigation measures meet the required technical standards.

Can my neighbour and I develop a BMP jointly?

Yes, the Bill enables neighbours to work together to develop a joint BMP for neighbouring land.

When will I be able to submit my BMP for approval?

The Bill aims to establish a framework to improve Bushfire Mitigation in Tasmania. Once in place, the Government will work with key stakeholders to finalise the plan for implementation. It is envisaged that private land owners/occupiers will be able to submit their BMP to the BMM Panel within six months of the Bill's passage through Parliament, to enable bushfire mitigation activities to occur before the 2021-22 Bushfire Season.

When will Statutory Guidelines be developed?

Statutory Guidelines will be developed in consultation with the State Fire Commission and other relevant stakeholders. Guidelines will be available prior to the commencement of relevant provisions of the Bushfire Mitigation Measures Act. The Bill requires the Statutory Guidelines to be tabled in both Houses of Parliament, meaning that they will be subject to Parliamentary scrutiny.

Will I need a BMP to undertake fuel reduction on my land?

No, a BMP may not always be required. Bushfire mitigation measures that do not currently require permits or approvals will not be affected by this Bill. Permits may, however, apply for certain works and landowners and occupiers should obtain advice on this.

Having a BMP endorsed by the BMM Panel will also provide landowners and occupiers with certainty that they may carry out endorsed bushfire mitigation measures without risk that it may inadvertently result in a breach of approval processes under other relevant Tasmanian laws.

A BMP also serves as a useful planning tool to assist landowners and managers to strategically assess and mitigate bushfire risks.

Do all BMPs need to be approved by the Bushfire Mitigation Measures Panel?

No. The ability to seek the BMM Panel's approval of a BMP is available for landowners or occupiers that may be affected by other Tasmanian legislation, to allow approved bushfire mitigation measures to be exempt from approval requirements under other legislation. This process is designed to provide a more streamlined and faster approval pathway and remove uncertainty and risk to individuals undertaking bushfire mitigation.

To obtain an exemption under the Tasmanian Planning Scheme State Planning Provisions, a BMP will need to be endorsed by TFS.

Shouldn't the BMM Panel include a member from the Tasmania Fire Service?

The BMM Panel will sit at arm's length from TFS. TFS will retain its role in supporting the development of BMPs. Under the Bill, BMPs will need to be approved by TFS *before* being submitted to the BMM Panel. The Panel will have a broad power to request additional information or expert advice from TFS (or any other body) in assessing a BMP application.

How will the Bill protect the environment?

Bushfires can have a devastating impact on our natural environment. The Bill aims to proactively manage and mitigate bushfire risks to better protect human life and property as well as natural and cultural heritage values.

In approving a BMP, the BMM Panel will need to be satisfied that the purpose of the proposed measures are intended for bushfire risk mitigation and not for other, unrelated purposes such as clearing for agricultural purposes. The Director of the Environment Protection Authority is a member of the Panel.

The Bill also allows for the development of Statutory Guidelines. These Guidelines will support the Panel in making decisions that are consistent with objective of the Bill to facilitate the mitigation of bushfire risk whilst balancing natural and cultural heritage values.

What if the terms of my occupation of land limit or prevent me from undertaking certain bushfire mitigation?

Some occupiers of land may have agreements that limit their ability to undertake bushfire mitigation activities. Likewise, occupiers with limited rights of occupation may not have rights to undertake certain works on land.

While the Bill confirms that it is the duty of occupiers to take practical steps to mitigate bushfire risks, Statutory Guidelines may provide guidance on how the duty would be assessed in these types of scenarios.

The Bill does not provide any offence where an occupier fails to meet the duty to mitigate bushfire risks unless it results in the creation of a bushfire danger. This approach aligns with the existing position under the *Fire Service Act* and there is no change to the current framework in this regard.

Where occupiers are served with a bushfire hazard reduction notice under the Bill but are unable to comply with the terms of a notice due to any limitations on their rights of occupation, occupiers will have the right to appeal a notice.

What about the *Fire Service Act* and the *Review of the Fire Service Act*?

The Government is separately undertaking a Review of the Fire Service Act with details of the Review available here: www.fire.tas.gov.au/Show?pagelD=colFireServiceActReview

The Fire Service Act will continue to apply but with the Bushfire Mitigation Measures Bill designed to complement the Fire Service Act by providing a consolidated framework for bushfire mitigation.

APPENDIX I

Submission Template

Personal Details	
Name	
Company/Organisation (if applicable)	
Email/postal address	
Feedback on Draft Exposure Bill – please provide comments in each section (as applicable)	
Landowner/occupier duties and obligations under the Bill <i>(Part 2 of the Bill)</i>	
Bushfire Mitigation Plans <i>(Part 4)</i>	

<p>Bushfire Mitigation Measures Panel <i>(Part 3 & Schedule 1)</i></p>	
<p>Notice provisions <i>(Part 5)</i></p>	
<p>General Comments <i>(including on Part 6)</i></p>	



Tasmanian
Government

Department of Premier and Cabinet

15 Murray Street
HOBART TAS 7000

Email: bushfiremitigation@dpac.tas.gov.au

Visit: www.dpac.tas.gov.au/bmmb



Protecting yourself and others from coronavirus

Sharing vehicles safely during the COVID-19 pandemic



This interim information is based on what is currently known about coronavirus (COVID-19) and the current situation in Tasmania. The Tasmanian Government will update interim information as needed and as additional information becomes available. Visit www.coronavirus.tas.gov.au for the latest information.

This information sheet outlines the steps you must take when providing or using shared (pool) vehicles, to keep everyone safe.

‘Vehicle hygiene’ for shared-use (pool) vehicles

During the coronavirus (COVID-19) pandemic, it is vital we all take extra steps to help slow the spread of illness and ensure staff have access to safe workplaces, including when using shared-use (pool) vehicles. This is part of our duty of care.

COVID-19 – How it spreads

The virus most likely spreads through:

- close contact with an infectious person
- contact with droplets from an infected person’s uncovered cough or sneeze (if you are within 1.5 metres or two large steps of an infected person)
- touching objects or surfaces (keys, steering wheels, windows and other controls) that have cough or sneeze droplets from an infected person (including an infected person’s contaminated hands) and then touching your mouth, nose or eyes, food or drinks.

Pool vehicle use

Currently, many Tasmanian Government departments are encouraging employees to use video conferencing or phone calls, rather than travelling.

Where work travel does need to occur, the number of people travelling in one vehicle should be kept to the minimum number of people requested to travel, where practical and safe to do so.

In addition, people who are unwell should stay at home and should not attend their workplace.

It is important that the vehicle is cleaned in between users, as per the cleaning protocols.

For vehicle/fleet managers

Provide copies of (or make accessible) this information sheet and the Sharing Vehicles Safely – Vehicle Hygiene Checklist to each driver when they collect the car keys.

If possible, ensure drivers have access to:

- alcohol-based hand rub (70% alcohol content is the ideal)
- detergent- or alcohol-based wipes
- disposable gloves
- a plastic rubbish bag/s
- your contact name and number.

What all drivers must do

Driving with passengers

You should consider whether the travel is necessary and whether the number of passengers can be limited.

If you are unwell, you should stay at home and should not attend your workplace.

When collecting and returning the pool vehicle, complete cleaning as below.

Regular cleaning of pool vehicles

To help reduce the spread of COVID-19, the interior and exterior 'touch points' and windows of pool vehicles must be cleaned before and after the vehicle is used, every time.

'Touch points' are the parts of a car routinely touched while using a car. Touch points include door handles, seat belts, steering wheel, gear shift, handbrake, arm rests controls and switches (indicator, windscreen wiper, mirror, window, radio and heating/aircon), glove compartment handle and pens, logbook and fuel card.

Windows must also be cleaned because they may be contaminated with droplets from coughing, sneezing and talking.

What to do:

- plan ahead to allow enough time to clean the vehicle before and after each journey
- Practice good hand hygiene and cough/sneeze hygiene:
 - » wash your hands thoroughly with soap and water, or hand sanitiser, regularly;
 - » avoid touching your face;
 - » cover coughs and sneezes with a tissue or cough/sneeze into elbow or upper arm, dispose of tissues after use, and use alcohol-based hand sanitiser to clean hands afterwards.
- use disposable gloves for cleaning (do not reuse disposable gloves)
- clean all touch points in the vehicle with detergent or alcohol-based wipes before and after use; ensure the cleaning process is thorough and removes all visible dirt/organic matter
- dispose of used wipes (and disposable gloves if they are used) in a rubbish bag straight away; do not leave used wipes in the vehicle
- allow surfaces to dry naturally (do not dry with paper towels or cloths).

Disinfection following vehicle use by someone with COVID-19

If a vehicle has been used by a person who is later identified as a suspected or confirmed COVID-19 case, thorough cleaning AND disinfection is required.

The vehicle must not be used until the vehicle has been disinfected.

Disinfection protocol for cleaners

Before anything can be disinfected, the surface or item must be clean so the disinfectant can work (see the section on regular cleaning, above).

Cleaners should wear disposable gloves and use alcohol-based hand rub before putting on and after taking off the gloves.

Use detergent based wipes for regular cleaning, then use disinfectant, following the manufacturer's instructions. Alternatively, use a one-step, 2-in-1 detergent/ disinfectant wipe (wipes must either be alcohol-based with a minimum 70% alcohol content or have 1000 ppm available chlorine).

Clean and disinfect all internal and external touch points (including the boot and bonnet), handles, steering wheel, seat belts, seats, carpets, roof lining, windows, the boot interior and bonnet.

How can I stay updated?

Advice is updated frequently as the COVID-19 situation evolves in Tasmania. Please refer to the following for the latest information:

- Tasmanian Government Coronavirus website
www.coronavirus.tas.gov.au
- Official public health information
www.health.tas.gov.au/coronavirus
- Australian Government Department of Health
www.health.gov.au
- Tasmanian Public Health Hotline **1800 671 738**.



