



Central Highlands Council

AGENDA – ORDINARY MEETING – 19th AUGUST 2015

Agenda of an Ordinary Meeting of Central Highlands Council scheduled to be held at Bothwell Council Chambers, on Wednesday 19th August 2015, commencing at 9am.

I certify under S65(2) of the Local Government Act 1993 that the matters to be discussed under this agenda have been, where necessary, the subject of advice from a suitably qualified person and that such advice has been taken into account in providing any general advice to the Council.

Lyn Eyles
General Manager

1.0 OPENING

2.0 PRESENT

3.0 APOLOGIES

4.0 PECUNIARY INTEREST DECLARATIONS

In accordance with Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the Deputy 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) in any item of the Agenda.

5.0 CLOSED SESSION OF THE MEETING

Moved **Cllr**

Seconded **Cllr**

THAT pursuant to Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015, Council close the meeting to the public.

Items for Closed Session:

- 1 Confirmation of Confidential Minutes of Council's Ordinary Meeting held on 16th June 2015 Regulation 15 (2) (g)
 - 2 Leave of Absence Mayor Flint Regulation 15 (2) (h)
 - 3 Personnel Matters Regulation 15 (2) (a)
-

5.1 OUT OF CLOSED SESSION

Moved **Clr**

Seconded **Clr**

THAT Council moves out of Closed Session and endorse those decisions taken while in Closed Session and the information remains confidential.

OPEN MEETING TO PUBLIC

The Meeting will be opened to the public at 10.00am

6.0 IN ATTENDANCE

Melinda Anderson (CEO DST) and Chris Viney will be attending the meeting at 10.30 am

6.1 PUBLIC QUESTION TIME

7.0 MAYORAL COMMITMENTS

7.1 COUNCILLORS COMMITMENTS

Deputy Mayor A J Downie

21 st July 2015	Council Meeting - Bothwell
7 th August 2015	Regional breakfast for Prime Minister – Sorell
10 th August 2015	STCA – Hobart
11 th August 2015	Plant / Planning Committees - Bothwell

Clr R L Cassidy

21 st July 2015	Council Meeting – Bothwell
11 th August 2015	Planning Committee Meeting

Clr L M Triffitt

21 st July 2015	ILU Committee Meeting Council Meeting – Hamilton
22 nd July 2015	LGAT Conference Launceston: AGM, Ordinary Meeting, Minister Gutwein's Address

7.2 GENERAL MANAGER COMMITMENTS

21 st July 2015	Independent Living Units Meeting Council Meeting
22 nd – 24 th July 2015	LGAT Annual Conference

8.0 NOTIFICATION OF COUNCIL WORKSHOPS HELD

Nil

8.1 FUTURE WORKSHOPS

9.0 MAYORAL ANNOUNCEMENTS

10.0 MINUTES

10.1 RECEIVAL DRAFT MINUTES ORDINARY MEETING

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of the **Ordinary Meeting** of **Council** held on **Tuesday 21st July 2015** be **received**.

10.2 CONFIRMATION OF DRAFT MINUTES ORDINARY MEETING

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of the **Ordinary Meeting** of **Council** held on **Tuesday 21st July 2015** be **confirmed**.

10.3 RECEIVAL DRAFT MINUTES PLANNING COMMITTEE MEETING

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of **Planning Committee** of **Council** held on **Tuesday 11th August 2015** be **received**.

10.4 RECEIVAL DRAFT MINUTES ILU COMMITTEE MEETING

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of **Independent Living Units Committee** of **Council** held on **Tuesday 21st July 2015** be **received**.

10.5 RECEIVAL DRAFT MINUTES TOURISM COMMITTEE MEETING

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of **Tourism Committee** of **Council** held on **Thursday 6th August 2015** be **received**.

10.6 RECEIVAL DRAFT MINUTES PLANT COMMITTEE MEETING

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of **Plant Committee** of **Council** held on **Tuesday 11th August 2015** be **received**.

11.0 BUSINESS ARISING

12.0 NRM REPORT

Moved C1r

Seconded C1r

THAT the NRM Report be received.



Derwent Catchment Natural Resource Management Committee Inc.
PO Box 22 Hamilton Tas 7140 Phone: 6286 3211

Report for Central Highlands Council 14th July to 19th August June 2015

General Business:

The Resource Centre now has carpet which looks great, people frequently comment on how good it has all come up. We had a working bee for a couple of hours before our executive meeting on the 30th July to relieve the building of old paperwork and other items, thanks to Jason for arranging to remove all the rubbish for us.

End of financial year

Unfortunately Josie was unwell around the end of financial year so we had a bit of catch up to do with reporting on grants from last financial year which has kept us busy. Josie is now on 5 weeks leave and I will be working Wed-Fri in her place until she returns on the 7th September. Please feel free to contact me if there are any queries.

Weed Management Program

Weeds officer

Josie has been supporting Kathy with the compilation of the Weed Management Report, a copy of which is attached with this brief. As detailed in the summary, investment as a collective has doubled, volunteer efforts have increased to previous year totals and in-kind has also increased, demonstrating that weed control with a collaborative approach and common goals is working. The plan has been very well received and there have been several comments on the level of detail and content. Kathy has been meeting with stakeholders to ensure ongoing investment and we have been negotiating the renewal of Kathy's contract for the coming year.

Revegetation at Clearview

We have been working in conjunction with CompassAgri to start a revegetation project on their dairy farm at Gretna. They intend Clearview to be a showcase dairy and the revegetation project will contribute significantly towards this goal with approx. 1200 native trees to be planted around the dam and along watercourses that are fenced off from stock. Works will be beginning shortly.

Pasture principles course

Macquarie Franklin presented the first theory day of the pasture principals course to farmers from the catchment at the Hamilton Resource Centre on Tues 4th. The second theory day held on Wed 12th. The two key focuses of the course are: 1) maximizing pasture utilisation - understanding impacts of grazing on pasture and how to manage for optimum utilisation to increase live weight gain and stocking potentials and 2) Pasture budgeting in practice - understanding the dynamics of pasture and developing the ability to forecast pasture yields to match stocking regimes and seasonal variation.

Pivot fencing day

On the 23rd July we ran a pivot fencing day to showcase innovative ways to get around the problem of permanent fencing pivot irrigators. A mini-bus full left Hamilton at 8 am and then went on to visit Chris Headlam at Tunbridge, Stephen Creese at Symmons Plains and David Archer at Cressy/Poatina to see how these farmers were dealing with the problem. The three hosts all provided different options and much discussion was generated. Feedback from the day was very encouraging. We are seeking funding to prepare a brochure on options for fencing pivots with Luke Taylor from AgAssist and Ken Moore from NRM South.



Grant applications

Spanish Heath eradication at Ellendale continuation – 30/06/2015 - Tas Landcare grant - pending
 Clearview restoration project - 30/06/2015 – Tas Landcare grant - pending

Yours Sincerely,

Eve Lazarus, Projects Officer, Derwent Catchment NRM Committee

12.1 DCRNM 2014-2015 WEED CONTROL REPORT

Attached is a comprehensive Weed Control Report prepared by Kathy Van Dulleman and Josie Kelman on behalf of the Derwent Catchment Natural resource Management Committee. The report details what was achieved, costs, value adding and recommendations for the 2015-16 weed control season.

For Noting

13.0 FINANCE REPORT

Moved **Clr**

Seconded **Clr**

THAT the Finance Report be received.

13.1 REQUEST FOR RATES REMISSION 04-0017-03967

Email received from Rate Payer 19th July 2015. In 2014 Council resolved to remit the rates on this property for that financial year.

According to the Crown Lands Dept. this P.I.D. is Last Street Bothwell. We use only a small portion of street, part is still public street, part is used by other residents and the bottom is flooded by Ratho Dam.

We pay a lease to the Department of Primary Industries so if we have to pay rates as well the convenience of the part that we use is not worth it - we continue to keep our section free of noxious weeds (ie: goss etc.).

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT Council remit the rates on property 04-0017-03967 for the amount of \$464.76

13.2 REQUEST FOR RATES REMISSION 01-0838-02982

Letter received from Rate Payer 10th July 2015. Letter sent by the rate payer's Niece on behalf of property owner 01-0838-02982 Meadow Bank Road Meadow Bank.

The Niece states in the letter that her Uncle currently pays \$138 per year on his rates which allows him access to waste transfer station within the Central Highlands Municipality. The rate payer is 80 years of age and has some health issues and would prefer if he could use a wheelie bin and have them collected. It's the niece's understanding that this service is currently unavailable at his residence through the Central Highlands Council.

The Niece has spoken to Mr David Bradford from the Derwent Valley Council and the Derwent Valley Council are able to provide him with two wheelie bins, which will be collected and invoice him each year for this service.

If he gets these bins wheelie bins from the Derwent Valley Council he will not need to access the waste transfer stations within Central Highlands Council Municipality. Is it possible to remove the \$135.00 per year fee presently applied to his rates with the Central Highlands Council to allow him to use and pay for the wheelie bins provided by the Derwent Valley Council.

Could the Central Highlands Council please consider this request and if the fee can be remitted, so I can contact the Derwent Valley Council to arrange wheelie bins for my Uncle, which will make an elderly gentleman's life a little easier.

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT Council remit the Solid Waste Garbage Fee of \$138.00 on property 01-0838-02982.

13.3 SHARED SERVICES MODELLING

Deputy Mayor Andrew Downie attended the Local Government of Tasmania's Annual Conference at Launceston and will provide a verbal update on this topic.

14.0 DEVELOPMENT & ENVIRONMENTAL SERVICES

In accordance with Regulation 25(1) of the Local Government (Meeting Procedures) Regulations 2015, the Deputy 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**

Seconded **Clr**

THAT the **Development & Environmental Services Report** be received.

14.1 DA2015/00027: C.L. ANDREWS & ASSOCIATES PTY LTD: "BROADWATER" 580 LOWER MARSHES ROAD, APSLEY (CT221421/1) & "STRATHBARTON" 349 LOWER MARSHES ROAD, APSLEY (CT126598/1): SUBDIVISION (BOUNDARY ADJUSTMENT) IN RURAL ZONE

Report By:

Contract Planner (D Allingham)

Approved:

Senior Contract Planner (S Wells)

Applicant:

C.L. Andrews & Associates P/L

Owner:

T & J Edgell & J Bresnehan

Proposal:

Approval is sought for a boundary adjustment between two rural properties in Apsley ("Broadwater" & "Strathbarton").

Broadwater is located to the north of the Strathbarton property and is traversed by Woodspring Road through the south of the lot. It is proposed to adjust the boundary of the Strathbarton property so that it incorporates the southern 3.25 ha (shown as Lot 1 on the attached plan) of the Broadwater property which is to the south of Woodspring Road.

The Broadwater property will be 24.58ha and will be entirely to the north of Woodspring Road and the Strathbarton property will be 542.45ha. No new lots will be created.

No buildings are proposed for the site at this stage.

There are no reticulated services available to the proposed lots.

Site Description:*Site and Locality*

As mentioned above, the application relates to two rural properties, "Broadwater" & "Strathbarton", in Apsley. Strathbarton is 539.2ha and the larger of the two properties. Highland Lakes Road forms part of the frontage to the south and the Jordan River forms the eastern boundary. Lower Marshes Road traverses the eastern part of the property and a farm house and sheds are located in this area. The property is generally cleared for grazing and has undulating hills, but generally slopes from west to east.

Broadwater is 27.78ha and located to the north of Strathbarton and is traversed by Woodspring Road. The southern part of the property is generally cleared and the northern part forested.

All adjoining properties are rural properties with a similar mix of cleared paddocks and forested areas.

The subject site and adjoining properties on all boundaries are zoned Rural.



Plate 1: The subject title is located within the Rural Zone (beige).
(Source: The List Map, 2015)



Plate 2: An aerial image of the subject land and surrounding built and natural environment.

(Source: *The List Map*, 2015)

Servicing provision

No services are provided to the site.

Environmental values

The threatened vegetation community *Eucalyptus tenuiramis* forest predominantly covers the Broadwater property and partially covers the Strathbarton property in the north west. Given no buildings are proposed as part of the application and there are still suitable building areas on each proposed lot, it was not considered necessary for a natural values assessment to be undertaken.

Statutory Status:

The land is located within the Rural Zone under the *Central Highlands Planning Scheme 1998* (the Planning Scheme). The proposal falls under the use category of a 'Subdivision' which is a Discretionary development type pursuant to Section 3 of the Rural Zone.

Advertising:

The application was subject to a 14 day statutory notification procedure in accordance with section 57 of the Act from 22 June 2015 through to 6 July 2015. No representations were received.

Notification

No other authorities were required to be notified as part of the proposal.