Safe Work Method Statement – COVID-19

COUNCIL DETAILS:			
Principal Contractor:	Central Highlands Council	Contact Number:	03 6286 3202
Project Manager or Supervisor:	Deputy General Manager	Contact Number:	0459308647
Person completing the SWMS:	Adam Wilson, Jason Branch, Graham Rogers, Lyn Eyles & Bev Armstrong	Contact Number	0459308647, 0428725198, 0429018308, 0429135668
Position:	EHO, DGM, Works & Service Manager, DES Manager & General Manager	Reviewed By:	
Date Prepared:	23 rd Sept 2020	Review Date:	7 th and 8 th May 2020 & 23 rd Sept 2020
PROJECT DETAILS			
What is the scope of the work:	Safe Work Method Statements due to COVID-19 risk in the work environment		
Who else was consulted / involved in preparing this SWMS?	Adam Wilson, Jason Branch, Graham Rogers, Lyn Eyles and Bev Armstrong		
What high risk work activities are covered by this SWMS?	<ul style="list-style-type: none"> COVID-19 Virus Management Control 		
References: Legislation, Australian Standards, Codes of Practice, MSDS & SOP's	<ul style="list-style-type: none"> Work Health and Safety Act 2012 Work Health and Safety Regulations 2012 		
COVID-19 Information	<p>The Coronavirus (COVID 19) is zoonotic – the virus is not an airborne disease like measles and is instead spread via direct contact with respiratory droplets, which we generate when we sneeze or cough.</p> <p>The disease is transmitted when a person who is infected coughs or exhales, and small droplets land on objects and surfaces around them. Other people then catch the virus by touching these objects and surfaces, and then touching their eyes, nose or mouth.</p> <p>If you have contracted COVID-19 or suspect you may have the below symptoms you must take a pro-active approach to safe-guard your health and the health of others and seek medical a check immediately.</p>		
COVID-19 Symptoms	Sore throat, difficulty in breathing, coughing, sneezing, headaches, fever (Elevated Temperature), fatigue, body chills and body aches		



Safe Work Method Statement – COVID-19






PROJECT: Litter Collection from Streets, Roadsides and Public Reserves						
STEP	DESCRIBE TASK STEP	HAZARDS/POTENTIAL INCIDENTS	RISK CONTROL OR ACTION	SCORE AFTER CONTROLS		
No.each step	List logical task steps (not too detailed)	What type of injuries / incidents can happen at each step?	Describe how hazards can be managed or removed. Consider hierarchy of control: eliminate, substitute, engineering, procedures (admin), PPE	Li	Co	Risk
1.	Contractor Pre-Engagement / Pre-mobilisation to the worksite	<ul style="list-style-type: none"> Persons not fit for duty: <ul style="list-style-type: none"> - Presenting to the worksite with flu like symptoms. - Presenting to worksite after contracting COVID-19 Non-infected workers exposed to the COVID-19 respiratory illness 	<ul style="list-style-type: none"> Diligent contractor pre-engagement health screening processes applied – eliminate COVID-19 exposure to non-infected workers. In relation to COVID-19 health warnings and as a matter of urgency, contractors shall provide an updated Safe Work Method Statements (SWMS) outlining additional controls and risk mitigation measures to manage your employees whom: <ul style="list-style-type: none"> - have a confirmed diagnosis of COVID-19. - have been in close contact with a person who has a confirmed diagnosis of COVID-19. - have been in close contact with a person being evaluated for COVID-19. and - presenting with COVID-19 flu-like 	C	3	H



Safe Work Method Statement – COVID-19

			<p>symptoms.</p> <p>To add clarity ‘Close contact’ – as defined by Australian Government Dept of Health (but is not limited to) a worker has been exposed to?</p> <ul style="list-style-type: none"> • more than 15 minutes face-to-face contact in any setting with a confirmed case in the 24-hour period before the onset of their symptoms; or • sharing an enclosed space with someone for greater than 2 hours in the 24-hour period before the onset of their symptoms; or • having lived with or cared for someone or having direct contact with respiratory or bodily fluids of an infected person including sharing eating or drinking utensils. 			
2.	Task Planning	<ul style="list-style-type: none"> • Health standards not applied • Persons not fit for duty: <ul style="list-style-type: none"> - Presenting to work with flu like symptoms. - Workers exposed to COVID-19 respiratory illness. 	<ul style="list-style-type: none"> • Persons must report for work “Fit for Duty” • If you have contracted or suspect you have contracted COVID-19 symptoms do not present for work, immediately contact the works supervisor and report your condition. 	C	3	H

Safe Work Method Statement – COVID-19

		 1. ISOLATE  2. INFORM  3. TRANSPORT  4. CLEAN  5. IDENTIFY	<ul style="list-style-type: none"> Workers who have recently been overseas or have been in contact with any known COVID-19 case, do not present yourselves for work. Any person that presents at a worksite with COVID-19 symptoms must be immediately placed in isolation and provided with a P1 or P2 face mask and is to seek a medical assessment ASAP. The suspected COVID-19 infected worker must immediately contact the National COVID-19 Hotline (1800 020 080) and follow all advice given by health officials. Ensure that the worker has transport to their home or to a medical facility. Managers are to immediately identify all other potentially exposed workers on the jobsite (face masks issued to those workers). Exposed workers are to be immediately isolated from non-exposed workers. All potentially exposed workers that have been in contact with the infected worker will be stood down 		
		<ul style="list-style-type: none"> Inadequate treatment response 			



Safe Work Method Statement – COVID-19

			<p>(14 days) and those workers will require a medical clearance certificate to return to pre-incident duties.</p> <ul style="list-style-type: none"> Supervisors are to ensure that all common areas / items of equipment potentially exposed to by the suspected infected worker are immediately isolated and diligently cleaned. Persons engaged to undertake cleaning activities are to ensure that the appropriate PPE (gloves, masks, goggles, body suits) are worn prior to conducting any cleaning task which relate to virus infected exposed areas or items of plant or equipment. 			
3.	Pre-Starts / Toolbox Meetings	<ul style="list-style-type: none"> Presenting to work with flu like symptoms. Persons previously exposed to the COVID-19 virus. <p>Further COVID-19 Spread.</p>	<ul style="list-style-type: none"> All prestart or toolbox meetings are to be conducted outside of crib huts / site offices. All prestart or toolbox meetings are to be conducted in open aired well ventilated areas. Maximum of 10 workers in attendance at pre-start at any one time (this includes the facilitator). Stagger start times to 	C	3	H

Safe Work Method Statement – COVID-19

			<p>accommodate worksites with greater than 10 workers or hold pre-starts at separate work front locations.</p> <ul style="list-style-type: none"> • Social separation of workers shall be maintained – min 1.5m exclusion zones. • Hand sanitisers, gloves and face masks to be made available and used. 			
4.	Light vehicle / Truck operations	<ul style="list-style-type: none"> • Health standards not applied • Persons previously exposed to the COVID-19 virus. • Persons contracting the COVID-19 virus. • Further COVID-19 Spread. 	<p>Where work travel does need to occur, the number of people travelling in one vehicle should be kept to the minimum number of people requested to travel, where practical and safe to do so.</p> <p>In addition, people who are unwell should stay at home and should not attend their workplace.</p> <p>It is important that the vehicle is cleaned in between users, as per the cleaning protocols.</p> <p>The General Manager requires two workers to use the one light vehicle (dual cab ute) under the following tasks : when picking up / dropping off</p>	C	3	H

Safe Work Method Statement – COVID-19

			<p>a light vehicle / truck for mechanical repairs; transporting grader drivers to work sites; and undertaking road inspections.</p> <p>Were possible ensure 1.5m of social separation between workers in dual cab ute.</p> <ul style="list-style-type: none">• Risk assessment to be completed and must include cleaning & hygiene requirements.• Hand sanitisers and anti-bacterial wipes are to be made available and used in all vehicles.• Persons operating vehicles are to ensure that after use the vehicle has been diligently hygienically cleaned down with• Antibacterial Hand Wipes (this includes gear shifts, two-way radios, steering wheel, seat belts, any item that could potentially harbor the virus.			
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Safe Work Method Statement – COVID-19

5.	Heavy plant operations	<ul style="list-style-type: none"> • Health standards not applied. • Persons previously exposed to the COVID-19 virus. • Further COVID-19 Spread. 	<ul style="list-style-type: none"> • Hand sanitisers to be made available and used in all plant. • Risk assessment to be completed & to include cleaning & hygiene requirements. • Persons operating plant are to ensure that after use the plant has been diligently cleaned down with Antibacterial Hand Wipes (this includes two-way radios, steering wheels, gear levers, seat belts, any item that could potentially harbor the virus. 	C	3	H
6.	Mechanical servicing of light vehicles / trucks	<ul style="list-style-type: none"> • Health standards not applied • Persons previously exposed to the COVID-19 virus. • Persons contracting the COVID-19 virus. • Further COVID-19 Spread. 	<ul style="list-style-type: none"> • Mechanical service organisation to pick up and return vehicle if possible. • The General Manager requires two workers to use the one light vehicle (dual cab ute) to picking up / dropping off a light vehicle / truck for mechanical repairs; • Organisation servicing light vehicle / truck are to ensure that after the service is completed the vehicle has been diligently hygienically cleaned down with Antibacterial Hand Wipes (this includes gear shifts, two-way radios, steering wheel, 	C	3	H



Safe Work Method Statement – COVID-19

			seat belts, any item that could potentially harbor the virus.			
7.	Crib Rooms (use of for lunch)	<ul style="list-style-type: none"> • Health standards not applied. • Further COVID-19 Spread. 	<ul style="list-style-type: none"> • Surfaces sprayed each morning with disinfectant/anti-bacterial sprays (Dettol). • Antibacterial Hand Wipes made available and used. • Mopped out at the end of every shift with bleach & hot water. • Use of rubber gloves encouraged where possible. • One person per 4 cubic square metres (roughly the size of a queen size doona). • Staggered breaks where possible – maintaining social distancing 4 cubic square metres at all times. • Responsibility of each worker to wash hands prior to food preparation or touching surfaces. • Responsibility of each worker to wipe all surfaces they were in contact with - fridge doors, microwave doors, taps, etc. • Workers with lunch boxes / eskies are encouraged to have their crib breaks in their work area/cab of machine, this is to be encouraged. 	C	3	H



Safe Work Method Statement – COVID-19

8.	Toilets and Bathroom Use	<ul style="list-style-type: none"> • Health standards not applied. • Further COVID-19 Spread. 	<ul style="list-style-type: none"> • Hand sanitisers, antibacterial hand wipes and hand wash gels to be made available in all toilets. • Each worker is to wash their hands prior to entering toilet. • Responsibility of each worker to wipe all surfaces they were in contact with. • Responsibility of each worker to wash hands and use hand sanitiser when exiting toilet. • Use of rubber gloves encouraged where possible. • Toilets professionally cleaned once a week as a minimum health standard. 	C	3	H
9.	Use of powered / non-powered hand tools	<ul style="list-style-type: none"> • Health standards not applied. • Further COVID-19 Spread. 	<ul style="list-style-type: none"> • Powered / non-powered hand tools where possible are not to be shared. • Required PPE (Gloves, long sleeved shirts, steel capped lace up boots, hard hats and if required P2 face masks). • Tooling is to be thoroughly cleaned with anti-bacterial sprays / wipes after use. • Hard hats, gloves and face masks are at no time to be shared. 	C	3	H



Safe Work Method Statement – COVID-19

10.	Site/Project Shut-Down	<ul style="list-style-type: none"> • Non-completed works (risk to public safety). • Government / Statutory directed announcement. 	<ul style="list-style-type: none"> • All current work permits closed. • Worksite vacated without risks to general public. • Project office is secured and locked. • Project plant & equipment secured & locked. • All road traffic management controls – MUTCD devices, barriers, warning signage remain if possible. • Essential road hazard warning signage to remain. • Periodical roadworks inspections conducted (if supervisors are not in residential isolation lockdown). 	C	3	H
11.	Mental Health	<ul style="list-style-type: none"> • Escalating <u>Mental Health</u> conditions relating to loss of income and financial pressures. • Stress, Depression, Anxiety. 	<ul style="list-style-type: none"> • Ongoing management communications with workers relating to. <ul style="list-style-type: none"> - known sources of compensation and available government assistance. - Regular updates on possible returns to work. - Worker / family counselling available • Maintaining good Mental Health & Wellbeing is important, if you are 	C	3	H



Safe Work Method Statement – COVID-19









			feeling stressed, depressed / anxiety or having family issues take the time to contact your manager / supervisor and seek assistance. <ul style="list-style-type: none"> Employee Assistance Program (EAP) 			
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COMPLETE BELOW WHERE ADDITIONAL HAZARDS / POTENTIAL INCIDENT ARE IDENTIFIED:

PROJECT:						
STEP	DESCRIBE TASK STEP	HAZARDS/POTENTIAL INCIDENTS	RISK CONTROL OR ACTION	SCORE AFTER CONTROLS		
No.each step	List logical task steps (not too detailed)	What type of injuries / incidents can happen at each step?	Describe how hazards can be managed or removed. Consider hierarchy of control: eliminate, substitute, engineering, procedures (admin), PPE	Li	Co	Risk



Safe Work Method Statement – COVID-19

Tick PPE to be used for the duration of the work								
	High Vis + Safety Boots <input checked="" type="checkbox"/>	Hard Hat <input type="checkbox"/>	Eye Protection <input checked="" type="checkbox"/>	Face Protection <input type="checkbox"/>	Hearing Protection <input type="checkbox"/>	Gloves <input checked="" type="checkbox"/>	P2 Mask <input checked="" type="checkbox"/>	Full Body Protection <input checked="" type="checkbox"/>



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Day Operations – Normal Requirements: Safety footwear (steel cap) with non-slip soles, hearing protection if required, high visibility shirt or vest, hard hat and sun protection if required (broad brim hat, sun screen, tinted safety glasses), eye protection, face protection if required, hand protection if required, long sleeve shirt and pants.