Planning Evaluation

General Objectives:

The General Objectives of the Planning Scheme are reproduced below:

- a) *To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*
- b) *To provide for the fair, orderly and sustainable use and development of air, land and water;*
- c) *To encourage public involvement in resource management and planning;*
- d) *To encourage economic development in accordance with the objectives listed above;*
- e) *To give effect to the relevant objectives of the Central Plateau, Midlands and Southern Midlands Strategic Plan and the Central Highlands Council Strategic Plan which are as follows:-*
 - i. *To encourage sustainable long term use of appropriate areas for agricultural, pastoral and forestry activities.*
 - ii. *To strengthen the commercial and tourist roles of the existing townships and create an appropriate network of settlements to meet the needs of residents and visitors.*
 - iii. *To conserve significant vegetation, habitat and scenic resources.*
 - iv. *To encourage land use and development to occur in consideration of land capability.*
 - v. *To maintain recreational values, including the wild fishery, and to expand opportunities for resource-related tourism.*
 - vi. *To protect places of cultural significance, and*
 - vii. *To reinforce the role of the area as a major water catchment for the generation of hydro-electric power, domestic water supply and irrigation.*

The proposed subdivision is considered to be consistent with the objectives above as it is orderly in that an existing physical boundary in Woodspring Road will form the boundary between the two properties.

Specific Objectives:

The Specific Objectives of the Planning Scheme which are relevant to this application are reproduced below:

(b) To encourage diverse uses and to foster the broadening of the economy of the Council area and of the region.

Given the natural values of the area and the physical boundary of the lot, Broadwater may be better suited to residential use and conservation.

Zone Objectives for the Rural Zone

The passages outlining the Objectives of the Rural Zone are reproduced as follows:

(a) To encourage and facilitate the development of rural land for sustainable long-term agriculture or pastoral activities, and other uses.

(b) To protect rural resources from conversion to other uses.

(c) To allow for non agricultural activities in locations which will not constrain agricultural or pastoral activities or resources.

The proposal is considered to be consistent with the Rural Zone objectives as the current land use will not change and the subdivision does not prevent the land from being used for other non-agricultural purposes (e.g. conservation and dwelling) in the future.

Development Standards

Part 6 of the Rural Zone prescribes the Development Standards relevant to all applications for use or development. The proposal complies with the 20ha minimum lot size.

In respect to frontage, each lot has a minimum frontage to a road in excess of 6 metres and qualifies as a Minimum lot under s.109(1)(d) of the *Local Government (Building and Miscellaneous Provision) Act 1993*.

The proposal complies with the subdivision Development Standards.

Schedule 5 – Matters to be Taken into Consideration in Making Decisions on Applications for a Permit:

Schedule 5 provides additional matters that must be taking into consideration when deciding on any application for a permit and relevant matters are addressed in the following.

S.5.1 – The provisions of any State Policy or interim State Policy.

Comments in relation to relevant State Policies are discussed below.

S.5.3 – The objectives and other provisions of the Scheme.

The proposal is considered to further the relevant General, Specific Zone and overlays as demonstrated throughout the report.

S.5.5 – The effect of the proposed use or development on the landscape, scenic quality or biological diversity of the locality.

The application is for a boundary adjustment only.

S.5.7 – The social effect and the economic effect of the proposed use or development in the locality.

The social and economic effect on the locality will not be significant.

S.5.9 Whether the proposed use or development is satisfactory in terms of the character, location, siting, bulk, scale, size, height, density, design, layout or external appearance and levels of emissions in relation to;

(a) existing site features;

(b) adjoining land uses and zones;

(c) the streetscape and/or landscape;

- (d) the natural environment;*
- (e) a place of cultural significance;*
- (f) any special area;*
- (g) water supply for domestic or fire fighting purposes;*
- (h) any perceived pollution or hazard; or*
- (i) powerline easement;*

The layout of the subdivision complies with the development standards.

S.5.10 The size and shape of the land to which the proposed use or development application relates, the siting of any building or works on that land and the area to be occupied by the use or development;

The boundaries of the subjects sites will be well defined by Woodspring Road and the siting of future buildings is not likely to be an issue.

S.5.11 Whether the land to which the proposed use or development application relates is unsuitable for the proposed use or development by reason to its being, or being likely to be, subject to flooding, bushfire hazard, subsidence, slip or to any other risk, limitation or constraint;

The proposed subdivision is within a bushfire prone area. Future applications for sensitive use will require bushfire reports. There is plenty of room for future bushfire hazard management areas.

S.5.12 – The relation of the proposed use or development to the use or development on adjoining land or on other land in the locality.

The proposal would have minimal impact, if any, upon the existing neighbouring properties.

S.5.13 – The provisions of Schedule 3 or any code or policy adopted by Council relating to car parking, and whether the proposed means of access is adequate and whether adequate provision has been made for loading, unloading, manoeuvring and parking of vehicles within the proposed use or development or on that land.

Access will need to be constructed to the road for each lot prior to future development.

S.5.14 Whether the proposed use or development will be supplied with an adequate level and standard of physical and human services infrastructure and whether appropriate infrastructure can be supplied before development commences.

The proposed lots will not be supplied with any reticulated services and on-site water storage and wastewater treatment will need to be addressed as part of future development. Access is discussed above.

S.5.15 – The amount of traffic likely to be generated by the proposed use or development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic and the safety of pedestrians.

The amount of traffic generated will be able to be absorbed by the existing road network.

S.5.19 The effect on the natural, cultural and built heritage;

The natural heritage will be protected as outlined throughout this report.

State Policy Implications

- **State Policy of Water Quality Management**

Subject to appropriate conditions, the proposal is considered to be able to demonstrate compliance with this Policy with regard to ensuring sediment transport into surface waters does not occur.

- **State Policy on the Protection of Agricultural Land 2009**

The State Policy on the Protection of Agricultural Land protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion to non-agricultural uses is subject to the principles of the Policy. Broadwater is Class 5/6 land and is only partially used for grazing, but the prevalence of a threatened vegetation community on the property is likely to prevent any further clearing for agricultural purposes. The agricultural practices on the balance lot will be unaffected by the **subdivision**.

Technical Matters

Roads: Proposed Lot 3 and the Lot formed by adhering Lots 1 & 2 have frontage to Woodspring Road, which also forms the boundary between the 2 new lots.

Lot 2 also has frontage to the Lake Highway and Lower Marshes Road.

Woodspring Road is currently only a 10.06 metre wide reserved road.

A Road Parcel equal to 9 metres from the centreline of the existing road should be formalised over Woodspring Road along the frontage of the subdivision and transferred to Council. A condition to this effect is included.

Stormwater: Council cannot provide a means of stormwater disposal to the lots. Stormwater will be required to be retained on-site.

Water & Sewer: No reticulated services are available. On-site water storage will be required for future dwellings and wastewater will need to be treated through an on-site wastewater system.

No other issues of concern have been raised.

CONCLUSION

The application is for a boundary adjustment relating to “Broadwater” at 580 Lower Marshes Road, Apsley and Strathbarton at 349 Lower Marshes Road, Apsley. The boundary adjustment satisfies the subdivision standards of the Rural Zone and is considered to not impact on the existing or future agricultural potential of the land.

The application is considered to satisfy the relevant provision of the Planning Scheme and the application is recommended for approval with conditions.

Recommendation:

Moved **Clr**

Seconded **Clr**

That Central Highlands Council (Planning Authority) in accordance with the provisions of the *Central Highlands Planning Scheme 1998* and Section 57 of the *Land Use Planning & Approvals Act 1993*, approve the application for subdivision (boundary adjustment) at “Broadwater” – 580 Lower Marshes Road, Apsley (CT221421/1) & “Strathbarton” - 349 Lower Marshes Road, Apsley (CT126958/1) subject to the following conditions:

General

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

Easements

- (3) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.

Endorsements

- (4) The final plan of survey must be noted that Council and TasWater cannot or will not provide a means of drainage, water or sewer services to all lots shown on the plan of survey.
- (5) The final plan of survey must be endorsed that the lots are only suitable for the on-site disposal of wastewater using a licensed Aerated Wastewater Treatment System or modified trench septic or other approved system.

Covenants

- (6) Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's General Manager

Final plan

- (7) A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- (8) A fee, as determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
- (9) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
- (10) The subdivider must pay any Titles Office lodgement fees direct to the Recorder of Titles.

Engineering

- (11) The subdivision must be carried out in accordance with the *Central Highlands Council Subdivision Guidelines 2012 (attached)*.

Existing services

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

Access

- (13) A vehicle access must be provided from the road carriageway to each lot. Accesses must be located and constructed in accordance with the standards shown on standard drawings TSD-R03-v1 *Rural Roads Typical Property Access*, TSD-R04-v1 *Rural Roads Typical Driveway Profile*, and TSD-RF01-v1 *Guide to Intersection and Domestic Access Sight Distance Requirements* prepared by the IPWE Aust. (Tasmania Division) (attached) and the satisfaction of Council's General Manager.

ADVICE: No work on or affecting the State Road (Lake Highway), including drainage, may be undertaken without the Minister's consent and a permit provided by the Department of State Growth.

Road Widening

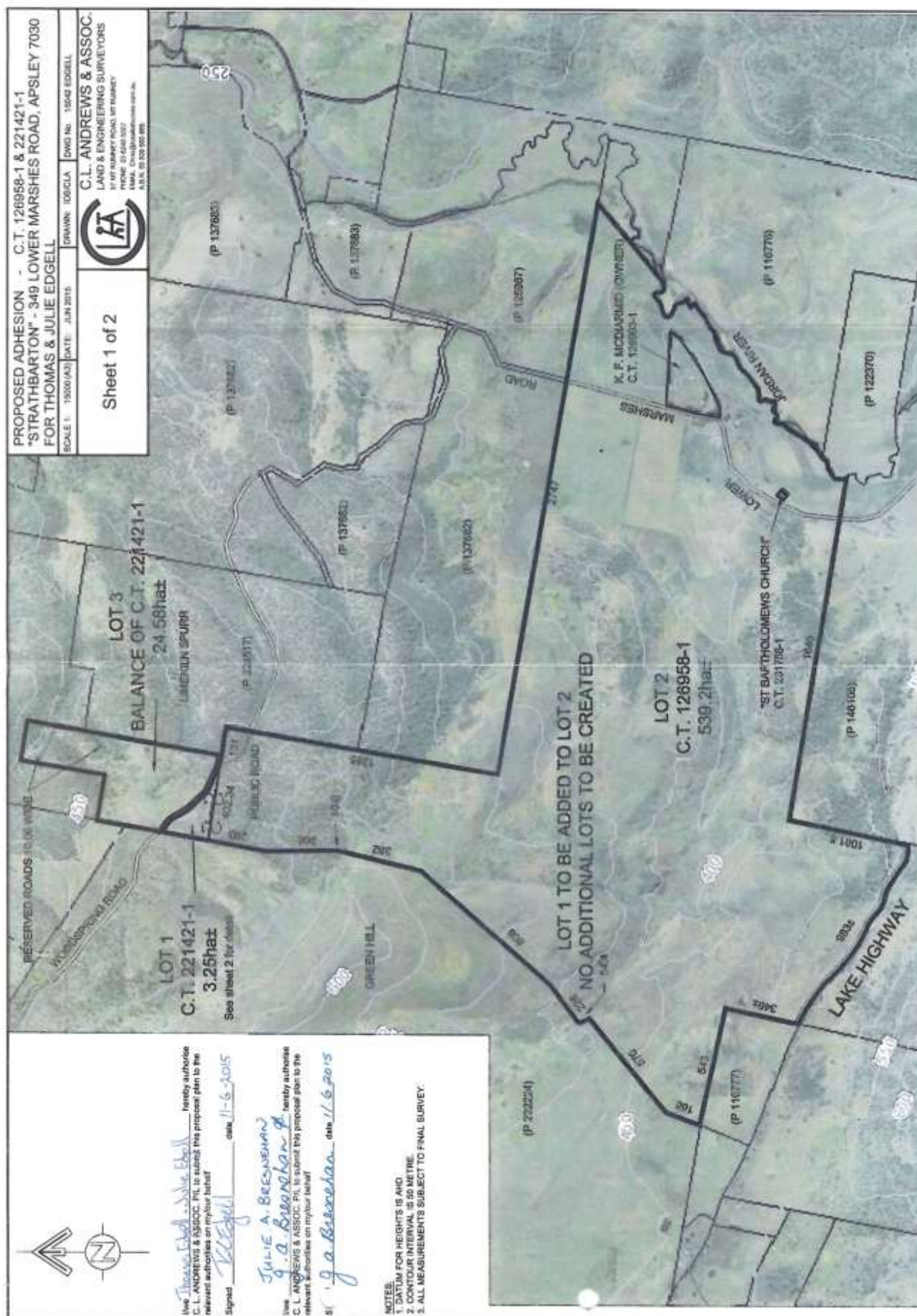
- (14) Land within 9.00 metres of the centre line of Woodspring Road for the full length of the road on the subject land must be provided for the widening or deviation of the existing highway in accordance with Sections 85(d)(viii) and 108 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* and the satisfaction of the Council's General Manager.

Transfer of reserves

- (15) "Woodspring Road" must be shown as "Road" on the final plan of survey and transferred to the Central Highlands Council by Memorandum of Transfer submitted with the final plan.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the Commonwealth *Environmental Protection and Biodiversity Protection Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Primary Industry, Water & Environment or the Commonwealth Minister for a permit.
- C. The issue of this permit does not ensure compliance with the provisions of the *Aboriginal Relics Act 1975*. If any aboriginal sites or relics are discovered on the land, stop work and immediately contact the Tasmanian Aboriginal Land Council and Aboriginal Heritage Unit of the Department of Tourism, Arts and the Environment. Further work may not be permitted until a permit is issued in accordance with the *Aboriginal Relics Act 1975*.
- D. Appropriate temporary erosion and sedimentation control measures include, but are not limited to, the following
- - Minimise site disturbance and vegetation removal;
 - Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
 - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - Gutters spouting and downpipes installed and connected to the approved stormwater system before the roofing is installed; and
 - Rehabilitation of all disturbed areas as soon as possible.
- E. **If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.**
- F. **This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.**





14.2 DA2015/00021: C.L. ANDREWS & ASSOCIATES PTY LTD: "SHAWFIELD" 1110 VICTORIA VALLEY ROAD, OUSE (CT205978/4): SUBDIVISION (1 LOT & BALANCE) IN RURAL ZONE

Report By:

Contract Planner (D Allingham)

Approved:

Senior Contract Planner (S Wells)

Applicant:

C.L. Andrews & Associates P/L

Owner:

V Jones

Proposal:

Approval is sought for a 1 lot and balance subdivision of a large rural property called "Shawfield" at 1110 Victoria Valley Road, Ouse.

Proposed Lot 1 will be approximately 19ha and will be located in the north-west corner of the subject land. Lanes Tier Road will provide frontage to the lot and form the eastern boundary.

The balance lot will be approximately 743ha and will retain frontage to Lanes Tier Road and Victoria Valley Road.

No buildings are proposed for the site at this stage.

There are no reticulated services available to the proposed lots.

Site Description:

Site and Locality

The 763ha subject site is located approximately 11.5km north-west of Ouse. The western part of the lot is traversed by Lanes Tier Road, with some of this road forming its western boundary. Kenmore Creek defines the north-western boundary. Victoria Valley Road traverses a small section of the parcel to the east and to the east of the road is a farmhouse.

The land is generally flat except for Bells Bare Hill which dominates the south-east corner of the site. The site is generally used for grazing activities and is largely cleared of vegetation except for the area of proposed Lot 1 and other areas around Kenmore Creek.

Adjoining properties to the south and east tend to be similar larger rural properties clear of vegetation used for grazing. The land to the west consists of forested hills with some forestry operations. Ten smaller lots (approx.. 10ha) are located to the north-west of proposed lot 1, some of which contain dwellings.

The subject site and majority of adjoining properties on all boundaries are zoned Rural with part of the forested area to the west zoned Forestry Purposes.

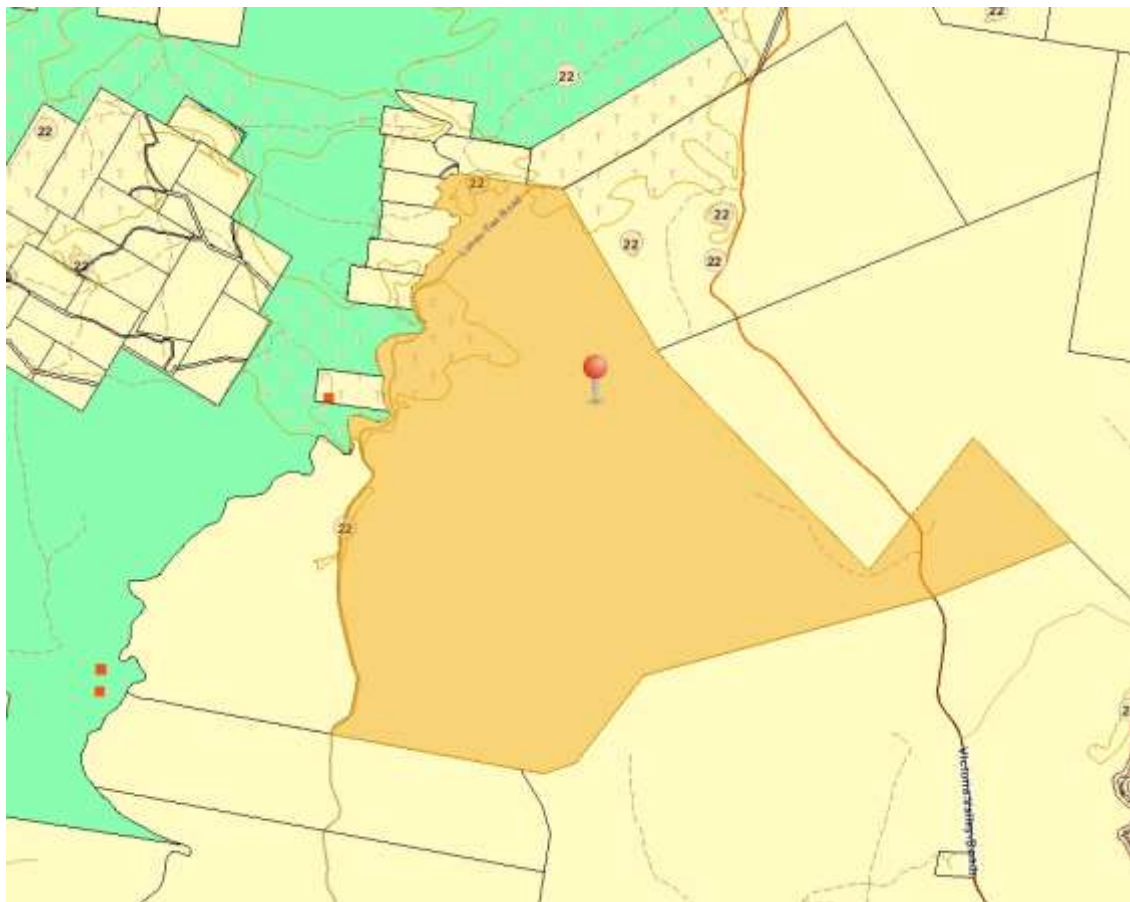


Plate 1: The subject title is located within the Rural Zone (beige). The green area is the Forestry Purposes Zone.
(Source: The List Map, 2015)

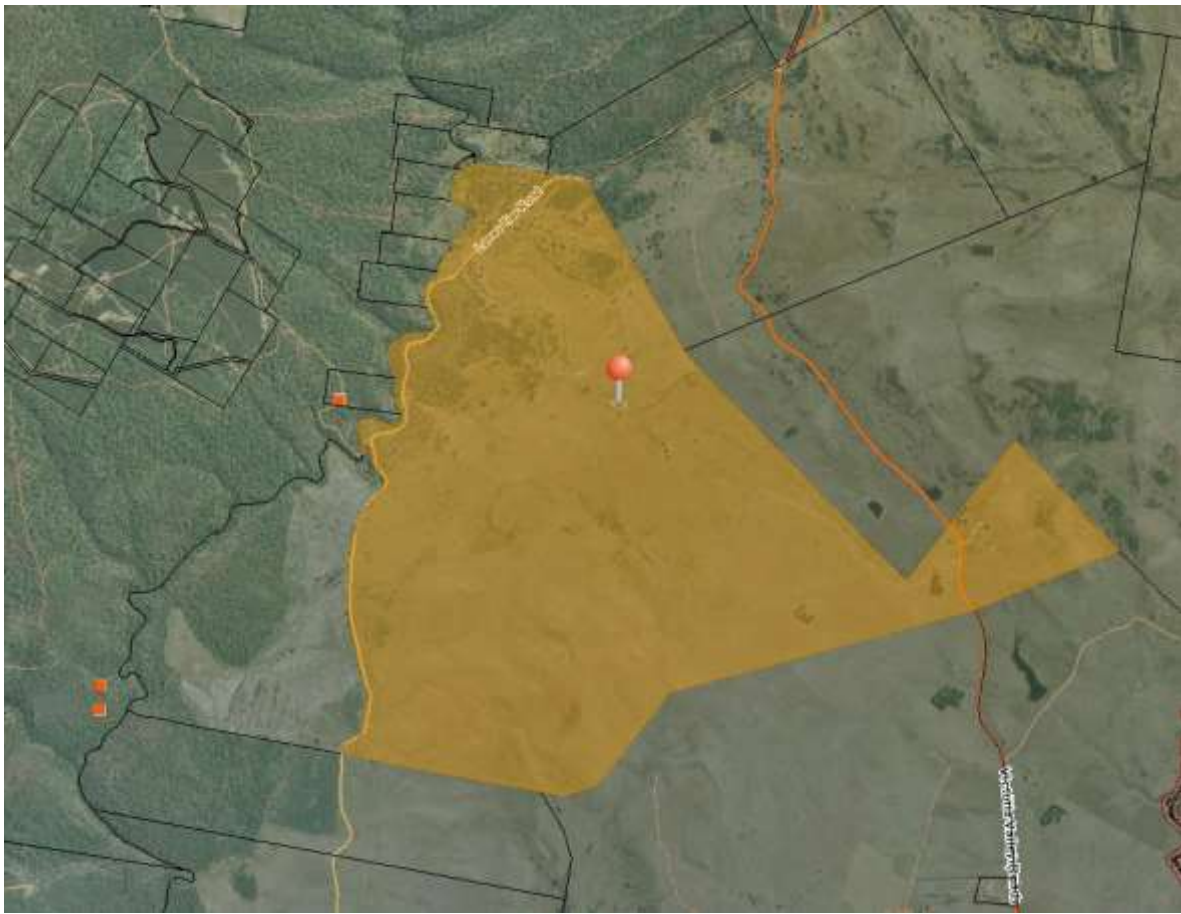


Plate 2: An aerial image of the subject land and surrounding built and natural environment.
(Source: The List Map, 2015)

Servicing provision

No services are provided to the site.

Environmental values

A patch of the threatened vegetation community *Eucalyptus tenuiramis* forest exists in the northern-western corner of proposed lot 1. Given no buildings are proposed as part of the application and there are suitable building areas on each proposed lot, it was not considered necessary for a natural values assessment to be undertaken.

Statutory Status:

The land is located within the Rural Zone under the *Central Highlands Planning Scheme 1998* (the Planning Scheme). The proposal falls under the use category of a 'Subdivision' which is a Discretionary development type pursuant to Section 3 of the Rural Zone.

Advertising:

The application was subject to a 14 day statutory notification procedure in accordance with section 57 of the Act from 22 June 2015 through to 6 July 2015. No representations were received.

Notification

No other authorities were required to be notified as part of the proposal.

Planning Evaluation

General Objectives:

The General Objectives of the Planning Scheme are reproduced below:

- a) *To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*
- b) *To provide for the fair, orderly and sustainable use and development of air, land and water;*
- c) *To encourage public involvement in resource management and planning;*
- d) *To encourage economic development in accordance with the objectives listed above;*
- e) *To give effect to the relevant objectives of the Central Plateau, Midlands and Southern Midlands Strategic Plan and the Central Highlands Council Strategic Plan which are as follows:-*
 - i. *To encourage sustainable long term use of appropriate areas for agricultural, pastoral and forestry activities.*
 - ii. *To strengthen the commercial and tourist roles of the existing townships and create an appropriate network of settlements to meet the needs of residents and visitors.*
 - iii. *To conserve significant vegetation, habitat and scenic resources.*
 - iv. *To encourage land use and development to occur in consideration of land capability.*
 - v. *To maintain recreational values, including the wild fishery, and to expand opportunities for resource-related tourism.*
 - vi. *To protect places of cultural significance, and*
 - vii. *To reinforce the role of the area as a major water catchment for the generation of hydro-electric power, domestic water supply and irrigation.*

The proposed subdivision is considered to be consistent with the objectives above as it is orderly in that proposed lot 1 has an existing physical boundary in Lanes Tier Road.

Specific Objectives:

The Specific Objectives of the Planning Scheme which are relevant to this application are reproduced below:

- (b) To encourage diverse uses and to foster the broadening of the economy of the Council area and of the region.*

The proposed subdivision provides for a separate titles on land that is currently used for sparingly for grazing purposes. Given the natural values of the area and the physical boundary of the lot, it may be better suited to residential use.

Zone Objectives for the Rural Zone

The passages outlining the Objectives of the Rural Zone are reproduced as follows:

- (a) To encourage and facilitate the development of rural land for sustainable long-term agriculture or pastoral activities, and other uses.*
- (b) To protect rural resources from conversion to other uses.*
- (c) To allow for non agricultural activities in locations which will not constrain agricultural or pastoral activities or resources.*

The proposal is considered to be consistent with the Rural Zone objectives as the 19ha parcel of Lot 1 is well defined by Lanes Tier Road and Kenmore Creek and has limited agricultural capacity. The 743 ha balance land will still be utilised as an agricultural enterprise.

Development Standards

Part 6 of the Rural Zone prescribes the Development Standards relevant to all applications for use or development. Proposed Lot 1 will be approximately 19 ha which fails to comply with the 20ha minimum lot size.