Hygiene standards: Maintained at all times, hand sanitiser gels antibacterial wipes, and sprays are to be readily available in all operating plant, offices, toilets and lunchrooms.

Face Masks: Shall be provided (P2 face masks) and worn if there is a foreseeable potential for COVID 19 exposure / contact with an infected person/s.

Head Protection: (hard hats) if required.

Foot Protection: (safety boots/shoes) Good footwear with non-slip chemical resistant sole and fitted with steel toe caps must be worn.

Eye Protection: (safety glasses) eye protection shall be worn if required.

Hand Protection: Gloves shall be worn where required to combat against virus spread. Gloves to be compliant with AS and task dependant.

Arms, Legs and Body Coveralls: Long sleeve shirt and pants to be worn (no shorts).

Have all risks been reduced to an acceptable level (as low as reasonably practical) AND controls implemented? YES / NO
(If NO, stop and contact supervisor)

CORRECTIVE ACTIONS:			
RECOMMENDED ACTION	WORK ORDER NO.	COMPLETION DATE	SIGNED BY ACTION OFFICER



Safe Work Method Statement – COVID-19

This SWMS has been developed in consultation and has been read, understood and signed by all workers undertaking the scope of works

PRINT NAMES	SIGNATURES	DATE
Worker 1:		
Worker 2:		
Worker 3:		
Worker 4:		
Worker 5:		
Worker 6:		
Worker 7:		
Worker 8:		



Safe Work Method Statement – COVID-19

Worker 9:		
Worker 10:		
Worker 11:		
Worker 12:		
Worker 13:		

SIGNED BY:

Officer: **Name** **Signature**..... **Date**

RETURN TO HUMAN RESOURCES FOR FILING

APPENDIX A Recommended steps for filling out the SWMS template

1. Consult with relevant workers, contractors and health and safety representatives involved in the high risk work, the activities involved and associated hazards, risks and controls.
2. In the “What high risk work activities covered by this SWMS” column, identify the high risk work activity.
3. In the “What are the hazards / potential incidents” column list the hazards and risks for each high risk work activity.
4. Identify the workplace circumstances that may affect the way in which the high risk work is undertaken.
Examples of workplace circumstances that may impact on the hazards / potential incidents include:
 - Information relating to the design of the structure / workplace (e.g. location, access, transport) and information contained in a Work Health and Safety Management Plan.
 - Information on any “essential services” located on or near the workplace.
 - Safe work methods and plant to be used.



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5. In the “How will the risk controlled” column, select an appropriate control or combination of controls by working through the hierarchy of controls. It is important that you are able to justify why the selected control measure is reasonably practicable for the specific workplace.

SELECTING CONTROL MEASURES

Hierarchy of control measures:

1. This regulation applies if it is not reasonably practicable for a duty holder to eliminate risks to health and safety.
2. A duty holder, in minimising risks to health and safety, must implement risk control measures in accordance with this regulation.
3. The duty holder must minimise risks, so far as is reasonably practicable, by doing 1 or more of the following:
 - a. Eliminate the risks so far as is reasonable practicable
 - b. If elimination is not reasonably practicable minimise them so far as reasonably practicable by applying the following hierarchy of control measures:
 - Minimise the risk by doing one or more of the following:
 - substituting (wholly or partly) the hazard giving rise to the risk with something that gives rise to a lesser risk.
 - isolating the hazard from any person exposed to it.
 - Implementing engineering controls.
 - If the risk still remains, minimise the remaining risk by implementing administrative controls
 - If the risk still remains, minimise the remaining risk by ensuring the provision and use of suitable personal protective equipment (PPE).

SWMS Compliance (Information, Monitoring and Review)

1. Brief each team member on the SWMS before commencing work. Ensure each team member knows work is to stop if the SWMS is not followed.
2. Observe the work being carried out and monitor compliance with the SWMS. Review risk controls regularly, including:
 - Before a change occurs to the work itself, the system of work or the work location.
 - If a new hazard associated with the work is identified.
 - When new or additional information about a hazard becomes available.
 - When a notifiable incident occurs in relation to the work.
 - When risk controls are inadequate or the SWMS is not being followed.



APPENDIX B**Risks / Hazards to be considered
Safe Work Method Statement – COVID-19**

IN ALL OF THE ABOVE SITUATIONS, STOP THE WORK, REVIEW THE SWMS, ADJUST AS REQUIRED AND RE-BRIEF THE TEAM.

KEEP THE SWMS IN A READILY AVAILABLE LOCATION FOR THE DURATION OF THE HIGH RISK WORK AND FOR AT LEAST 2 YEARS AFTER A NOTIFIABLE INCIDENT OCCURS



Safe Work Method Statement – COVID-19

Hazard	Potential Harm
Manual tasks	Overexertion or repetitive movement can cause muscular strain
Gravity	Falling objects, falls, slips and trips of people can cause fractures, bruises, lacerations, dislocations, concussion, permanent injuries or death
Electricity	Potential ignition source. Exposure to live electrical wires can cause shock, burns or death from electrocution
Machinery and equipment	Being hit by moving vehicles, or being caught by moving parts of machinery can cause fractures, bruises, lacerations, dislocations, permanent injuries or death
Hazardous chemicals	Chemicals (such as acids, hydrocarbons, heavy metals) and dusts (such as asbestos and silica) can cause respiratory illnesses, cancers or dermatitis
Extreme temperatures	Heat can cause burns, heat stroke or fatigue Cold can cause hypothermia or frost bite
Noise	Exposure to loud noise can cause permanent hearing damage
Radiation	Ultra violet, welding arc flashes, micro waves and lasers can cause burns, cancer or blindness
Biological	Micro-organisms can cause hepatitis, legionnaires' disease, Q fever, HIV/AIDS or allergies
Psychosocial hazards	Effects of work-related stress, bullying, violence and work-related fatigue



Safe Work Method Statement – COVID-19

Hazard Identification & Control Measures

Category	Code	Hazard	Control Measure
Gravitational	1	Falling object	Tools and equipment to be secured where possible. Area below work to be barrier taped off and appropriately tagged. Wear Hard Hat.
	2	Working at height Risk of Falling Risk of objects falling on to someone below	Choose appropriate access equipment for job type and height. Wear recommended PPE for job type. Refer to Workplace Safe "Working at Height" pamphlet. All personnel working at height to be appropriately harness or restrained to the satisfaction of the site supervisor. Appropriately trained personnel to operate working platforms. Personnel to ensure raised surface is at no time cluttered.
	3	Lifting Equipment	Choose appropriate lifting equipment for job. Ensure equipment has a current compliance tag in place. Follow manufacturer's instructions for using equipment.
	4	Excavation/Trenching/Pipe Laying Working in large and deep holes (risk of being struck by falling objects)	a. Edges of trench and other holes to be kept clear of materials; machinery that is not in use, unstable excavated material (Once excavation has been completed). When working in holes deeper than the height of the individual worker a helmet should be worn. When benching of trenches has not been completed or trench is deemed unsafe by the site supervisor, helmets must be worn. Trenches must not be anymore than 1 metre deep (I good soil conditions) before they must be benched back 500mm and spoil pile must be back 500mm from edge of trench. – Refer to guidelines. b. All personnel on site should wear high visibility clothing at all times so that operators of machinery can see them. c. Large pipes and other heavy materials should only be moved by appropriate



Safe Work Method Statement – COVID-19

		Working around large and deep holes (risk of falling in)	<p>machinery other than when the position of such an item needs to be adjusted slightly.</p> <p>d. Ensure that all personnel are aware of any hole hazards. Any hole or section of trench that is not being worked on and is deemed by the site supervisor to be excessively deep is to be barricaded off.</p>
	5	Holes, Penetrations, Gaps	<p>Ensure that all personnel are aware of any hole hazards.</p> <p>Any hole or section of trench that is not being worked on and is deemed by the site supervisor to be excessively deep is to be barricaded off.</p>
Electrical	6	Electrical Cables	Locate cables and isolate power.
	7	Overhead Cables	<p>Refer to Workplace Safe booklet for using Mobile Plant or Equipment near overhead power lines.</p> <p>Follow guides in regard to No Go Zones, Safety Observer Zone and Open Area.</p> <p>For low hanging lines, dig machinery down so that it does not encroach on the 'No Go Zone'.</p> <p>Contact Aurora and get power line identifying markers placed on the lines.</p>
	8	High Voltage Equipment	<p>Dial Before You Dig query to be done prior to work commencing.</p> <p>Use manual digging instead of machine excavation.</p> <p>Notify Aurora of intended works.</p>
	9	Sub-stations/Switchrooms	<p>Dial Before You Dig query to be done prior to work commencing.</p> <p>Use manual digging instead of machine excavation.</p> <p>Notify Aurora of intended works.</p>
Mechanical	10	<p>Moving Equipment/Plant</p> <p>Machinery on slope/uneven/slippery ground</p> <p>Operating rock breaking machinery (risk of rock/debris flying back and hitting operator/workers)</p>	<p>a. All personnel on site should wear high visibility clothing and safety boots at all times so that operators of machinery can see them.</p> <p>All machinery operators must be appropriately qualified.</p> <p>Machinery operators to keep doors shut at all times during operation of the machine.</p> <p>b. Ensure all operators are appropriately qualified and skilled to use machinery.</p> <p>Assess slope and where slope is deemed to great for the machinery, bench out the trench and dig in machinery.</p> <p>Ensure that all excavator type machinery is fitted out with appropriate protective canopies to protect the driver in the event of rolling over.</p>



Safe Work Method Statement – COVID-19

			c. Ensure that all excavator type, rock-breaking machinery is fitted out with appropriate protective canopies and windshields capable of withstanding debris.	
	11	Hand & Power Tools	Hand tools must be in good condition and appropriate for intended purpose. Wear appropriate PPE.	
	12	Welding/Cutting/Hot Works	A Hot Work Permit must be issued and hot work procedure must be followed. Remove combustibles from area. Fire Extinguisher available for use. Wear appropriate PPE	
	13	Blasting Blasting (risk of debris hitting and damaging property) Blasting (risk of debris hitting workers) Blasting (risk of trench collapsing due to unstable surrounding earth from blast – this could lead to people/machinery falling to trench)	a. Appropriately qualified and skilled contractors to be engaged for all blasting works. Blasting contractors to be comprehensively informed of any property at risk in the area. Site supervisor to inspect contractors precautionary measures prior to blasting. b. Appropriately qualified and skilled contractors to be engaged for all blasting works. Site supervisor to inspect contractors precautionary measures prior to blasting. All personnel onsite at the time of the blasting to be informed of the danger and instructed by the site supervisor to stay outside the contractor's specified 'No Go Zone'. c. Appropriately qualified and skilled contractors to be engaged for all blasting works. Site supervisor to inspect contractors precautionary measures prior to blasting.	
	14	Traffic Hazards (moving traffic through work site)	Follow recommended Traffic Management Plan. High visibility clothing to be worn.	
Pressure	15	Compressed Gases		
	16	Water	Isolate and relieve section to be worked on. Restrict access to work area. Wear appropriate PPE	
Noise	17	Noise exposure	Wear hearing protection.	
Thermal	18	Hot Surfaces/Materials	PPE, Ensure Personnel trained in handling of hot materials.	
Body Mechanics	19	Manual Handling	Personnel trained in manual handling and use correct lifting techniques.	