In special circumstances, lots of less than 20 hectares may be approved subject to compliance with:

(i) The following aims and objectives:

- Prime agricultural land shall be protected from conversion to non-agricultural uses.
- Productive agricultural land shall be protected from conversion to non-agricultural uses where it is significant for agriculture and/or for uses related to agriculture.
- Prime agricultural land shall only be taken out of agricultural production or out of potential agricultural production where there is an overriding need for the development in terms of public benefit and no other site is suitable for the particular purpose.
- Agricultural land shall be managed on a sustainable basis.

(ii) Submission of full details of the proposal prepared by a suitably qualified independent agricultural consultant including:

- written statement justifying the proposal and giving reasons why compliance with the development standards of the rural zone is unreasonable or unnecessary in the circumstances of the proposal, and/or would tend to hinder the attainment of the above aims and objectives,
- a full report identifying the agricultural capacity of the subject land and balance land, and methods to safeguard the agricultural productivity of both.

The proposal is supported by a “Land Capability Assessment” prepared by Geo-Environmental Solutions. The Assessment finds that the land comprising proposed Lot 1 is classified as Class 5/6 land. None of the land on the subject site is examined as prime agricultural land as defined under the State Protection of Agricultural land Policy 2009. The proposal will not impact on the balance lot or adjoining properties continued use as an agricultural enterprise. The assessment concludes that the subdivision should proceed.

The proposal is considered to comply with the subdivision Development Standards.

Schedule 5 – Matters to be Taken into Consideration in Making Decisions on Applications for a Permit:

Schedule 5 provides additional matters that must be taking into consideration when deciding on any application for a permit and relevant matters are addressed in the following.

S.5.1 – The provisions of any State Policy or interim State Policy.

Comments in relation to relevant State Policies are discussed below.

S.5.3 – The objectives and other provisions of the Scheme.

The proposal is considered to further the relevant General, Specific Zone and overlays as demonstrated throughout the report.

S.5.5 – The effect of the proposed use or development on the landscape, scenic quality or biological diversity of the locality.

A threatened vegetation community exists on proposed Lot 1. It is recommended that a restrictive covenant is registered on Lot 1 prohibiting the removal of any trees within this community without the consent of Council.

S.5.7 – The social effect and the economic effect of the proposed use or development in the locality.

The social and economic effect on the locality will not be significant.

S.5.9 Whether the proposed use or development is satisfactory in terms of the character, location, siting, bulk, scale, size, height, density, design, layout or external appearance and levels of emissions in relation to;

- (a) existing site features;
- (b) adjoining land uses and zones;
- (c) the streetscape and/or landscape;

- (d) the natural environment;*
- (e) a place of cultural significance;*
- (f) any special area;*
- (g) water supply for domestic or fire fighting purposes;*
- (h) any perceived pollution or hazard; or*
- (i) powerline easement;*

The layout of the subdivision complies with the development standards.

S.5.10 The size and shape of the land to which the proposed use or development application relates, the siting of any building or works on that land and the area to be occupied by the use or development;

Proposed lot 1 is well defined by Lane Tier Road and Kenmore Creek and the siting of future buildings is not likely to be an issue.

S.5.11 Whether the land to which the proposed use or development application relates is unsuitable for the proposed use or development by reason to its being, or being likely to be, subject to flooding, bushfire hazard, subsidence, slip or to any other risk, limitation or constraint;

The proposed subdivision is within a bushfire prone area. Future applications for sensitive use will require bushfire reports. There is plenty of room for future bushfire hazard management areas.

S.5.12 – The relation of the proposed use or development to the use or development on adjoining land or on other land in the locality.

The proposal would have minimal impact, if any, upon the existing neighbouring properties.

S.5.13 – The provisions of Schedule 3 or any code or policy adopted by Council relating to car parking, and whether the proposed means of access is adequate and whether adequate provision has been made for loading, unloading, manoeuvring and parking of vehicles within the proposed use or development or on that land.

Access will need to be constructed to the road for each lot prior to future development.

S.5.14 Whether the proposed use or development will be supplied with an adequate level and standard of physical and human services infrastructure and whether appropriate infrastructure can be supplied before development commences.

The proposed lots will not be supplied with any reticulated services and on-site water storage and wastewater treatment will need to be addressed as part of future development. Access is discussed above.

S.5.15 – The amount of traffic likely to be generated by the proposed use or development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic and the safety of pedestrians.

The amount of traffic generated will be able to be absorbed by the existing road network.

S.5.19 The effect on the natural, cultural and built heritage;

The natural heritage will be protected as outlined throughout this report.

State Policy Implications

- **State Policy of Water Quality Management**

Subject to appropriate conditions, the proposal is considered to be able to demonstrate compliance with this Policy with regard to ensuring sediment transport into surface waters does not occur.

- **State Policy on the Protection of Agricultural Land 2009**

The State Policy on the Protection of Agricultural Land protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion to non-agricultural uses is subject to the principles of the Policy. Proposed lot 1 is Class 5/6 land and is not considered to be valuable agricultural land. The agricultural practices on the balance lot will be unaffected by the subdivision.

Technical Matters

Roads:	Proposed Lot 1 has frontage to Lanes Tier Road, which is a rural style road. The Balance Lot also has frontage to Lanes Tier Road as well as Victoria Valley Road which divides the eastern portion of the lot. Each lot should be provided with an access in accordance with Council Standards.
Stormwater:	Council cannot provide a means of stormwater disposal to the lots. Stormwater from buildings will be required to be retained on-site.
Water & Sewer:	No reticulated services are available. On-site water storage will be required for future dwellings and wastewater will need to be treated through an on-site wastewater system.

No other issues of concern have been raised.

Environmental Implications

As mentioned previously there are environmental values on the subject land, particularly on proposed Lot 1, which should be protected through a restrictive covenant.

CONCLUSION

The application is for a 1 lot and balance subdivision relating to “Shawfield” at 1110 Victoria Valley Road, Ouse. Proposed lot 1 and balance satisfy the subdivision standards of the Rural Zone and is considered to not impact on the existing or future agricultural potential of the land.

The application is considered to satisfy the relevant provision of the Planning Scheme and the application is recommended for approval with conditions.

Recommendation:

Moved **Clr**

Seconded **Clr**

That Central Highlands Council (Planning Authority) in accordance with the provisions of the *Central Highlands Planning Scheme 1998* and Section 57 of the *Land Use Planning & Approvals Act 1993*, approve the application for subdivision (1 lot & balance) at “Shawfield” – 1110 Victoria Valley Road, Ouse (CT205978/4) subject to the following conditions:

General

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

Easements

- (3) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.

Endorsements

- (4) The final plan of survey must be noted that Council and TasWater cannot or will not provide a means of drainage, water or sewer services to all lots shown on the plan of survey.
- (5) The final plan of survey must be endorsed that the lots are only suitable for the on-site disposal of wastewater using a licensed Aerated Wastewater Treatment System or modified trench septic or other approved system.

Covenants

- (6) Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's General Manager
- (7) A covenant in gross (or restrictive covenant to which Council is to be made a party) must be created on proposed lot 1 to the satisfaction of the Council's General Manager to require the written consent of Council prior to the removal of any trees or vegetation associated with a vegetation community listed under the *Nature Conservation Act 2002* without the consent of Council.

Final plan

- (8) A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- (9) A fee, as determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
- (10) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
- (11) The subdivider must pay any Titles Office lodgement fees direct to the Recorder of Titles.

Engineering

- (12) The subdivision must be carried out in accordance with the *Central Highlands Council Subdivision Guidelines 2012 (attached)*.

Existing services

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

Access

- (14) A vehicle access must be provided from the road carriageway to each lot. Accesses must be located and constructed in accordance with the standards shown on standard drawings TSD-R03-v1 *Rural Roads Typical Property Access*, TSD-R04-v1 *Rural Roads Typical Driveway Profile*, and TSD-RF01-v1 *Guide to Intersection and Domestic Access Sight Distance Requirements* prepared by the IPWE Aust. (Tasmania Division) (attached) and the satisfaction of Council's General Manager.

Road Widening

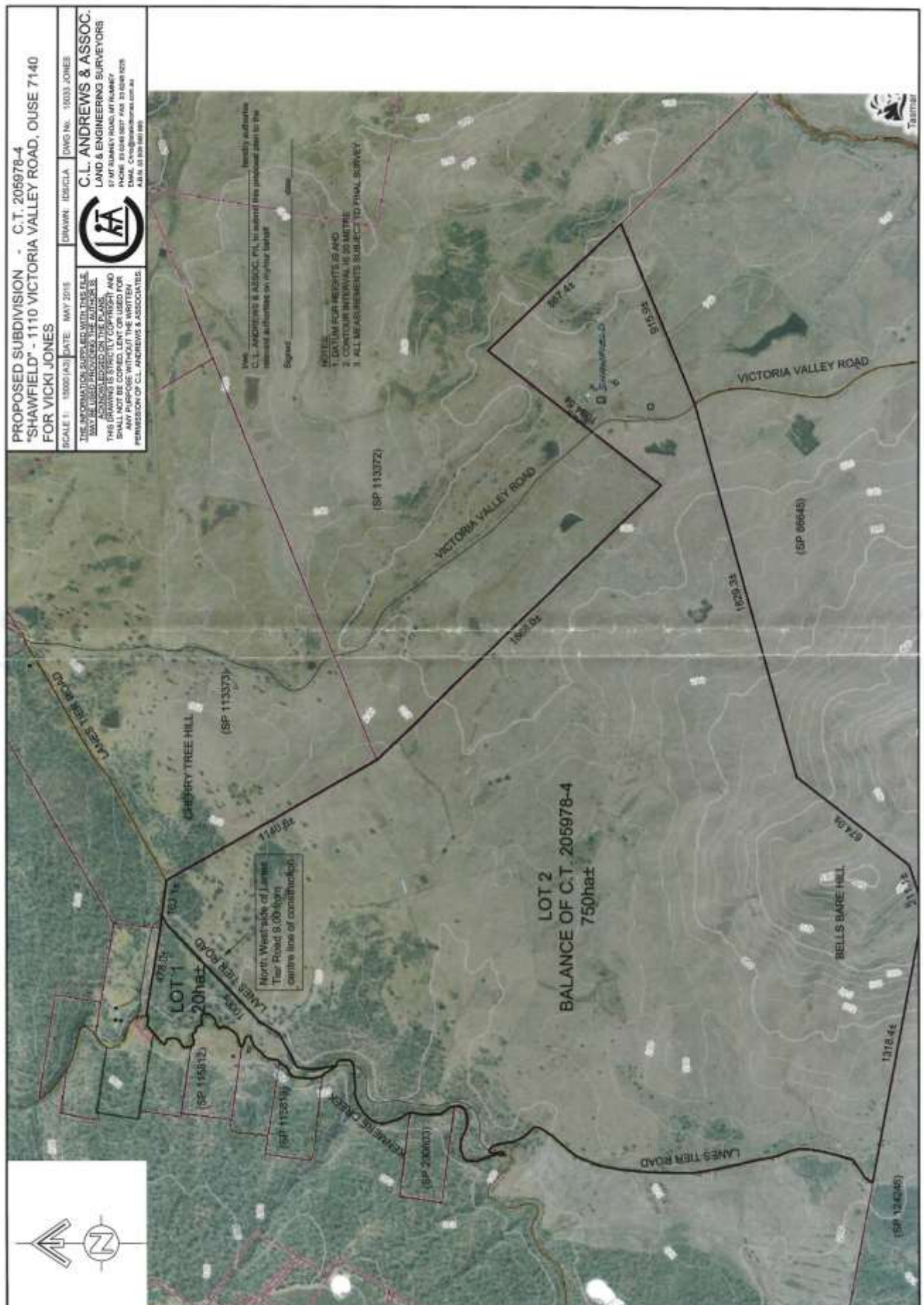
- (15) Where required, land within 9.00 metres of the centre line of Lanes Tier Road for the full length of the road on the subject land must be provided for the widening or deviation of the existing highway in accordance with Sections 85(d)(viii) and 108 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* and the satisfaction of the Council's General Manager.

Transfer of reserves

- (16) "Lane Tier Road" and "Victoria Valley Road" must be shown as "Road" on the final plan of survey and transferred to the Central Highlands Council by Memorandum of Transfer submitted with the final plan.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the Commonwealth *Environmental Protection and Biodiversity Protection Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Primary Industry, Water & Environment or the Commonwealth Minister for a permit.
- C. The issue of this permit does not ensure compliance with the provisions of the *Aboriginal Relics Act 1975*. If any aboriginal sites or relics are discovered on the land, stop work and immediately contact the Tasmanian Aboriginal Land Council and Aboriginal Heritage Unit of the Department of Tourism, Arts and the Environment. Further work may not be permitted until a permit is issued in accordance with the *Aboriginal Relics Act 1975*.
- D. Appropriate temporary erosion and sedimentation control measures include, but are not limited to, the following -
 - Minimise site disturbance and vegetation removal;
 - Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
 - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - Gutters spouting and downpipes installed and connected to the approved stormwater system before the roofing is installed; and
 - Rehabilitation of all disturbed areas as soon as possible.
- E. **If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.**
- F. **This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.**



14.3 REVIEW OF PUBLIC OPEN SPACE POLICY (POLICY NO 2013-08) – (SEPARATE ATTACHMENT)

Report By:

Contract Planner (S Wells)

Background

This report provides a basis to consider a review of the policy, the need for which is driven by (a) consideration of whether it should apply to lifestyle lots, and (b) the new planning scheme and new suite of zones.