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	20	Ergonomics	Correct body position and manual handling techniques must be used to minimise manual handling and ergonomic hazards.
Biological	21	Body Fluids	Notify Council's Health Department, Handle as directed. Ensure personnel have been inducted in collection of sharps and other containers that may have body fluid contained in them.
	22	Sewage	All personnel to have current vaccination for Tetanus, Hep B & C, etc. Wear appropriate PPE, gloves etc Follow workplace procedures.
Materials	23	Acids	Follow directions for use as per manufactures directions. Read MSDS. Wear required PPE.
	24	Asbestos	Follow Council Asbestos Handling Policy. Personnel to be trained in handling techniques. Required PPE
	25	Hazardous Materials Chemicals Other (Roadkill, Litter etc)	a. Follow directions for use as per manufactures directions. Read MSDS. Wear required PPE. b. Wear PPE and use appropriate equipment for collecting material.
Workplace	26	Confined Space	Confined Space Permit to be completed to meet Standard. Personnel to have undertaken Confined Space Course. Wear required PPE
	27	Restricted Visibility	Reflective clothing and signage. Use artificial lighting if required.
	28	Wet/Slippery	Reschedule work if able, if wind makes job/equipment unsafe to use. Wear appropriate footwear, clothing for wet/slippery work area. Use warning signage to advise people of potential hazard.



Safe Work Method Statement – COVID-19

	29	Windy	Reschedule work if wind makes job/equipment unsafe to use.
	30	UV Exposure/Cold/Heat (sunstroke, heat exhaustion, sunburn, skin cancer)	Ensure personnel have read, understand and follow Council's Policy. All personnel on job wearing appropriate UV protection. Ensure adequate supply of potable water available. First aid kit to be available on site at all times.
	31	Trip Hazards	Highlight trip hazards using signage or barricade. Ensure all personnel have been made aware of tripping hazard.
	32	Strike by Object	Guards in place and in good condition on machinery. Wear appropriate PPE.
	33	Underground Services	Dial before you dig to obtain plans of work site area. Locate services in work area by using accredited plant locator or utilities designated person Proof depth of service and exact location by using manual digging techniques. Expose sections of services according to work activity or design.
	34	Dust/Fumes	Wear appropriate PPE for job, eg, mask, rebreathers etc. Contain dust by damping area. Ensure adequate ventilation.
Fire	35	Fire	Combustible materials to be stores away from ignition source. Ensure fire-fighting equipment is ready and available for use. Do not use ignition sources in high-risk conditions, eg grass slashing equipment on Total Fire Ban days.
Leaks/Spills	36	Leaks to un-bunded area	Spill kit available onsite.
	37	Leaks to bunded area	Capacity of bunded area is sufficient for materials stored within it.



Safe Work Method Statement – COVID-19

APPENDIX C High Risk Work - Refer to Regulations for more details

Item High Risk Work Licence	Description of Class of High Risk Work
-----------------------------	--

Scaffolding WORK

- | | |
|-----------------------------|---|
| 1. Basic scaffolding | <p>Scaffolding WORK involving any of the following:</p> <ul style="list-style-type: none"> a) modular or pre-fabricated scaffolds; b) cantilevered materials hoists with a maximum WORK load of 500 kilograms; c) ropes d) gin wheels e) safety nets and static lines f) bracket scaffolds (tank and formwork) – but excluding scaffolding WORK involving equipment, loads or tasks listed in item 2(2)(a) to (g) and item 3(2)(a). |
| 2. Intermediate scaffolding | <ul style="list-style-type: none"> 1) Scaffolding WORK included in the class of Basic scaffolding; and 2) Scaffolding WORK involving any of the following: <ul style="list-style-type: none"> a) cantilevered crane loading platforms b) cantilevered scaffolds c) spur scaffolds d) barrow ramps and sloping platforms e) scaffolding associated with perimeter safety screens and shutters f) mast climbing WORK platforms g) tube and coupler scaffolds (including tube and coupler covered ways and gantries) – but excluding scaffolding WORK involving equipment, loads or tasks listed in item 3(2)(a) to (c). |
| 3. Advanced scaffolding | <ul style="list-style-type: none"> 1) Scaffolding WORK included in the class of Intermediate scaffolding; and 2) Scaffolding WORK involving any of the following: <ul style="list-style-type: none"> a) cantilevered hoists b) hung scaffolds, including scaffolds hung from tubes, wire ropes or chains c) suspended scaffolds. |

Safe Work Method Statement – COVID-19

Dogging and Rigging WORK

4. Dogging

Dogging **WORK**:

5. Basic rigging

1) Dogging **WORK**

2) Rigging **WORK** involving any of the following:

- a) structural steel erection
- b) hoists
- c) pre-cast concrete members of a structure
- d) safety nets and static lines
- e) mast climbing **WORK** platforms
- f) perimeter safety screens and shutters
- g) cantilevered crane loading platforms – but excluding rigging **WORK** involving equipment, loads or tasks listed in item 6(b) to (f) and item 7(b) to (e).

6. Intermediate rigging

Rigging **WORK** involving any of the following:

- a) rigging **WORK** in the class Basic Rigging
- b) hoists with jibs and self-climbing hoists
- c) cranes, conveyors, dredges and excavators
- d) tilt slabs
- e) demolition of structures or plant
- f) dual lifts – but excluding rigging **WORK** involving equipment listed in item 7(b) to (e)

7. Advanced rigging

Rigging **WORK** involving any of the following:

- a) rigging **WORK** in the class Intermediate Rigging
 - b) gin poles and shear legs
 - c) flying foxes and cable ways
 - d) guyed derricks and structures
 - e) suspended scaffolds and fabricated hung scaffolds.
-

Safe Work Method Statement – COVID-19

Crane and Hoist Operation

- | | | |
|-----|---|---|
| 8. | Tower crane | Use of a tower crane. |
| 9. | Self-erecting tower crane | Use of a self-erecting tower crane. |
| 10. | Derrick crane | Use of a derrick crane. |
| 11. | Portal boom crane | Use of a portal boom crane. |
| 12. | Bridge and gantry crane | Use of a bridge crane or gantry crane that is –
<div style="margin-left: 20px;">a) controlled from a permanent cabin or control station on the crane; or
 b) remotely controlled and having more than 3 powered operations – including the application of load estimation and slinging techniques to move a load.</div> |
| 13. | Vehicle loading crane | Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, including the application of load estimation and slinging techniques to move a load. |
| 14. | Non-slewing mobile crane | Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes. |
| 15. | Slewing mobile crane – with a capacity up to tonnes | 20 Use of a slewing mobile crane with a capacity of 20 tonnes or less. |
| 16. | Slewing mobile crane – with a capacity up to tonnes | 60 Use of a slewing mobile crane with a capacity of 60 tonnes or less. |
| 17. | Slewing mobile crane – with a capacity up to tonnes | 100 Use of a slewing mobile crane with a capacity of 100 tonnes or less. |
| 18. | Slewing mobile crane – with a capacity over tonnes | 100 Use of a slewing mobile crane with a capacity exceeding 100 tonnes. |
| 19. | Materials hoist | Use of a materials hoist. |
| 20. | Personnel and materials hoist | Use of a personnel and materials hoist. |
| 21. | Boom-type elevating WORK platform | Use of a boom-type elevating WORK platform where the length of the boom is 11 metres or more. (The length of the boom is the greater of a) the vertical distance from the surface supporting the boom-type elevating WORK platform to the floor of the platform, with the platform extended to its maximum height, and b) the horizontal distance from the centre point of the boom's rotation to the outer edge of the platform, with the platform extended to its maximum distance. |
| 22. | Concrete placing boom | Use of a concrete placing boom. |

Reach Stackers

- | | | |
|-----|---------------|--|
| 23. | Reach stacker | Operation of a reach stacker of greater than 3 tonnes capacity that incorporates an attachment for lifting, moving and travelling with a shipping container, but does not include a portainer crane. |
|-----|---------------|--|
-

Safe Work Method Statement – COVID-19

Forklift Operation

- | | |
|----------------------------------|---|
| 24. Forklift truck | Use of a forklift truck other than an order-picking forklift truck. |
| 25. Order-picking forklift truck | Use of an order-picking forklift truck. |
-

Pressure Equipment Operation

- | | |
|--------------------------------|---|
| 26. Standard boiler operation | Operation of a boiler with a single fuel source that does not have a pre-heater, superheater or economiser attached |
| 27. Advanced boiler operation | Operation of a boiler, including a standard boiler, which may have one or more of the following: <ul style="list-style-type: none">a) multiple fuel sourcesb) pre-heaterc) superheaterd) economizer. |
| 28. Turbine operation | Operation of a turbine that has an output of 500 kilowatts or more and: <ul style="list-style-type: none">a) is multi-wheeled, orb) is capable of a speed greater than 3 600 revolutions per minute, orc) has attached condensers, ord) has a multi-staged heat exchange extraction process. |
| 29. Reciprocating steam engine | Operation of a reciprocating steam engine where the diameter of any piston exceeds 250 millimetres. |

Safe Work Method Statement

Rating the Risk:

Table 1: Likelihood

Level	Descriptor	Description
A	Almost certain	Is expected to occur in most circumstances
B	Likely	Will probably occur in most circumstances
C	Possible	Might occur at some time
D	Unlikely	Could occur at some time
E	Rare	May occur only in exceptional circumstances

Table 2: Consequence

Level	Descriptor	Description
1	Insignificant	No injuries, low financial loss
2	Minor	First aid treatment, on-site release immediately contained, medium financial loss.
3	Moderate	Medical treatment required, on-site release contained without assistance, high financial loss
4	Major	Extensive injuries, loss of production capability, off-site release with no detrimental effects, major financial loss
5	Catastrophic	Death, toxic release off-site with detrimental effect, huge financial loss

Table 3: Mapping the Risk Rating

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost Certain)	H	H	E	E	E
B (Likely)	M	M	H	E	E
C (Possible)	L	M	H	E	E
D (Unlikely)	L	L	M	H	E
E (Rare)	L	L	M	H	H

LEGEND

E = extreme risk; immediate action required.

H = high risk; senior management attention needed.

M = moderate risk; management responsibility must be specified.

L = low risk; manage by routine procedures.

Now return to the front page and record the risk rating score and risk exposure on the Safe Work Method Statement Worksheet. (Tables extracted from AS/NZS ISO 31000:2009)

Hierarchy of control measures

The hierarchy of control is a sequence of options which offer you a number of ways to approach the hazard control process

Eliminate the hazard

- Remove a noisy machine
- Cease in-house operations of hazardous work.

Substitute the hazard with a lesser risk

- Replace hazardous electrics with hydraulics
- Purchase less hazardous machinery.

Isolate the hazard

- Install guards, screens or enclosures
- Install roll-over protection on mobile powered plant.

Engineering controls

- Redesign the task, to enable it to be carried out in a different way.

Administrative controls

- Set up entry permits to operate work systems
- Install warning signs or danger tags.

Personal protective equipment

- Safety belts and harnesses, fall-arrest systems
- Industrial safety gloves and footwear.



CENTRAL HIGHLANDS COUNCIL COMMUNITY GRANTS PROGRAM APPLICATION FORM

Please ensure you have read and understand the Program Guidelines prior to completing this form. Please enclose your group/club's current financial statement.

1. APPLICATION & ORGANISATION DETAILS

Name of Project: Commercial Fridge Repair

Amount of Grant Requested: \$374

Estimated Total Project Cost: \$374

Applicant Organisation: Ellendale Hall Committee

Contact Person's Name: Nancy Hoshinson

Contact Details

Address: % Ellendale Hall

Phone: (Business hours)

Mobile: 0409 985 424

Fax:

Email: ellendalehall@gmail.com

Signature

Name

Position in Organisation

Date

Secretary / Treasurer

What is the overall aim/purpose of the applying organisation?

Hall caretakers

What is the membership of the organisation?

President Shannon Ransley

Secretary Nancy Hoshinson

Treasurer

Public Officer/s

2. ELIGIBILITY (see Community Grant Program Guidelines)

Is the organisation:

- ☐ Representative of the interests of the Central Highlands Community
- ☐ Incorporated
- ☐ Not for Profit
- ☐ Unincorporated
- ☒ A Hall Committee

OR

- ☐ An individual community member

Have you previously received funding from the Central Highlands Council? (Please attached additional pages if required)

If yes;

Name of Project: Christmas in Ellendale

Date Grant received: December 2019

Amount of Grant: \$764

3. PROJECT DETAILS

Project Start Date: Sept 20

Project Completion Date: Sept 20

Project Objectives:

Repair commercial refrigerator

4. COMMUNITY SUPPORT

What level of community support is there for this project?

The kitchen can't be used without a working fridge - so there is support

Does the project involve the community in the delivery of the project?

No

How will the project benefit the community or provide a community resource?

Provides a workable kitchen

5. COUNCIL SUPPORT

**Are you requesting other Council support? E.g. parks, halls, telephones, fax, photocopying, computers, office accommodation, cleaning facilities, street closure.
If yes, please give details.**

No

**Are you requesting participation by Councillors or Council Staff?
If yes, please give details.**

No

If your application is successful, how do you plan to acknowledge Council's contribution?

thank-you

6. FUTURE APPLICATIONS AND THE SUCCESS THIS PROJECT

Do you anticipate the organisation will apply for funding in future years?

Yes

How will you monitor/evaluate the success of this project?

7. PROJECT BUDGET

Note: Amount from Council must not exceed half the project cost

Please provide a breakdown of the project expenditure and income:			
Expenditure	Amount \$	Income	Amount \$
Capital		Guarantee	
Refurbishment		Government Grants	
Equipment <i>Repair</i>	<i>\$374</i>	Trust/Foundations	
Premises		Donations from Business	
Vehicles		Special Funding	
Other:		Gifts in Kind	
Other:		Other:	
Subtotal		Other	
		Subtotal	
Revenue		Anticipated	
Salaries (including super)		Government Grants	
Short-term contract fees		Central Highlands Grant	
Running costs		Trust/Foundations	
Production of information PR materials		Donations from Businesses	
Training staff/volunteers		Special Fundraising	
Travel		Gifts in kind (details)	
Rent		Cash Reserves	
Reference materials		Other:	
Other:			
Subtotal		Subtotal	
TOTAL	<i>\$374</i>	TOTAL	



SALES & SERVICE PTY LTD
7 Massey St, GLENORCHY TAS 7010

Tax Invoice

Ph: (03) 6272 7338 Fax (03) 6272 7212
Email: rbr@rbrrefrigeration.com.au
A.B.N 66 606751 633 Lic No AU05195
A.C.N 606 751 633

Invoice #:
GEE0#4751
Date
22/09/2020

Bill To:
Ellendale Community Hall
Main Road
Ellendale TAS 7140

Customer O/No:

QTY.	DESCRIPTION	EXTENDED
	SERVICE CALL: 22/9/20 Arrived at site 8.00 am waited till 8.30 nobody showed up 23/9/20 Arrived at site, checked cabinet, found wooden boards on top of the unit, trapping in the heat. Removed boards & turned on the cabinet. compressor popping on overload, cleaned the condensor, checked the gas pressures, fans etc - working ok	
1.5	Labour	\$135.00
1	Travelling Time	klm \$180.00
1	Compressed Air	\$25.00

**TRADING TERMS: 7 DAY ACCOUNT - All
accounts exceeding our trading terms will incur
interest & admin fees**

**INVOICE NUMBERS MUST BE QUOTED ON DIRECT DEBITS
& ALL REMITTANCES**

Please pay by Cheque/Cash/Direct Debit

Account Name: RBR Refrigeration Sales & Service Pty Ltd

Direct Debit details: ANZ Bank, BSB 017-209, A/c No: 4565-24136

SALE AMT.	\$340.00
FREIGHT	\$0.00
GST	\$34.00
TOTAL AMT.	\$374.00
PAID TODAY	\$0.00
BALANCE	\$374.00



RBR Refrigeration Sales & Service P/L


Invoice

Amount \$374.00




GEEO#4751

Due 30/10/20

Pay by BPAY®

	Bill Code: 848283
	Ref: 9782698100
Telephone & Internet Banking – BPAY®	
Contact your bank or financial institution to make this payment from your cheque, savings or transaction account. More info: www.bpay.com.au	
Any payment must be for the exact amount of this invoice. Otherwise, any amount paid will not be accepted and will be returned.	

Pay by Credit Card

		
Pay with your credit card by clicking Pay now in your invoice email.		
We accept American Express, Visa and Mastercard.		

Paid on

Receipt/Reference no

2020 Rotary Club of Hobart Annual Magic Show

To: Lyn Isles

Company: Development & Environmental Services

Date: 29 Sep 2020

Ph: 1800 614 708 Fax: 1800 614 709

Please reply to: Gerri Roney

Email: hobartrotary@sponsorship.net.au

Rotary Club of Hobart Inc

ABN: 78 756 549 140

Thank you for your interest in our Annual Magic Show, we are so proud to announce this is our 29th year. 2019 had two fantastic shows all thanks to the wonderful generosity of the Hobart business community. As COVID-19 continues to pose a risk to the community, the event will be subject to the prevailing COVID regulations at the time, which includes a COVID safety plan for all that attend. Should conditions affect the staging of the performance of the live event, a specially filmed production of the show will be streamed to all ticket recipients.

This year, with your help, we have 2,200 disabled and disadvantaged young and adult Tasmanians on our books needing sponsors.

Funds raised last year went towards the Rotary club's support of **RAWCS bushfire relief, Clemente literacy program, UTAS Mental Health First Aid program, RFDS Mobile Clinic, Operation Cleft Australia, Shoes for the Homeless Program, and the Ethiopia Food Plant Solutions program.** This year the club will support similar programs benefitting local, national, and international causes.

If you have supported the Magic Show in the past, we thank you. Your support has enabled many thousands of disabled and disadvantaged Tasmanians and their families to enjoy the annual 'magic' of the show. At the same time, you have helped our club raise valuable funds, all of which are spent in our local and national communities. Your continued patronage is greatly appreciated.

Sponsorship will be sold this year at \$120.00 (including GST) for a 'show pass', which entitles a child and their carer access to the event. A child can be sponsored at \$60. We have a lot of children who are hoping to see the Magic Show and have some groups for you to consider:

5 Tickets = \$300

4 Tickets = \$240

3 Tickets = \$180

Thank you for your kind consideration this year, your generosity will truly make a difference.

Belinda Jefferies, President 2020

Credit Card: please return fax to 1800 614 709 or email hobartrotary@sponsorship.net.au

Credit Card: C C C C -C C C C -C C C C -C C C C

Card Type: C  C  Expiry Date: C C / C C Payment \$ _____

Name on Card: _____

I confirm that this information is true and correct and I authorise the debit of my credit card for the amount stated above.

Note: This transaction will appear on your credit card statement as "Rotary Club of Hobart."

Direct Deposit can be made online to our account:

Rotary Club of Hobart Inc

Bank: **CBA**

BSB: **067-002** Account: **10175148**

Please use reference: **3293**

Cheques can be posted to **GPO BOX 1833, Hobart 7001** and made payable to: **Rotary Club of Hobart Inc**, please use reference: **3293**





Tel. (03) 6231 1277
Fax. (03) 6231 0817
golden.office@goldenelectronics.com.au
www.goldenelectronics.com.au

Maura Holdings PTY LTD ABN 18083111068
T/A Golden Electronics Licence # 7833
282A Murray Street Hobart
Tasmania 7000

CUSTOMER QUOTATION NO. 2350

Kathy Bradburn
Central Highlands Council
6 Tarleton Street
Hamilton TAS 7140

Site Contact: Kathy Bradburn
Site: 19 Alexander Street, Bothwell
Valid Until: 29/10/2020

Central Highlands - Welfare Service

Dear Kathy Bradburn,

Following from our correspondence, I am pleased to offer the below services for your consideration

All services will be provided locally by Golden Electronics ASIAL Certified Grade A1 Control Room located in Hobart. I have specified below a summary of our proposal including investment for your reference.

All calls will be recorded and stored should you require auditing or querying any calls in the future. Calls and requests received will be documented and emailed to a specified email address next morning if required. All actions will be performed as per your policies and procedures.

Safety Call Service

Golden Electronics will offer a Safety Call Service for any attendance that may be required as by OH&S or when staff feel uncomfortable performing their duties.

This will include

- Staff calling and requesting follow up calls.
- Monitoring Staff that are requested to attend a site return safely and contact Golden to advice.
- Email reports next working day
- Contacting duty officer of staff that failed to return.
- Ability to send assistance to officers in the field

Deliverable:

Golden Electronics with the assistance of Central Highlands Council will develop and implement a set of procedures and guidelines to follow and adhere to.

Business Benefits

- Work Place Safety for employees.
- Lone workers have back up from 24/7 control room



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Fax. (03) 6231 0817
golden.office@goldenelectronics.com.au
www.goldenelectronics.com.au

Maura Holdings PTY LTD ABN 18083111068
T/A Golden Electronics Licence # 7833
282A Murray Street Hobart
Tasmania 7000

CUSTOMER QUOTATION NO. 2350

Brief Outline of Service

User / Account Set Up

Every User is uniquely set up in our welfare service management system. This allows Golden Electronics the ability to identify the person calling and requesting the service, and all details including escalation and process to be associated to the specific user.