The current policy provides for public open space contributions, in land or cash, in the Village, Holiday Residential and Rural Residential zones and also in the Rural Zone where it adjoins one of these zones.

Lifestyle lots

Some rural subdivisions are for residential or lifestyle purposes rather than more traditional rural purposes. Whilst a new scheme will increase the minimum lot size from 20ha to 40ha, subdivisions may continue to occur for these purposes. Most lifestyle lots are sufficiently large that there is no additional demand or usage of public open space. However, it may be useful to consider this in more detail for each subdivision and provide for contributions where the nature of the lots, such as its location or topography or vegetation, limit recreational use and place additional demand on public assets.

New Zones

The equivalent zones in the new scheme are

- Village Zone ≡ Village Zone
- Holiday Residential Zone ≡ Low Density Residential Zone
- Rural Residential Zone ≡ Rural Living Zone
- Rural Zone ≡ Rural Resource Zone

The policy should be updated to reflect the above once the new scheme becomes operational.

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT Council resolve to:

- (a) Modify the policy to substitute the zones as outlined in this report following the commencement of the Central Highlands Interim Planning Scheme 2015,
- (b) Replace clause 6.2.3 with the following;

“For subdivision occurring on Rural Zone land (adjoining or only separated by a road) a Village, Holiday Residential or Rural Residential Zone, or where Council is of the view that the subdivision is primarily for lifestyle purposes and the nature of the lots is such that they may not fully accommodate recreational and open space needs of future residents”

14.4 DOG MANAGEMENT POLICY REVIEW – (SEPARATE ATTACHMENT)

Background

Under the Dog Control Act 2000 a Council is to develop and implement a policy relating to dog management in its municipal area with the policy to be reviewed at least once every 5 years.

The Dog Control Act 2000 specifies the relevant areas that must be included in a dog management policy which are:

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

Current Situation

An internal review of the Dog Management Plan, which was adopted by Council on 13 December 2010, has been undertaken by Council Officers. Under the Dog Control Act 2000 it states that in reviewing the Dog Management Policy Council is to:-

- (a) *invite public submissions relating to a proposed dog management policy; and*
- (b) *consult with any appropriate body or organisation; and*
- (c) *consider any submissions and results of any consultation before finalising the policy.*

Councillors were given the opportunity to comment on the draft document with no comments received.

Conclusion

An internal review of the Dog Management Plan 2010 has been undertaken with a draft Dog Management Policy 2015 prepared in accordance with the requirements of the Dog Control Act 2000. At the July Council meeting Councillors were asked to review the amended document and provide comments to the Manager DES by Wednesday 5th August 2015 to enable a final draft to be presented to the August 2015 Meeting for approval to invite public submissions.

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT public submissions be invited on the Draft Dog Management Policy 2015 with submissions closing on Friday 2nd October 2015.

14.5 WASTE SITE ENTRY FEES

Background

During the budget deliberations each year Council fees are reviewed including the entry fees to Council's waste sites.

As part of the 2015 / 2016 Council adopted the following fee structure:

Type	Ratepayer / Resident	Non- Ratepayer / Resident
Car	Nil	\$15.00
Trailer Single Axle / Utility / Van	Nil	\$20.00
Trailer Multi Axle	Nil	\$20.00
Truck Single Axle	\$25.00	\$50.00
Truck Multi Axle	\$40.00	\$80.00
Truck Semi-Trailer	\$60.00	\$120.00
Clean Fill	No Charge	No Charge
Disposal of Asbestos	Quote	Quote

Tyre Disposal Fees (Residents and Non-Residents)

Type	Without Rim	With Rim
Car / Motorcycle	\$5.00	\$10.00
4WD / Light Truck	\$10.00	\$15.00
Truck	\$20.00	\$25.00
Tractor	\$35.00	\$40.00

The main change to the fees adopted a charge for trucks to dispose of waste at Council's waste sites for ratepayers / residents. It is considered that a car, trailer, utility and van would be domestic waste which should be accepted with no charge and as such a fee has been applied for single axle, multi axle and semi-trailer trucks for resident / ratepayers.

The new fees were advertised in Council's Newsletter which went to all ratepayers in July and is also available on Council's Website. Signage at all sites has also been amended to reflect the amended fees.

Current Situation

A letter has been received from a ratepayer who owns property within the Central Highlands Municipality, and resides outside the municipal area, raising concerns about the changes to the fees.

It is unclear what type of farm waste is being disposed of at the Hamilton Refuse Disposal Site from the details supplied in the letter and this may require further investigation as there may be other options for disposal (i.e. recycling of silage wrap and on farm disposal of some types of farm waste).

Conclusion

The waste entry fees are reviewed annually and have remained unchanged for a number of years. It is considered the fees adopted by Council as part of the 2015 / 2016 Budget are appropriate.

For Discussion

RJ & SA Clark
Lanoma Estate
Gordon River Road
WESTERWAY TAS 7140

T & S Clark
The Back Run
PO Box 34
WESTERWAY TAS 7140

11 August 2015

Mrs Deirdre Flint, OAM
Mayor
Central Highlands Council
PO Box 20
HAMILTON TAS 7140

Dear Mayor,

It has recently come to our attention that Central Highlands Council has decided to introduce an entry fee for trucks to deliver rubbish to the Hamilton Waste Management Centre. We have a number of concerns regarding this decision and ask that Council consider these.

To put these concerns into context, we are landowners in Westerway that have both a residential and farming properties. We currently take our general farm waste to the Hamilton site in a 10 yarder tip truck. This allows us to stockpile the rubbish until we have a full load and bring it to the site. When the Ellendale site was open waste was often delivered on a ute and trailer but on a more frequent basis. After the decision to close the Ellendale site we began stockpiling rubbish to allow us to do the longer trip less frequently. We do approximately 10 loads per year of general farm waste. We often also take the opportunity, whilst we have the truck there, to purchase gravel from the Council. Between both businesses we currently pay rates to the Central Highlands Council for seven separate titles. Our concerns are outlined below.

- Lack of consultation and notification.
 - It was only when we made a trip to the Hamilton site recently that we were informed about the new charge that would apply. If there has been a consultation and/or notification process we would appreciate knowing what the process was so we can ensure we are aware of any other changes.
- Workplace health and safety
 - Unloading farm waste, such as silage wrap, by hand not only takes time but also has risks for those unloading as the load can become tangled up in itself making it difficult to unload. Using the truck also makes it easier to ensure that the load is properly secured.
- Costs
 - Based on ten loads in our tip truck with the proposed fee of \$40 for a twin axle truck it would add approximately \$400 to our annual costs. This would be in addition to the nearly \$900 currently paid for waste services to the Council in our annual rates. This is a significant cost particularly given that we were not consulted or formally notified of the proposed fees.

- o If we were to deliver our rubbish using a ute and trailer we would need to do additional loads meaning that the fuel cost for taking the waste from Westerway to Hamilton would significantly increase. There would also be the additional time costs for loading/unloading and travel.
- By using the tip truck to deliver waste we are able to drop the load in the same area that the garbage disposal trucks use meaning that there is less handling for the site operators and does not risk our waste obstructing the drop off area for other vehicles.
- It is not clear to us how the pricing has been set. Presumably the fees would be based on the potential volume. However a single axle truck whilst unable to carry the same weight as a twin axle it could be capable of carrying a larger volume.

We would be happy to discuss this matter with you further, and can be contacted on 0439 913 325 (Tom) or 0417 394 243 (Robert).

Sincerely,

Thomas Clark
for TR & SJ Clark

Thomas Clark

Robert Clark
for RJ & SA Clark

Robert Clark

14.6 STATUS REPORT

310	17/2/09	Sale of Council Land Wayatinah	DES Manager	Development Permit has been issued. Mayor and General Manager to meet with Minister Groom on 24 th June 2015 to discuss ownership of infrastructure within the village
323	16/11/10	Caravans – Meadow Bank Lake	DES Manager & Planning Consultant	Meadowbank Special Area Plan has been included in the draft Interim Central Highlands Planning Scheme 2014. Caravan By-Law has been adopted by Council.
331	16/7/13	Vehicle body removal in Municipality	DES Manager	Being monitored regularly.

14.7 DES BRIEFING REPORT

PLANNING PERMITS ISSUED UNDER DELEGATION

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

PERMITTED USE

DA NO.	APPLICANT	LOCATION	PROPOSAL
2015 / 00029	H V Virs	4 Arthurs Lake Road, Morass Bay	Garage
2015 / 00030	D K Filz	74 Jones Road, Miena	Garage

DISCRETIONARY USE

DA NO.	APPLICANT	LOCATION	PROPOSAL
2015 / 00031 - Disc	J R Allwright	"Meadowbank View" (CT 152605/0) & 460 Jones River Road, Ellendale	3 x existing pontoons (retrospective), 1 x proposed pontoon, boat ramp & pump stations
2015 / 00032 - Disc	B Williams	"White's Store" 20 Alexander Street, Bothwell	Change of Use to 3 x Visitor Accommodation Units and Signage

NO PERMIT REQUIRED UNDER PLANNING DIRECTIVE 4

DA NO.	APPLICANT	LOCATION	PROPOSAL

IMPOUNDED DOGS

Following a request by Council to be advised of all dogs impounded at Council's Bothwell and Hamilton pounds and the outcome of the impoundment, please be advised as follows:

There were no dogs impounded

LUPPA AMENDMENT BILL

Below is a copy of the LGAT submission on the LUPPA Amendment Bill.



Thank you for the opportunity to make a submission on the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Bill 2015*.

The Local Government Association of Tasmania (LGAT) is the peak body for Local Government in Tasmania and has developed this submission in consultation with all Tasmanian councils.

Much of the detail has been collected through teleconferences and written correspondence with council Planners. We have also had opportunity to incorporate a number of position papers formally endorsed by the Elected Representatives.

We are aware that a number of councils have made direct submissions. Any omission of comments they have made should not be viewed as lack of support by the Association for that specific issue. In fact, I encourage you to peruse those submissions for specific examples of the issues raised in this whole of sector submission.

Any questions should be directed to:

Dr Katrena Stephenson
Chief Executive Officer
Katrena.stephenson@lgat.tas.gov.au

Some General Issues:

It has been difficult for Local Government, including planners, to respond to all aspects of the paper because of the lack of detail on the content of the Tasmanian Planning Scheme (TPS). Aside from the CEO of LGAT and the Technical Reference Group to the Taskforce, there is no awareness of the specific content of the TPS across Local Government. This has limited the ability to weigh risks and benefits and posit possible alternatives. Consultation with the Local Government sector on the format and content of the TPS has been narrow and does not, at this stage, represent the broad or consensus view.

Councils generally found it difficult to comment effectively in the absence of a scheme, local provisions, codes or even the recommendations of the Taskforce to the Minister which set the policy parameters. The legislation is the technical, enabling instrument however it contains potentially significant limitations to local planning. The impacts on the ability to provide good local planning will depend on the content of State provisions, and the degree to which local provisions may deviate, which will not be known for some time.

As outlined in the 2014 LGAT Election Manifesto, *Collaborating for our Communities*, the vast majority of development applications in Tasmania are approved efficiently and effectively by councils despite the increased community expectations about the objectives of the planning system in relation to solving complex urban and regional issues.

While the present suite of planning reforms will go a long way to meeting the Government's desired objectives of consistency and streamlining (as might be delivered through a single planning scheme), there is still concern that the issues and experience related to applying PD1, triggering more complex decision making pathways and more

discretionary applications, have not been fully appreciated by the State Government. Outside the Local Government sector there is not an understanding of how 'resource hungry' assessments under PD1 are. A number of councils have reported that their experience under the Interim Planning Scheme (IPS) is that:

1. It is resource intensive to administer;
2. It has resulted in more applications and fewer exemptions than under their previous scheme;
3. It has resulted in more onerous application requirements, increasing the time and costs required to prepare an application;
4. The scheme format is largely behind the complexity because of the performance-based approach that relies on generation of, and an assessment against, Acceptable Solutions and associated Performance Criteria for every issue.

Further, LGAT members still believe there is opportunity for improvement through better integration of legislation (such as the subdivision provisions in the *Local Government (Building and Miscellaneous Provisions) Act* with respect to LUPAA) as well as a strategic review of the processes at play and support structures in the planning system. Some suggestions have already been flagged through the Department of Premier and Cabinet's Role of Local Government Project Legislation Working Group. LGAT members have previously raised concerns that the current planning reform process is back to front. The State needs to clearly identify and articulate its vision and strategy before working on the delivery instruments of legislation and planning schemes. This has been a deficit in the Resource Management and Planning Scheme (RMPS) since its establishment in 1993 and has not been rectified by successive governments of either political persuasion.

In relation to the Amendment Bill most of the proposed changes as outlined have in principle support from councils, noting their overarching concerns. The key exception to the latter statement is the proposed assessment period for permitted use; the Local Government sector believes this reflects an under-estimation of the complexities of the planning system and inadequate consideration of issues of natural justice and procedural fairness in some of the propositions. It also fails to account for an as yet unknown and untested planning scheme.

While some councils are already meeting these timeframes concern continues to be raised in relation to potential new and more complex permitted development. There is a strong view that there is significant future risk and likely a need for greater staffing levels in councils to deal with such timeframes – particularly in a smaller council. There is little practical difference in the assessment timeframe for a permitted application compared to a discretionary one. The key time saving for Council's is in reviewing/reporting on any representations to Council.

As pointed out previously, there is a key difference between permitted and exempt development. Generally a permitted use application requires checking against a range of planning controls to verify it is indeed permitted, followed by a decision around what permit conditions should be imposed. Those conditions may reflect a range of design, management, environmental and engineering type considerations.

Earlier concerns in relation to linkages with TasWater and their 14 day timeframe have not been addressed. Many permitted permit applications require referral to TasWater under the *Water and Sewerage Industry Act 2008*. Section 56P requires the water utility to respond within 14-days from the date of receiving notice from a planning authority. The operation of this timeframe within the proposed 21-day period available to the planning authority unreasonably condenses the remaining time available to complete assessment and administration tasks.

A planning authority rarely has a single planning permit application before it. There may be many permit applications at various stages of assessment and determination. Statutory timeframes must be adequate to accommodate

compliance to process within the resources available to a planning authority and without discrimination between the permit pathways applicable to individual applications.

Assessment timeframes in Tasmania are already significantly less than other States. There is no evidence to directly link current timeframe performance with the rate of development in Tasmania and further, acknowledging that the timeframes have already been reduced from 42 to 28 days in this State, this proposed amendment is strongly opposed.

At a high level the following issues have been raised consistently across the sector:

- It is difficult to comment on timeframes without understanding the content of a Local Provisions Schedule (LPS) and what resources will be required to develop, assess and review. There is likely to be a significant resourcing cost to councils on top of the already 'resource hungry' process of progressing the Interim Planning Schemes.
- There is no link between State Planning Provisions and Regional Land Use Strategies; essentially regional provisions have been eliminated. There is a need to contemplate how to deal with State provisions which contradict Regional Strategy objectives. This could be as simple as saying under 15(7) that they must further the objectives of the Regional Land Use Strategy where that strategy is consistent with State Policies.
- The public consultation timeframes are inadequate for reviewing and responding to an entirely new scheme. These provisions are likely, by virtue of the government's assertion on the level of current inconsistency between planning schemes, to be a significant modification to the controls applying under all current planning schemes. Such variation has potential to impact on the rights and interests of most, if not all, landowners, occupiers and communities across almost all aspects of a planning scheme. The Bill should provide discretion for the Minister to allow a longer exhibition period to accommodate introduction of the initial draft Tasmanian Planning Scheme State Planning Provisions (SPPs). The current exhibition period for a new replacement planning scheme is 3 months.
- There is concern about the extent of the Minister's powers, which seem at odds with the RMPS focus on public involvement.
- There is concern that the legislation is silent on the timing and process of review of the State Planning Scheme - what will the trigger be? State Planning Provisions (SPPs) must be maintained. It is suggested that trigger criteria be included, such as a new State Policy. There appears to be no ability for the Tasmanian Planning Commission (TPC) to assess the efficacy of the SPPs proposed and it is limited to matters of a 'technical nature' and not policy. Given that policy is to be developed after the State Scheme, there appears to be no forum to discuss the rationale behind the provisions and the intended outcomes.
- There is no provision for Local Codes – some matters may not be able to be adequately addressed through a LPS. The Meander Valley Council's Karst Code is one example.
- There are mixed views on the drafting style (duplication vs. stand alone perceptions) but generally it was felt there needs to be better consideration of the useability of the Act in entirety e.g. need to avoid complex numbering such as s47ZX. There is a perception that LUPAA has become as cumbersome as the Tax Act.

Other Matters

Planning Process	Local Government Feedback
Regional Land Use Strategies	<ul style="list-style-type: none"> - s5A – needs to be periodic review of Regional Land Use Strategies (a how and when trigger). - There should be parallel consideration regarding review of the SPPs, LPPs – it is suggested that there may be a need to prescribe some circumstances which trigger a review.
The Tasmanian Planning Scheme	<ul style="list-style-type: none"> - 11(7) mandating a permitted permit process for port and shipping activities within a proclaimed port does not make sense in this form, unless it is accompanied by a supporting special provision (or whatever that becomes under the SPP) under the Statewide Planning Scheme (SPS) to provide for that process. Otherwise application of the scheme to proposals becomes flawed where performance criteria are invoked. - S12 generally may require an interpretation provision similar to what is proposed at s40. - S12(1)(f) - Need to clarify the status of a permit which has been granted but which is not yet commenced. Failure to address this within the section contradicts the extensive duplication of other provisions and creates uncertainty for permit owners. Sections 53(5) and 53(7) of the Act were amended to address the expiry of permits that are issued but not yet commenced. That amendment has not yet been tested in a court to determine if the State assertions were addressed. - Previous legal advice has consistently confirmed that once a new planning scheme comes into effect, an existing permit cannot then be amended to establish a staging program without constituting a substantial change to the terms of the original approval, which is not possible once the planning scheme has changed. The effect of this clause will be to sunset all existing permits that are commenced but not completed upon implementation of the SPS in an area UNLESS they contain a staging program as part of the original decision. - s53 of LUPAA indicates a valid permit remains in force for the balance of the consent period or for such further period as granted. It does not, however, detail what is to occur if the use or development subsequently becomes unlawful. - s12(2) The working of this provision is unclear as to whether a permit is required or not. - s12(5) The phrase 'substantially intensified' has caused confusion in the past and needs guidance. Is it about a change of use or the manner in which you utilise a facility?
State Planning Provisions	<ul style="list-style-type: none"> - s13 Suggest 'consultation' changed to 'exhibition' or 'notification'. There is a need to provide discretion for the Minister to allow a longer period of exhibition of a draft SPP. There needs to be a clear understanding that the first process will need to be very comprehensive. - s13(1) Consultation period: does the exclusion include Saturday mornings? They form a normal part of business hours for many operations (including some

	<p>state agencies). Should this be clarified (has it even been tested)?</p> <ul style="list-style-type: none"> - s15 – there needs to be opportunity for Planning Authorities to input into the preparation of draft SPPs. Currently the Minister has exclusive rights and there is no consultation required. The consultation could be up front or prior to the TPC reporting to the Minister. - One suggestion is that the Act also establish a clear obligation on the State to provide defence of the SPPs through the appeal process. They are not local content and are imposed by the State. It is unreasonable for the State to impose SPPs and then expect Planning Authorities to defend them. At the very least, corresponding provisions ought to be enabled in the RMPAT Act to allow the Tribunal to summons defence or explanation of the SPPs from the State. This ought also be linked to an annual review process following RMPAT decisions on SPPs. - s16(2) – suggest moving to end of s16 so the intent is clear that it is confined to matters raised in s16(4). - ss16 and 17 use different terms for the same process, which creates opportunity for inconsistency and confusion. The process is not consistent with the expectations and outcomes of consultation, which imply information gathering to assist with the preparation of a document. The SPS will be prepared, the process will be about notifying the intent to make then. Experience says the process will provide opportunity for refinement of the draft and will not result in development of another version from first principles. The process is simply statutory notification. - s17(1) – suggest including the requirement to exhibit any supporting materials. This also applies to s29 (2). - s17(1)(b)(ii) the specified premises must not include Council offices unless the State provides resource on the specified offices to address enquiries. Failure to do so would be inconsistent with the abilities of councils to represent and advocate for their own functions as a planning authority and on behalf of their rate payers. - s17(2)(a) creates the illusion that the consultation period can be specified by the Minister [16(3)] where it is defined elsewhere as 42 days [13(1)]. Subsection (b) provides further opportunity for council offices to be specified as part of the statutory notification process, causing cost to Councils. - s18 potentially invites representation on any aspect of the draft SPP. Focus could be improved by modifying to prescribe “a relevant representation must be in relation to any matter contained in the draft SPP”. - s19(1) it would be better to specify that extensions to this period were for 90 day periods and granted at the ministers discretion. You may wish to consider limiting the number of extensions that are possible. - s19(1)(b) – suggest adding in relation to a matter contained within the draft.... - s19(2)(b) – trivial or irrelevant OR frivolous or vexatious? The terminology of trivial or irrelevant is not consistent with the relevant processes. - s19 - There is no penalty or alternate action if the TPC fails to satisfy the statutory timeframes – which is inconsistent with ability for the TPC to assume the functions of a planning authority where a failure to meet deadlines occurs.
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	<p>However, what is the alternate to the TPC?</p> <ul style="list-style-type: none"> - s20 – again need to link to Regional Land Use Strategies (RLUSs). There must be text to indicate that the SPP's are at least consistent or not contrary to regional land use strategies. Otherwise, zone provisions could be completely inconsistent with RLUSs.
<i>Amendment of SPPs</i>	<ul style="list-style-type: none"> - s24 – there is a need to better define SPP and LPP – currently expressed differently and not clear if talking about one or the totality. This applies throughout. This then lends itself to consideration as to whether new material (e.g coastal inundation) is an amendment or not. It is submitted that new content is not an amendment – but rather a new SPP. - s25(1) ought to provide for any other matter as specified (as a contingency). This would allow for establishment of state based mapping or other concepts (such as hazards for example) or to provide for LPP's to override SPP's or to provide for urgent amendments resulting from operational problems of the SPP's. - s26(7) Include a requirement for consistency to any regional land use strategy under s5A. - s27(4) require consistency with any regional land use strategy under s5A. - s28(2) Clarify to restrict to matters in 27(4). - s29 it needs to be clear that 'specified premises' do not include council offices. Also all supporting materials should be available during the exhibition period. - s30 – need to clarify what is a 'relevant representation'. - s31 Again no linkage to regional land use strategy. (2) Modify to exclude representations which are not in relation to a matter relevant to the particular provision in the draft SPP. - s32(4) – Consistency with RULS needed. - s36 – need a trigger for review – as raised previously, criteria/timing. <p>The circumstances to trigger a review may include new State Policy; judicial decision identifying a legal flaw; indication drivers to strategy have changed or are changing; community complaint for outcomes.</p>