To Create a user / account, Central Highlands Council are required to provide a list of names and the mobile numbers associated to the user/s.

This will allow Golden Electronics to create the account specific to the user including the procedures and processes

Operations / Using the Welfare Service

1. User to call Golden Electronics with the mobile number associated to the user (Please Note: Number Must Not be on Private)
2. User to advise all relevant information and call back time
3. User on completion and booking out, must call Golden Electronics with the mobile number associated to the user (Please Note: Number Must Not be on Private)

Process and procedures for any failed call back will be developed and implemented with the assistance of Central Highlands Council. This guidelines can be amended and modified as required.

Monthly Welfare Service Fee - PER USER

Item	Quantity	Unit Price	Total
Monthly - 24hr Welfare Service Per User	1.00	\$50.00	\$50.00
Sub-Total ex GST			\$50.00
GST			\$5.00
Total inc GST			\$55.00

We thank you once again for allowing Golden Electronics the opportunity to submit our Security Assessment, and trust the information provided is sufficient for your evaluation of our proposal.

Should there be any further points needing clarification, or you wish to discuss this matter in greater detail, please do not hesitate to contact the undersigned for prompt attention.

George Pavlides
Maura Holdings PTY LTD T/A Golden Electronics
gpavlides@goldenelectronics.com.au



Tel. (03) 6231 1277
Fax. (03) 6231 0817
golden.office@goldenelectronics.com.au
www.goldenelectronics.com.au

Maura Holdings PTY LTD ABN 18083111068
T/A Golden Electronics Licence # 7833
282A Murray Street Hobart
Tasmania 7000

ACCEPTANCE OF QUOTATION NO. 2350

Kathy Bradburn
Central Highlands Council
6 Tarleton Street
Hamilton TAS 7140

Site Contact: Kathy Bradburn
Site: 19 Alexander Street, Bothwell
Valid Until: 29/10/2020

I accept the quote as detailed above. I acknowledge that I have read and understand all the terms and conditions detailed with this proposal.

Signed: _____ for Central Highlands Council

Name: _____ Date: _____

Purchase Order No.: _____

Purchase Order Value: _____

TERMS: 50% Deposit with order and balance on completion of the job. Ownership of any goods does not pass to the customer until payment is made in full. See following page(s) of quote for terms and conditions of sale.

How To Pay

QUOTATION NO. 2350



Mail

Detach this section and mail cheque to:

Maura Holdings PTY LTD T/A Golden Electronics
282A Murray Street Hobart Tasmania 7000



Biller Code: 373472
Ref: 02728 5444

Telephone & Internet Banking – BPAY®

Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account. More info: www.bpay.com.au



Credit Card (MasterCard or Visa)

[☐] Tick - If you would like Monitoring fees automatically paid monthly using EWay Via Credit or Debit Card - Please fill Card details below

Credit Card No.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Card Holder's Name: _____ CCV: _____

Expiry Date: / Signature: _____



Direct Deposit

Bank **Commonwealth**
Acc. Name **Maura Holdings t/a Golden Electronics**
BSB **067000**
Acc. No. **28059693**

Customer Reference: 2806	Customer Name: Central Highlands Council
---------------------------------	---

Terms and Conditions:

- Quotations are valid for Thirty (30) days from date of quotation.
- ***All prices indicated for options are for installation on the same day of system install.
- Access to premises would be between 0900 and 1700 Monday to Friday excluding public holidays. After hours would require co-ordination by Golden Electronics Office and could incur an additional fee.
- All Equipment Remains The Property Of Golden Electronics Until Paid For In Full

Duty of Care: (monitored Clients Only)

If Golden Electronics Control Room is unable to contact any persons on the call out list, a patrol company may be advised to respond in there place. Golden Electronics will still continue to try and contact an authorised person on the call out list. **Please note** that there will be a charge for the response of the security patrol. Should you NOT require this service please advise Golden Electronics in writing.

Maintenance:

Testing of your security system should be performed regularly.

Golden Electronics strongly recommends that all system to be serviced annually

Service:

Golden Electronics will perform all services during business hours, but are available after hours for any emergency breakdowns / faults.

Warranty:

Golden Electronics agrees to repair or replace at its discretion all or any defective parts for a period of twelve (12) months of date of installation. All works, labour and parts will be provided free during this period. All warranty works will be performed during business hours 0900 – 1700 Monday to Friday excluding public holidays. All service / Warranty work requested after hours will incur an after hours fee. Golden Electronics warranty does not cover any acts of god, mistreatment or interference to the equipment.

Exclusions:

- Asbestos Removal or Works Associated with Asbestos
- Making Good of Existing Equipment and Structures
- Fire Alarm Input / Output (To be supplied by others if required)
- Any 240VAC Works

Important Things You Needs To Know

OPTIONAL ALARM RESPONSE SERVICES

If a System Event is received and an Optional Alarm Response Service has been elected by the Client in the Monitoring Instructions, the Client will be invoiced separately for the Optional Alarm Response Service and the Client agrees to pay any associated invoice.

YOU'RE EQUIPMENT, CONNECTION AND DECOMMISSIONING

On commissioning (connection), Golden Electronics will establish a connection between the Equipment and the Client's telephone line with the Carrier as part of the installation. The Equipment will make automatic telephone calls to a 1300 number which will be routed to Golden Electronics for receipt of a System Event until such time as the Equipment is decommissioned (when the automatic dialling system is disconnected). After cancellation of the Monitoring, the Equipment will continue to transmit System Events to Golden Electronics receiver until the Equipment is decommissioned at the Site. Golden Electronics will not action any System Event (including low battery System Events) after cancellation. Decommissioning in most cases requires the attendance of a technician to decommission the Equipment on Site. Golden Electronics charges an additional fee for decommissioning the Equipment. In addition, the Site may continue to incur telecommunications charges from a Carrier until such time as the Equipment is decommissioned.

CARRIER COSTS

The Client is responsible for all Carrier charges including all System Events (including intruder alerts, fault and reporting signals such as fault signals, timer tests and low battery alerts).

LOW BATTERY ALERT

If the life of the back-up battery in the Equipment is at an end, low battery System Events will transmit from the Equipment to Golden Electronics receiver which must be actioned immediately to reduce telecommunication charges from a Carrier.

MAINTENANCE OF EQUIPMENT

The Client must maintain the Equipment. In particular, the Equipment must be tested monthly to ensure optimum working conditions. Optional Preventative Maintenance is offered by Golden Electronics. If power is cut to the Equipment and/or the life of the battery is at end, low battery System Events will transmit from the Equipment to Golden Electronics receiver which must be actioned immediately to reduce telecommunication charges from a Carrier. The Client is responsible for all Carrier charges.

EMERGENCY SERVICES

Golden Electronics cannot guarantee that any Emergency Services will attend the Site in response to a System Event. In some States, Emergency Services will only attend in response to multiple System Events or when a key holder is available and only if operationally available. Additionally, some Emergency Services charge a fee for contacting and/or attendance including for false System Events which are passed on by Golden Electronics and payable by the Client.

INSURANCE RECOMMENDATION

Golden Electronics is not an insurer of the Site or other property and risks. The Security Services provided under the monitoring cannot be guaranteed to prevent unauthorised entry, loss or damage at the Site and that it is extremely advisable for the Client to effect and maintain all normal and prudent insurance policies for all usual risks including fire, burglary, theft and consequential loss and damage.

SMOKE DETECTION EQUIPMENT

If selected, the smoke detection equipment sold, installed and serviced by Golden Electronics meets the testing standards under AS1670-1995 Fire Detection, Warning Control and Intercom Systems and is powered under low voltage from the back up batteries in the alarm panel. As the smoke detection equipment is not hardwired to the Site's main power, it should not be relied upon as life saving equipment nor is it intended to and does not comply with AS1670-1995, the Building Code of Australia and applicable legislation and Australian standards relating to fire alarm equipment and installation.

CLIENT ACKNOWLEDGMENTS

There is important information the Client needs to know in respect of the operational aspects of their Security System.



CENTRAL HIGHLANDS COUNCIL COMMUNITY GRANTS PROGRAM APPLICATION FORM

Please ensure you have read and understand the Program Guidelines prior to completing this form. Please enclose your group/club's current financial statement.

1. APPLICATION & ORGANISATION DETAILS

Name of Project: *DEFIBRILLAR(CARDIAC) INSTALLATION*

Amount of Grant Requested: *\$500*

Estimated Total Project Cost: *\$500*

Applicant Organisation: *CENTRAL HIGHLANDS COMMUNITY
MENS S&ED*

Contact Person's Name: *Elaine HERLIHY*

Contact Details

Address: *12 ARTHUR ST, HAMILTON 7140*

Phone: (Business hours) *0417 212 053*

Mobile: *A/A*

Fax: *N/A*

Email: *elaine_herlihy@hotmail.com*

Signature *E Herlihy*

Name *ELAINE HERLIHY*
Position in Organisation *SECRETARY*

Date *29/09/20*

What is the overall aim/purpose of the applying organisation?

Purchase & install cardiac defibrillator into an appropriate box

What is the membership of the organisation?

President *ROSS COLLIVER*
Secretary *ELAINE HERLIHY*
Treasurer *JUDY COLLIVER*
Public Officer/s
GARY HODDER

* **2. ELIGIBILITY** (see *Community Grant Program Guidelines*)

Is the organisation:

- ☒ Representative of the interests of the Central Highlands Community
- ☒ Incorporated
- ☒ Not for Profit
- ☐ Unincorporated
- ☐ A Hall Committee

OR

- ☐ An individual community member

Have you previously received funding from the Central Highlands Council? (Please attached additional pages if required)

If yes:

Name of Project: STREET LIBRARY 2019.

Date Grant received: UNSURE

Amount of Grant: \$700

* **3. PROJECT DETAILS**

* Project Start Date: after box purchased

* Project Completion Date: within 2/52 of start

Project Objectives: PROVIDE A POTENTIALLY LIFE SAVING DEVICE for the HAMILTON & SURROUNDING COMMUNITY.

4. COMMUNITY SUPPORT

What level of community support is there for this project?

DEVICE (CARDIAC DEFIBRILLATOR) ALREADY PURCHASED
REQUIRED BOX and INSTALLATION OF SAME DESIRED

Does the project involve the community in the delivery of the project?

YES. PARTICIPANTS OF THE MENS SHED TO
INSTALL

* **How will the project benefit the community or provide a community resource?**

RESOURCE OTHERWISE UNAVAILABLE TO
HAMILTON ENVIRONMENT. LIFE SAVING DEVICE
(POTENTIAL)

5. COUNCIL SUPPORT

* **Are you requesting other Council support? E.g. parks, halls, telephones, fax, photocopying, computers, office accommodation, cleaning facilities, street closure.**
If yes, please give details. NO

* **Are you requesting participation by Councillors or Council Staff?**
If yes, please give details. NO

If your application is successful, how do you plan to acknowledge Council's contribution? INCORPORATE DEVICE ON CNC
PROPOSED LISTING & ACKNOWLEDGEMENT OF
ASSISTANCE GIVEN IN ARTICLE PROPOSED FOR
HIGHLANDS DIGEST

6. FUTURE APPLICATIONS AND THE SUCCESS THIS PROJECT

* **Do you anticipate the organisation will apply for funding in future years?**
UNKNOWN AT THIS TIME

How will you monitor/evaluate the success of this project?

RECORD OF EVENTS REQUIRING THIS DEVICE

7. PROJECT BUDGET

Note: Amount from Council must not exceed half the project cost

Please provide a breakdown of the project expenditure and income:			
Expenditure	Amount \$	Income	Amount \$
Capital		Guarantee	
Refurbishment		Government Grants	
Equipment + INSTALLATION 500		Trust/Foundations	
Premises		Donations from Business	
Vehicles		Special Funding	
Other:		Gifts in Kind	
Other:		Other:	
Subtotal		Other	
		Subtotal	
Revenue		Anticipated	
Salaries (including super)		Government Grants	
Short-term contract fees		Central Highlands Grant	YES/SAME
Running costs		Trust/Foundations	
Production of information PR materials		Donations from Businesses	
Training staff/volunteers ✓		Special Fundraising	
Travel		Gifts in kind (details)	
Rent		Cash Reserves	
Reference materials		Other:	
Other:			
Subtotal		Subtotal	
TOTAL	500	TOTAL	



Policy No. 2013 - 03

Fraud Control Policy

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1. Introduction

Fraud can be defined generally as the use of an employee's or Councillor's position or employment within the Council to obtain a personal gain through the deliberate misuse or misappropriation of Council assets or resources.

Central Highlands Council is committed to the prevention, deterrence and investigation of all forms of fraud. Fraud can be damaging to the Council through financial loss, a lowering of staff morale, bad publicity and loss of public confidence.

2. Purpose

This policy covers guidelines, procedures and responsibilities regarding appropriate and authorised actions that are to be followed to increase the awareness of fraud. It also identifies actions to be taken in relation to the investigation of fraud and suspected fraudulent incidents.

This policy aims to:

- Protect Council's assets, resources, credibility and reputation;
- Promote and encourage a sound ethical culture at the Council;
- Ensure Councillor and Senior Management commitment to identifying the risk of fraud within Council's operations;
- Establish procedures for prevention, detection and investigation;
- Ensure that Councillors and staff are aware of the responsibilities in relation to ethical conduct.

3. Scope

This policy applies to all Councillors, Committee Members, employees, consultants and contractors of the Central Highlands Council.

4. Associated Policies

This policy should be read in conjunction with applicable, appropriate and associated policies, procedures and guidelines. These include, but are not limited to:

- Code of Conduct
- Staff Code of Conduct
- Risk Management Policy and Strategy
- Staff Induction Procedures
- Duty Statements/ Job Descriptions

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- Australian Standard 8001-2008 – Fraud and Corruption Control
- Pre-employment Screening Practices
- Personnel Rotation Procedures
- Separation of Duties

5. Elements of the Policy

The major elements of this policy are:

- 5.1 Education and Awareness
- 5.2 Roles and Responsibilities
- 5.3 Procedures
- 5.4 Disciplinary Actions
- 5.5 Risk Management
- 5.6 Fraud Control Program

These elements are expanded upon in the following paragraphs.

5.1 Education and Awareness

The likelihood and impact of fraudulent behaviour is to be minimised by promoting a sound ethical environment. This approach is intended to reduce the risk of fraud and should allow greater reliance on the integrity of employees rather than on direct measures.

It is the responsibility of all employees, Councillors, Committee Members, contractors and consultants to set an example through ethical and prudent use of Council assets and resources. Staff and Councillors have a duty to advise management of any concerns they have about the conduct of Council affairs or the use of Council assets and resources.

The Fraud Control Policy will be brought to the attention of all current and new staff and will be included in the induction program.

Staff with particular responsibilities such as cash handling, purchasing authority and account payment, will be given specific training in approved procedures.

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5.2 Roles and Responsibilities

5.2.1 Councillors and Committee Members

Councillors and Committee Members have a responsibility to abide by the Code of Conduct. Councillors and Committee Members need to keep in mind the Code of Conduct when considering reports, making decisions and scrutinising Council's activities.

Council will support all policies and measures taken to prevent, deter, detect and resolve suspected instances of fraud.

5.2.2 Senior Management

Senior Management is responsible for ensuring that there are adequate internal controls to provide reasonable assurance for the prevention and detection of fraud and corruption. Achievement of this will be assisted by:

- Compliance with Council policies, procedures, guidelines, rules and regulations;
- Ensuring that Councillors, Committee Members and employees are aware of their obligations as per the Code of Conduct;
- Ensuring that staff are aware of their responsibilities through adequate induction, training, supervision and written procedures;
- Responding to issues raised by Councillors, the Audit Committee, Senior Management and external auditors.
- All suspected cases or incidents of fraud are to be reported to the General Manager. The General Manager is to promptly organise an investigation in accordance with the Fraud Control Investigation Procedure, as attached.

5.2.3 Employees, Contractors and Consultants

Employees, contractors and consultants have a duty to make management aware of any concerns that they may have about the conduct of Council assets and resources. Any issues raised by them are to be promptly investigated. Confidentiality of issues raised is to be maintained.

5.3 Procedures

The Fraud Control Policy must be followed for all investigations of fraud or corruption.

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Variations to these procedures may result from requests or recommendations from the Audit Committee, Council, Tasmania Police or the Integrity Commission.

5.4 Disciplinary Actions

Where investigations conclude that there have been breaches of Council's policies, procedures and guidelines, the General Manager will determine the extent of disciplinary action to be applied. Such disciplinary measures may include, but are not limited to suspension (with or without pay), dismissal, re-classification, revision of salaries and contracts, re-organisation of duties and responsibilities and authorities, revising policies, procedures and guidelines, etc.

Where investigations reveal that criminal activities appear to have been conducted, details will be provided to Tasmania Police or other relevant law-enforcement agency for review. Tasmania Police are to be advised that it is Council's intention to proceed with criminal charges where the perpetrators admit to the fraud allegations or where Tasmania Police advise that they consider that fraud has been committed.

5.5 Risk Management

The following fraud minimisation procedures are to be followed:

- Accountability of Managers to the General Manager for the results and deviations from the budget in the monthly management reporting for departments.
- Periodic review of Council operations and an assessment of the Council's exposure to the risk of fraud.
- Internal controls are to be conducted on a regular basis and reports are to be submitted to the Audit Committee for review. This should minimise the exposure to fraud risk and minimise the occurrence of new frauds arising.
- External audit reviews with the focus on accountability of financial systems and reporting processes.
- Maintain strict recruitment practices, including the confirmation of all relevant employee details and thorough checking of references, in addition to including police checks on applicants successfully applying for senior positions and the promotion of this policy to all new Council employees.
- All assets are properly recorded and regular checks are performed to ensure that significant items are present.
- Establish, promote and enforce a standard of conduct for suppliers and contractors.
- Review work practices open to collusion or manipulation.

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- Ensure that Council management have been trained in identifying indicators of fraud.
- Ensure that applicable and appropriate staff have been trained in the procedures to be followed for investigating potential incidents of fraud.

5.6 Early Warning Signs

The following are some behavioural warning signs that all managers and staff need to be vigilant of which relate to potential fraudulent behaviour.

- Refusal to take leave;
- Resigning suddenly or failing to attend work for no apparent reason;
- Drugs or alcohol abuse;
- Staff over-riding or bypassing internal controls;
- Persistent anomalies in work practices;
- Obvious lifestyle changes that are out of character or are in conflict with employees' normal financial positions.

6. Linked Documentation

- Customer Service Charter
- Tendering and Procurement Policy
- Risk Management Policy and Strategy
- Code of Conduct
- Public Interest Disclosures Procedures Manual
- Related Party Disclosures Policy
- Staff Code of Conduct Policy

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Fraud Control Investigation Procedure

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1. Introduction

This procedure covers appropriate actions and responsibilities that must be followed for the investigation of fraud.

2. Process

- 2.1 Any employee, contractor, or consultant who has reason to suspect that a fraud has occurred shall immediately notify their manager. If the employee has reason to believe that their manager may be involved, the employee is to immediately notify another Manager or the General Manager. The employee, contractor or consultant shall keep this information confidential. (Note: Should the incident or allegation relate to the General Manager, the matter should be reported to the Mayor).
- 2.2 Any Councillor or Committee Member who has reason to suspect that a fraud has occurred shall immediately notify the General Manager. The Councillor or Committee Member shall keep this information confidential.
- 2.3 The Manager, when receiving notification of suspected fraud, is to immediately contact the General Manager. The Manager is not to attempt to investigate the suspected fraud and must keep the information confidential.
- 2.4 The General Manager is to promptly arrange an investigation upon notification of the details.
- 2.5 At the conclusion of an investigation of a Councillor, Committee Member, employee, contractor or consultant, the General Manager is to prepare a record. The record is to contain:
 - The allegation/s;
 - An account of all relevant information received, and if the General Manager has rejected the evidence as being unreliable, the reasons for this opinion being formed;
 - The conclusions reached and the basis for them;
 - Any recommendation arising from the conclusions.

Following the completion of the record, the General Manager is to determine what further action might be required.

3. Related Documents

- Fraud Control Policy
- Fraud Prevention Procedures
- Fraud Detection and Risk Management Procedures

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Fraud Prevention Procedure

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1. Fraud Prevention Strategy

Council's fraud prevention strategy involves:

1.1 Organisational Integrity and Leadership

The most effective form of fraud prevention is the establishment of an organisational culture that rejects fraudulent and corrupt practices. Commitment from Senior Management and Councillors is essential in establishing a behaviour model for all staff, Committee Members and volunteers.

Council will nurture a fraud-resistance culture by:

- Employing managers and supervisors who will be positive role models for ethical behaviour;
- Adopting and enforcing policies that emphasise the importance of ethical behaviour;
- Issuing clear standards, policies and procedures to minimise opportunities for fraudulent and corrupt behaviour and enhance detection mechanisms;
- Ensuring all staff are accountable for their own actions.

1.2 Employee Education and Awareness

Employees will be made aware of Council's ethical conduct expectations by:

- The inclusion of ethical conduct requirements in information packages for new employees;
- An ongoing program of inclusion of ethical behaviour expectations within all position descriptions for new and existing positions;
- Implement and review a Staff Code of Conduct as part of the development of organisational values and culture.

Staff with particular responsibilities, such as cash handling and purchasing authority, will be given specific training in approved cash handling and purchases.

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1.3 Customer and Community Awareness

Fraudulent activity may be detected as a result of complaints from Council customers or other members of the public. It is essential that the community understands the impact of fraudulent and corrupt activity and the importance of exposing such behaviour. In order to increase community awareness and encourage the reporting of fraudulent and corrupt conduct, Council will:

- Publish the Code of Conduct and other relevant Policies and procedures on Council's website;
- Provide feedback to all persons who report suspected corrupt or fraudulent conduct.

1.4 Regular Reviews of Policies and Procedures

In addition to ongoing policy development directed at emphasising ethical behaviour and fraud prevention and detection, Council is committed to the ongoing review of existing policies and procedures. These will be reviewed at least every 3 years.