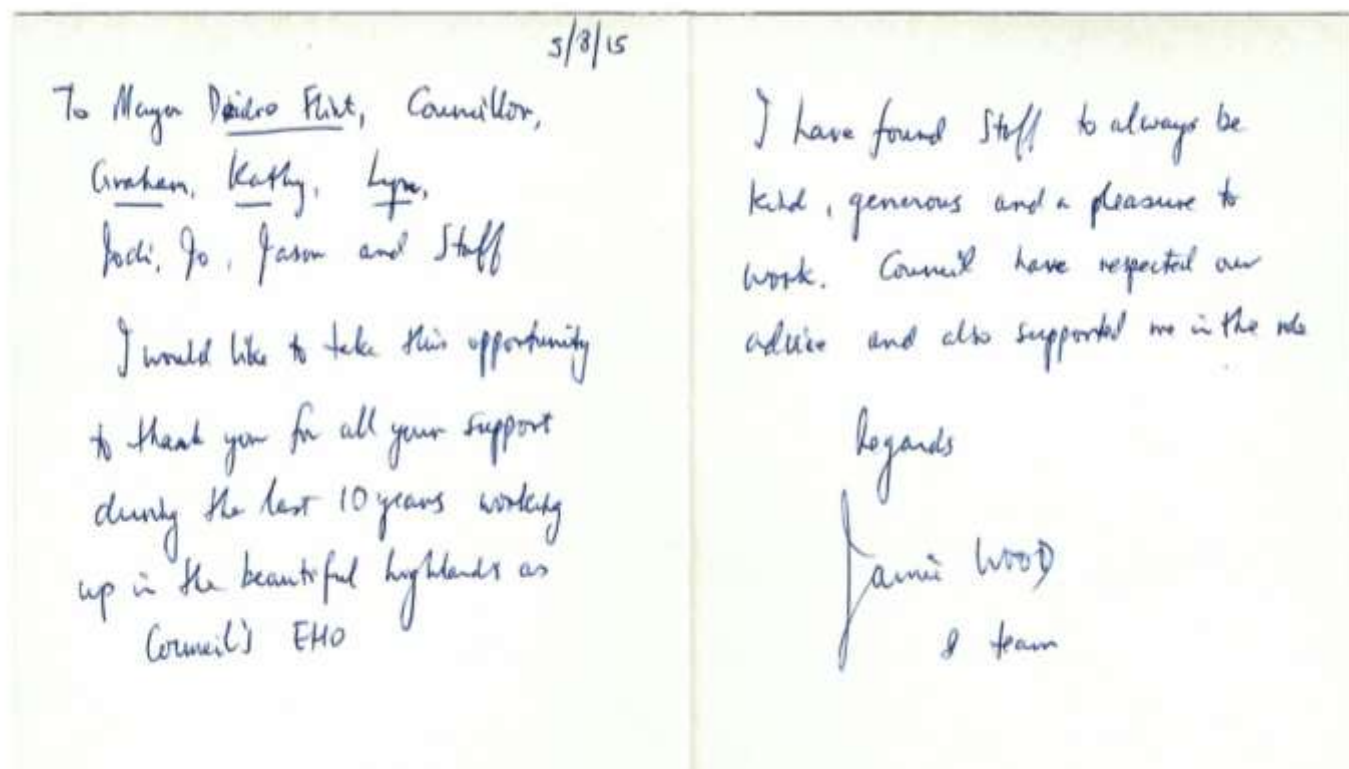
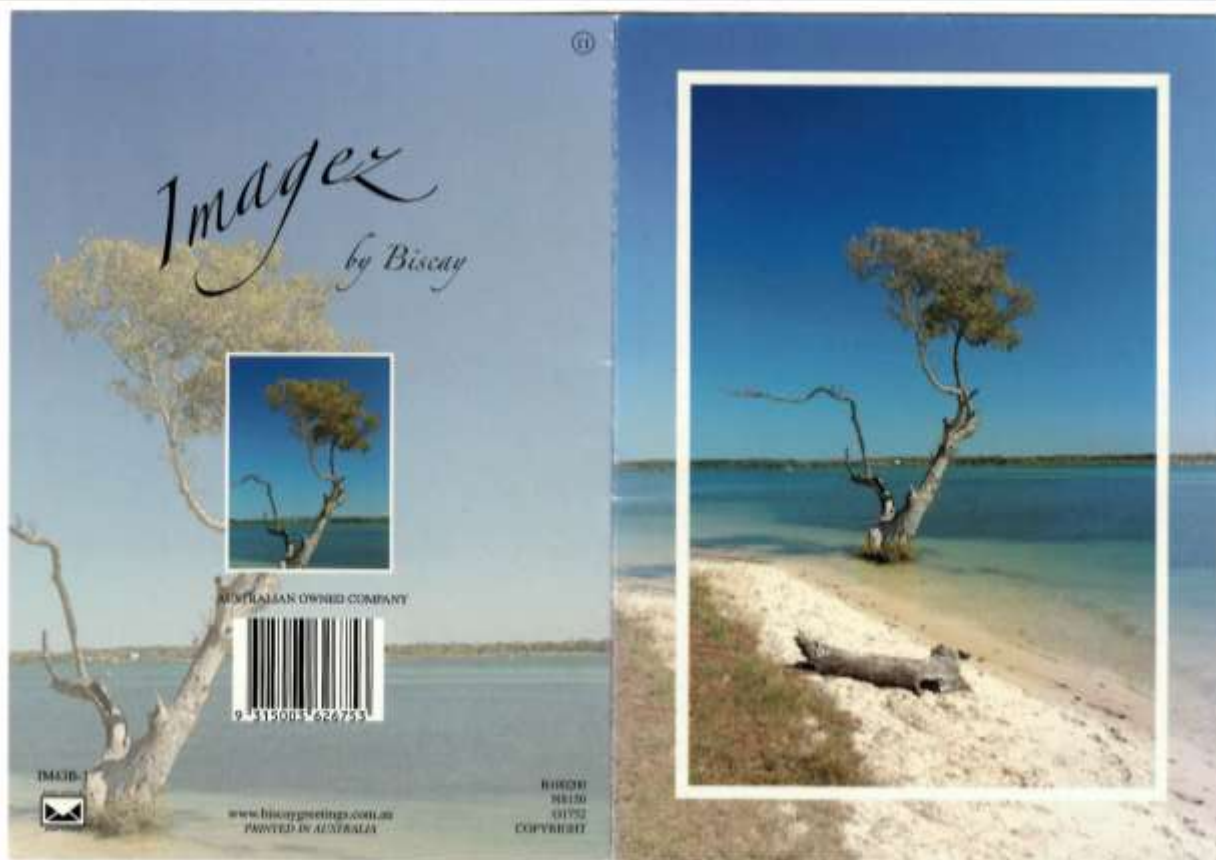
Local Provision Schedules	<ul style="list-style-type: none"> - s38 Suggest 'consultation' changed to 'exhibition' or 'notification'. - As with SPPs provide discretion for the Minister to allow a longer period for exhibition of a draft LPS - particularly for the introduction of the first and more comprehensive provisions - s39(2)(b) is not clear as to its intent. Surely if something must be in a planning scheme then it ought to be a SPP? Otherwise, this provision contradicts and undermines the SPP concept. The specific wording also suggest that the SPP MUST set provisions for implementation as LPP's, not that it may. - s40 the impact of this clause is potentially to render all LPP's ineffective, the clause requires clarification to understand its operation. Given the intent, there ought also to be opportunity for the issue of directives to address such conflicts while an urgent review of the LPP/SPP is completed to resolve such problems. - ss41(4) and 41(6) should both have timeframe extensions approved by the Minister. Subsection (7) ought to provide for consistency with the applicable RLUS. - Division 4 – this section relates to statutory notification. Public consultation implies a different process and outcomes. - ss41 & 43 – 42 days not long enough, no reference to regional land use strategies, as with SPPs. - s44 – include all supporting material in exhibition. - s46 – need to clarify what is a 'relevant representation'. - A formal process is required for Planning Authorities to suggest amendments to State provisions. - s47 – is this Local Provision or Local Provision Schedule? Representations may lead to the conclusion LPS should be withdrawn prior to report. - s47C(2)(b) represents double dipping. Where a RLUS was approved as consistent with the State policy, the assessment should be against the RLUS. Inclusion of (e) is supported. (f) is unclear as to how the TPC would assess it and what information they would require to assess it, suggesting that it will simply be an unfettered tool to refuse any local variations in LPP's. It is unclear how (g) can be assessed or what information the TPC would require to do so, and at what cost? - s47C (2)(g) – clarification required. Does this only apply if there is no regional land use strategy? - s47F(3) is in conflict with s80 (online version control) - It is not clear that the draft legislation embraces the Content Management System concept, with requirements that planning authorities comply with TPC directions to make specified modifications. If the TPC specifies the modifications, then the TPC can enact them on the 'iplan' system. What purpose does it serve to have the Planning Authority to make the changes? The TPC already maintains the word documents for Council when planning scheme amendments are processed. - s47H – similar to previous, suggest criteria articulated for mandatory review.
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	<p>Currently too discretionary. e.g. triggers could be a new SPP or new State Policy.</p> <ul style="list-style-type: none"> - s47(H)(9) (a) represents a conflict of interest in completing the requirements of the section by the TPC on behalf of the planning authority. (b) represents an unreasonable and unlimited requirement. The Commission could, under this section, bankrupt the Council with no recourse or review. Unlike other similar processes in the Act, there is no test of reasonableness or opportunity for review. - s47(J)(5) is confusing. Again, the draft seeks to unmake a planning decisions after the fact. - s47K must contain a minimum notice period, as it proposes to remove planning provisions. Such period should be at least 14 days. The default provision of 7 days will not provide sufficient notice for determination or preparation of planning applications. - s47L(1)(b) as for s47(H). (2) only indemnifies the Commission for decisions that are made, but not Councils. This questions the need for subsection (1) once a Council fails to fulfil its requirements. Perhaps it ought to establish that applications do not lapse upon failure to complete a step in the process. - s47N – again, need to have regard to Regional Land Use Strategies. - s47Q(3) the inclusion of a financial penalty is questionable and likely to be counterproductive. Recent experience suggests that delays to statutory timeframes are more likely to be as a result of the Commission than Council. If penalty fines are to remain in the Act, the TPC ought to be required to reimburse developers and councils for costs incurred as a result of delays they cause. - Why is the TPC to review the additional information request when the same function is assigned to the RMPAT in relation to permit applications? <p>Is the TPC entitled to consider the merit of the amendment or is the review limited to whether the information is relevant and necessary to the matter for which the amendment is intended?</p> <ul style="list-style-type: none"> - s47R - Is the TPC entitled to consider the merit of the amendment; or is the review limited to whether the planning authority had regard to the considerations and process in relation to a decision on initiating a LPS amendment? There may be an inherent breach of procedural fairness if the TPC can determine there is merit in an amendment and instruct the planning authority to prepare a draft LPS which it is later to determine. It is a review and not an appeal process. - Limit review to whether the planning authority followed process and not to the merit of a decision to refuse an amendment. - s47S defines a different consultation period to previous processes (28 v 42 days), which is confusing, inconsistent and inappropriate. Also, the process is statutory notification. Keep it consistent in name and timeframe/ - s47(1)(e) – very broad, needs to be supported by criteria such as confined to prescribed purpose - link to contents of LPS - ss47W and 47N have different criteria, potential conflict, need to be aligned. Again no reference to Regional Land Use Strategies. A planning authority may
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	<p>agree on a 3rd party request to initiate a draft LPS amendment if satisfied on the criteria in 47N. It must subsequently prepare a draft amendment and certify it if satisfied against the criteria in 47W. The criteria in 47N and 47W are not the same. Therefore, an amendment may be agreed under 47N but may subsequently have to be changed to satisfy 47W.</p> <p>- s47W(2) – need to close the loop to be able to modify an amendment and clarify how a planning authority is to deal with a draft amendment for which it cannot issue a certificate under 47W.</p> <p>- s47Z does not have a timeframe for notice to be served on the planning authority, which may mean that it is served after statutory notification has commenced. Section 47Y requires notification to commence within 14 days of the Planning Authority (PA) notifying the TPC, which would mean that the TPC notice of exemption would need to be within 7 days of their notification, which is probably unreasonable. There may need to be a trigger for s47Z that relates to an application by the PA for an exemption or extends the period under 47Y (or some other such mechanism).</p> <p>- s47ZB (1) Planning Authorities have 35 days to respond, but the Planning Commission can take its time? This seems a little unfair, particularly given the TPC's long standing inability to meet statutory deadlines. (4) it seems absurd to provide for review process with LPS and then not be able to provide a recommendation that LSP should be considered for SPP status. (5) as for 47ZA(4).</p> <p>- s47ZC(c) – again does there need to be reference to frivolous and vexatious?</p> <p>- s47ZD this section requires a specified timeframe. Practicable is not an appropriate measure of time for determination. LPS will relate to specific local issues and in some cases, developments. TPC does not have a great track record on meeting statutory timeframes, and a practicable timeframe will allow every other function of the TPC to take precedent.</p> <p>- s47ZE relies on the timeframe under s47DZ, which has no limit. It must have a time limit, or things will never be determined.</p> <p>- s47ZI- should be about endorsing, not signing; otherwise, define the term 'signing' to give regard to the online environment.</p> <p>- s47ZK (1) provision for combined applications does not allow for the setting aside of SPP's as part of a specific development proposal. That is going to be essential for some projects, and is not unreasonable given that the assessment process is completed by the TPC and not the Planning Authority. There is no corresponding provision under Division 1.</p> <p>- ss47ZN - ZP separation of the process to this degree for the amendment and the application serves no purpose. Section ZN(2) contains no timeframe for notification of the decision, unlike sZP(6).</p> <p>- s47Q as with SPP – relevant representations.</p> <p>- s47ZQ As previously noted, this is statutory notification and not consultation. (1) there is no difference between (a) and (b). Section ZQ(5) requires that copies of representations are sent with notification of the decision to initiate the process, which contradicts the required statutory timeframe. Subsection (5) relates to the process for consideration of the representations and ought to be redrafted as such. The concept of an excluded representation is subject to</p>
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	<p>the same comments as previously raised elsewhere in this submission.</p> <ul style="list-style-type: none"> - s47ZT – inconsistent with s53 – why parallel processes? Need to cross reference back to normal process. (2) this process for multiple two year extensions of permits is redundant. Make new permits for 3 years with a one off extension of another 3 years. Simpler, better. Subsection (6) is as relevant to subs(5) and should be considered under that clause too. - s47ZV references to the Appeal Tribunal are redundant, as they have no role in the relevant process. - s47ZW(1)(b) – no criteria or method for calculating ‘reasonable costs’. This needs to be addressed. Need a mechanism of appeal or to use the RMPAT process to determine costs. - s47ZW (1)(b) and (3)(b) as per s47H.
<i>Application for Permits</i>	<ul style="list-style-type: none"> - s17 – as outlined earlier, LG strongly opposes the move to a 21 day timeframe for determining permitted use applications.
<i>Other</i>	<ul style="list-style-type: none"> - Schedule 6 – language is quite dense, can it be tightened? - Existing uses – s12(2) - Local Government understands the purpose of this amendment is to avoid unreasonable cost, delay and uncertainty due to non-compliance with standards if an application for a permit is required. There are however, some concerns, particularly related to rebuilding when the hazard still exists (e.g. landslip, coastal inundation) and questions around how this is related to requirements under the Building Code, including the need for Building and Plumbing approvals. As raised previously, there may be a need to indemnify councils in relation to losses related to poor planning outcomes. Best practice planning may have changed significantly over time. - s64 - Reinstate the ability for a planning authority to request the RMPAT to issue an order to prevent a breach or to require cessation of a breach. There are circumstances under which the enforcement notice process is inappropriate due to the immediate risk of an irredeemable loss or an on on-going condition which cannot be tolerated within the timeframes required for the enforcement notice and compliance process. It is unclear why a private individual has access to civil remedies and a planning authority is excluded.