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Fraud Detection and Risk Management Procedure

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1. Fraud Detection and Risk Management

Council's fraud detection strategy involves:

1.1 Encouraging Disclosure

It is recognised that most fraudulent activity is detected by employees of Council and to a lesser extent, by members of the public. Council will encourage the reporting of fraudulent conduct by:

- The inclusion of training on fraud awareness and reporting procedures in induction of new employees;
- Awareness training for all staff on Council's Staff Code of Conduct and reporting of fraudulent and corrupt activity on a bi-annual basis;
- Advertising on Council's website of the various methods by which members of the public can report instances of fraudulent conduct that they may become aware of;
- Providing feedback to people who report suspected fraud.

1.2 Internal Reviews

Council will minimise opportunities for undetected fraudulent activity via a robust internal review program. The General Manager shall establish and implement a detailed strategy and procedure, incorporating internal review guidelines in order to give this policy effect. Such a program will include:

- Bi-annual reviews of purchasing and disposal transactions;
- Annual reviews of financial system security;
- Annual reviews of cash float and petty cash balances;
- Annual stock-takes of Council inventories;
- Annual reviews of physical asset security;
- Annual reviews of compliance with adopted cash handling procedures;
- Implementation and monitoring of recommendations by Council's external auditors.

1.3 External Auditing

Council is required under the Local Government Act 1993 to have its financial reports audited and to present those audited financial reports to the public.

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2. Fraud Investigation

Council recognises that it will not always be successful in its efforts to prevent fraud. The General Manager will therefore investigate all reported instances of fraud and corrupt conduct as thoroughly as possible. Depending upon the circumstances of the alleged fraud, an internal investigation may be undertaken or the matter may be referred to an external body such as Tasmania Police, the Ombudsman or the Integrity Commission.

3. Fraud Correction

Once a fraudulent act has been identified and investigated, strategies and procedures are to be implemented to ensure that the act will not be repeated. This may include:

- Disciplinary action and/or dismissal of employees, Committee Members, volunteers or contractors involved in fraudulent conduct;
- Review and alteration of operating procedures;
- Additional training for employees, Committee Members, volunteers or contractors;
- Making other employees aware of the situation in general terms in order to discourage similar conduct in the future;
- Improvements in the physical security of assets.

4. Non-Compliance

Non-compliance with this procedure may result in disciplinary action which may include dismissal.

- Publish the Code of Conduct and other relevant Policies and procedures on Council's website;
- Provide feedback to all persons who report suspected corrupt or fraudulent conduct.

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Journey to the Centre of Tasmania

Stay a night or two!

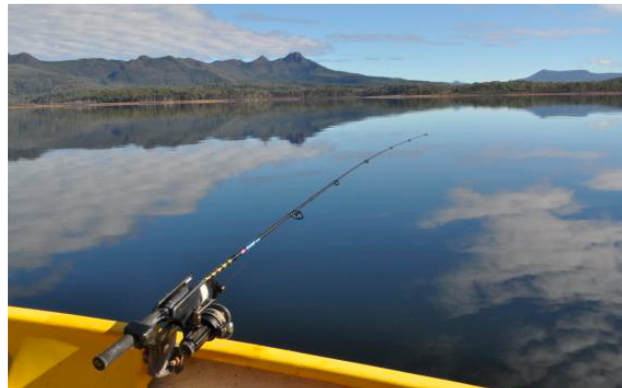
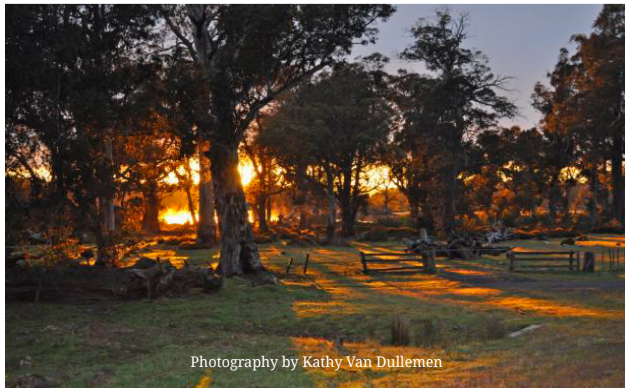


The Central Highlands is a picturesque show of mountain peaks interspersed with rolling grass plains. The area boasts unparalleled natural scenery and amazing built heritage. Its home to a maze of pristine lakes, rivers, creeks and streams, the dramatic Highlands is a world-class walking, driving and fishing destination.

For more information contact
the Central Highlands Visitor Centre
in Market Place Bothwell | **Ph: 6259 4033**
Email: info@ausgolfmuseum.com



Visit the heart of Tasmania's Central Highlands, Stay a night or two!



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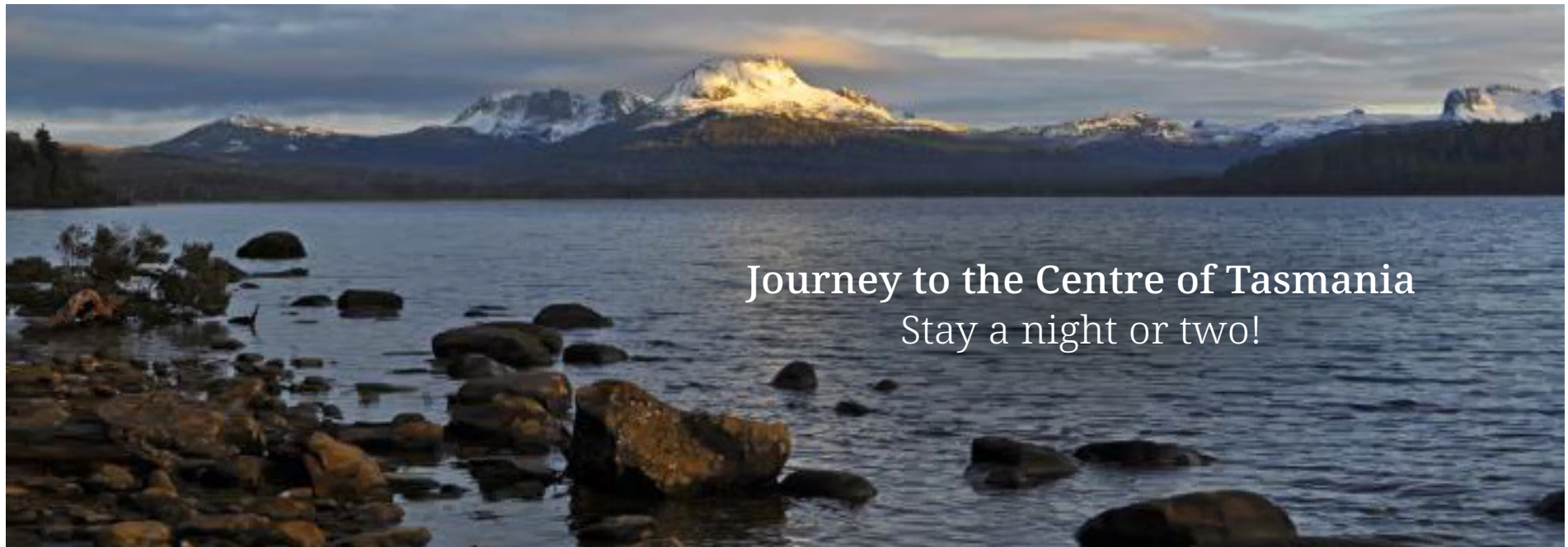


Photography by Robert Cassidy - Bothwell



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Photography by Kathy Van Dullemen

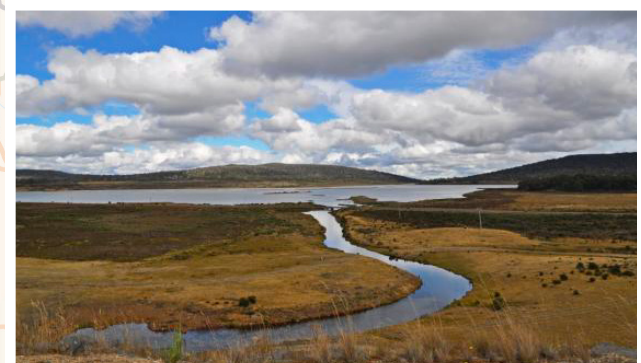
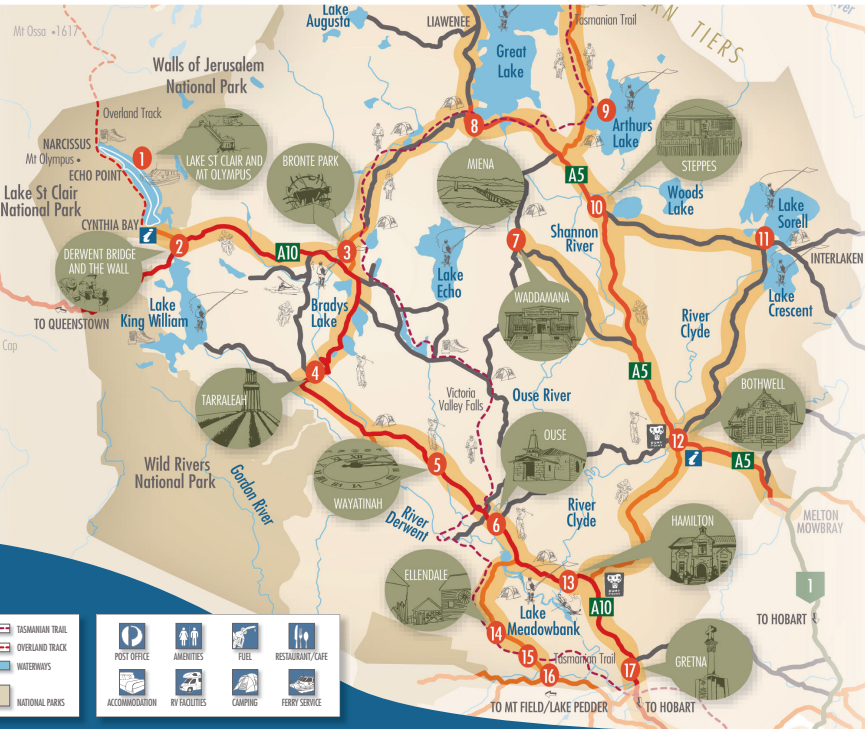
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Journey to the Centre of Tasmania

Stay a night or two!

- 1 LAKE ST CLAIR/MT OLYMPUS
- 2 DERWENT BRIDGE/THE WALL
- 3 BRONTE PARK
- 4 TARRALEAH
- 5 WAYATINAH
- 6 OUSE
- 7 WADDAMANA
- 8 MIENA/GREAT LAKE
- 9 ARTHURS LAKE
- 10 STEPPES
- 11 LAKE CRESCENT/LAKE SORELL
- 12 BOTHWELL
- 13 HAMILTON
- 14 ELLENDALE
- 15 FENTONBURY
- 16 WESTERWAY
- 17 GREYNA



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HIGHLANDS TASMANIA

- 1 LAKE ST CLAIR/ANT OLYMPIA
- 2 DERWENT BRIDGE/THE WALL
- 3 BRONTE PARK
- 4 DANKALAN
- 5 WOODSTOCK
- 6 OUSE
- 7 WOODMANNIA
- 8 MERRA/GREAT LAKE
- 9 ARTHURS LAKE
- 10 STEPPES
- 11 LAKE CRESCENT/LAKE SORELL
- 12 BOTHWELL
- 13 HAMILTON
- 14 ELLENDALE
- 15 PENTONHURST
- 16 WESTONHAM
- 17 GRETTA



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