MESSAGE FROM JAMIE WOOD



15.0 WORKS & SERVICES

Moved **Clr**

Seconded **Clr**

THAT the Works & Services Report be received.

16th July 2015 – 11th August 2015

Maintenance Grading

Mark Tree Rd
Green Valley Rd

Pelham Rd
Meadsfield Rd

Bluff Rd

Humbie Rd

Re-Sheeting

Humbie Rd
Bluff Rd

Green Valley Rd

Weatheron Rd

Woolpack Rd

Potholing / shouldering

Rotherwood Rd
Strickland Rd
Browns Marsh Rd

Bothwell Township
Tunbridge Tier Rd

Dawson Rd
Old Mans Head Rd

Victoria Valley Rd
Meadsfield Rd

Culverts / Drainage:

Clean culverts Dennistoun Rd
Culvert extensions Mark Tree Road

Clean culverts Pelham and Thousand Acre Lane

Occupational Health and Safety

Monthly Toolbox Meetings
Monthly work place inspections completed
76hrs Long Service Leave taken
76.5hrs Annual Leave taken

Day to day JSA and daily pre start check lists completed
Playground inspections
63hrs Sick Leave taken

Bridges:

Clean scuppers on bridges on 14 Mile

Refuse / recycling sites:

Cover Hamilton Tip twice weekly
Push up green waste Bothwell WTS

Removal of tyres from Bronte WTS
Bulky rubbish run

Other:

Pick up rubbish Hollow Tree Rd
New plumbing town hall at Bothwell
Pick up rubbish at Arthurs bins
Remove ice from Medical centre
Repair Ellendale storm water pit

Install garden in between town hall at Bothwell
Repair toilet Bronte WTS
Cover stormwater pit at Bothwell
Finish installing bbq at Ouse Park
Tree removal Lanes Tier Rd

Install soft fall to standard at:

Hamilton, Gretna, Ellendale & Ouse parks
Install sign Torhill Rd
Weld up ramps on Council Roads
Install sandstone ready for plaques for donated trees at cemetery

Install signs at Bronte, Miena and Bothwell WTS
Remove dangerous slide Wayatinah Park

Snow Clearing

Victoria Valley
Woodwards
Lockiel Drive
Barren Plains Rd

Strickland
Jones Rd
Arthurs Lake
Todds Corner

Bashan
Flemming Drive
Willberville Rd

Bradys Lake
Theissen Cressent
Morass Bay Rd

Over all Council removed around 80 trees from roads that had fallen due to the snow and extreme weather conditions

Municipal Town Maintenance:

Collection of town rubbish twice weekly

Collection of rubbish twice weekly

General maintenance

Town Drainage

Cleaning of public toilets, gutters, drains and footpaths.

Cleaning of toilets and public facilities

Mowing of towns and parks

Maintenance of parks, cemetery, recreation ground and Caravan Park.

Plant:

PM636 Small trailers new led lights

PM755 Triton (B) new tyres

PM759 Hilux new tyres

PM684 Komatsu grader (B) new rod for blade

Private Works:

Call out for Stornoway

Gravel and truck hire Jason Cashion

Potholing for John Fowler

Concrete premix Alec Smithurst

Gravel Robert Clark

Gravel Scott Shearing

Gravel Highland Waters

Labor hire Loueen Triffitt

Concrete premix Betty Branch

Gravel and truck hire John Marshall

Gravel and truck hire Tom Brown

Casuals

Toilets, rubbish and Hobart

Hamilton general duties

Bothwell general duties

Mowing and brush cutting

Program for next 4 weeks

Grading and Re-Sheeting of Municipal Roads

Kerb replacement Elizabeth St Bothwell

Replace some decking on Gowen Brea bridge

Install soft fall, border and slide Wayatinah park

Tenders for Capital works programs to be advertised.

15.1 GRADING OF SNOW OFF COUNCIL ROADS POLICY (POLICY SEPARATE ATTACHEMENT)

For Discussion

15.2 CRICKET PITCH BOTHWELL RECREATION GROUND

For Discussion

15.3 STATUS REPORT

- **328 - 20/4/2012**

Gorse at Christian Marsh, Responsible Officer: NRM

This item was asked to be placed on the Status Report at the March 2012 Meeting.

- **329 - 18/8/2012**

Platypus Walk, Responsible Officer: Works Manager

Regular Maintenance

- **332 - 17/9/2013**

Blackberry Removal, Responsible Officer: Works Manager / NRM

Clr Bowden requested that this item be placed on the Status Report

16.0 ADMINISTRATION

16.1 GRANT DEED – BLACK SPOT FUNDING VICTORIA VALLEY ROAD

Council was successful in obtaining Black Spot funding of \$90,000 to remove the crest in Victoria Valley Road, east of Brown Marsh Road.

The Grant Deed is to hand and requires signing and sealing.

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT the Acting General Manager be authorised to sign and seal the Black Spot Funding Grant Deed.

16.2 CENTRAL HIGHLANDS BUSKERS BASH

Anne Donaghy, Secretary of the Ellendale Hall Committee Inc has written requesting funding in support of the Central Highlands Buskers Bash Event in March 2016. The 2015 event was very successful and attracted over 1,000 visitors on the day and 21 performers. There was a wide variety of stalls.

The Event was organised and run by the Hall Committee led by President Evan Evans, Event Coordinator Jan Roberts, and Promotions Officer Carl Roberts and supported by 30 Event Day volunteers.

The Ellendale Hall Committee feels that financial support of \$5,000 from Council for the event would help them promote the event and turn it into a major attraction for the Highlands.

Council has a budget allocation of \$1,000 in the 2015/2016 budget.

For Decision

12th July, 2015

Central Highlands Councillors

Dear Members

I am writing to you on behalf of the Ellendale Hall Committee, to share a little about 2015's local arts event "The Central Highlands Buskers Bash" and our request for funding in support of The Central Highlands Buskers Bash event in March 2016.

The Community Hall in Ellendale is the cornerstone for connecting our local community and, it relies heavily on its dedicated volunteers to ensure the hall is managed, maintained and utilised to its full capacity.

To enable us to continue to offer the services that we do the Committee were inspired to hold an event that would not only bring together the community but to also raise essential funds to enable our hall to continue to offer its diverse range of social and recreational activities.

In March, 2015 we held the "Central Highlands Buskers Bash" a local arts event that attracted over 1,000 visitors on the day, locally as well as from across Tasmania. We were able to attract both the volume of visitors and the performers through prizes and advertising. There were 21 performers with a diverse amount of talent, including one, who had just performed at the Adelaide Fringe Festival, also food, brewing and craft stalls, selling a specialised range of foods and arts and crafts.

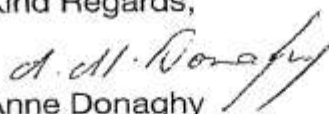
Its success was due to the organisation, promotion, financial support and running of this event by Hall committee members ably led by our President Evan Evans, Event Coordinator Jan Roberts and her Husband Carl who acted as our Promotions Officer dedicating untold hours over a period of 4 months, along with the 30 Event Day Volunteers that supported us on the day.

The feedback from performers and visitors has inspired the Ellendale Hall Committee to once again hold the Buskers Bash in March 2016. However, for the event to truly reach its potential as a major festival of buskers and artists attracting acts and visitors from here and interstate, and allowing us to promote the beautiful Central Highlands and Derwent Valley we have to attract major funding for prizes, advertising and equipment. We feel that financial support of \$5,000 from council for the event would help us promote the event and turn it into a major attraction for our beautiful Highlands.

We can provide letters of recommendation if needed.

We would like to thank you in advance for reading our letter of appeal and have enclosed details of our finances and stall holders for March 2015 for your perusal. Please do not hesitate to contact me if you require any additional information in support of this letter. I look forward to hearing back from you.

Kind Regards,



Anne Donaghy
Secretary
Ellendale Hall Committee Inc
Email annie4930@me.com
Telephone 0362881100

Award	Prize	\$	Awarded To
Buskers Spirit Award	\$200 travel voucher for the Spirit of Tas	200	Alanna Gaudins
		200	Alanna Gaudins Total
BonZaki	natural dyed silk scarf	30	Ben Dunk
Pagan Cider	Mixed case of cider	30	Ben Dunk
Liz Joyce	\$20	20	Ben Dunk
Manx Maid	Gift Voucher for Goats Milk Soap	20	Ben Dunk
Sew Many Stitches	Custom Wallet	20	Ben Dunk
Miam French Crepes	crepe to choose	15	Ben Dunk
Wingseed	Meal	15	Ben Dunk
Not tonight Honey	two 700g jars of Honey	10	Ben Dunk
		160	Ben Dunk Total
Peoples Choice	\$1,000	1000	Bodane Hatten
Devils Brewery	twin packs of our beers	20	Bodane Hatten
		1020	Bodane Hatten Total
Matt Harrison	2 Hours Recording Session	500	Bridget Pross
Devils Guitars	Gift packs containing a Rocky Mountain Ceramic slide, 2 Rocky Mountain ceramic picks plus 1 set of 6 D'Addario nickel wound strings 46 - 10	60	Bridget Pross
		560	Bridget Pross Total
Lester & Sandra Tomlin	Accommodation	250	Deacon Jones & The Revelators
		250	Deacon Jones & The Revelators Total
Lester & Sandra Tomlin	Accommodation	250	K+K & Andrew Hack
		250	K+K & Andrew Hack Total
Devils Guitars	Gift packs containing a Rocky Mountain Ceramic slide, 2 Rocky Mountain ceramic picks plus 1 set of 6 D'Addario nickel wound strings 46 - 10	60	Kelsie Hibberd
Erin Edge	Dancing Fairy	30	Kelsie Hibberd
		90	Kelsie Hibberd Total
Cross Carnival Rides	Voucher & Harmonica	50	Magic Fiona
Dr Spork	Fork Pendant	40	Magic Fiona
		90	Magic Fiona Total

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Turning Point	\$100	100	Matt Dames
Devils Guitars	1 x Electric Diddley Bow	85	Matt Dames
		185	Matt Dames Total
Devils Brewery	twin packs of our beers	20	Pat Curley
		20	Pat Curley Total
Lester & Sandra Tomlin	Accommodation	250	Penny & The Skiffle Men
Devils Guitars	1 x Build your own Cigar Box Guitar kit...Kit has everything to build a complete electric/acoustic cbg. Includes instructions	85	Penny & The Skiffle Men
Jacksons Emporium Hamilton	Gift basket	50	Penny & The Skiffle Men
Dr Spork	Fork Pendant	40	Penny & The Skiffle Men
		425	Penny & The Skiffle Men Total
Jacksons Emporium Hamilton	Gift basket	50	Shinebone Willy
		50	Shinebone Willy Total
Town Farmer	Gift Voucher	40	Sinn Aranon
		40	Sinn Aranon Total
TAS Saff	\$120 worth of Saffron converted to Cash	120	Taiko Drum
Black Mountain Larder	2.5litre tub of icecream	100	Taiko Drum
		220	Taiko Drum Total
Ellendale Award	\$500	500	The Scary Family Band
Lady Strange	Gift Voucher	100	The Scary Family Band
Monkey Mates	2 Monkey & Wine	50	The Scary Family Band
Lilly & Rose Sweet Shoppe	\$25 gift voucher	25	The Scary Family Band
Central Highlands Rural Youth	Reject Shop Voucher	20	The Scary Family Band
Not tonight Honey	two 700g jars of Honey	10	The Scary Family Band
		705	The Scary Family Band Total
Lester & Sandra Tomlin	Accommodation	250	The Timeless Buskers
Strait Brands	Vodka	55	The Timeless Buskers

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		305	The Timeless Buskers Total
Childrens Choice	\$500	500	Zac Henderson & Ruben Pingel
Sassafrass Springs	1 Nights Accomodation	290	Zac Henderson & Ruben Pingel
Bonorong Wildlife Sanctuary	Familly Pass	60	Zac Henderson & Ruben Pingel
Flame Cake	Flamkuchen	20	Zac Henderson & Ruben Pingel
Lyns Crafts	\$20	20	Zac Henderson & Ruben Pingel
Wood Firey Redhead	2 x Pizza	20	Zac Henderson & Ruben Pingel

Zac Henderson &
910 Ruben Pingel Total
5480 Grand Total

5480 Grand Total

2/06/2015

MYOB / Excel

1:47 PM

<p style="text-align: center;"><i>Ellendale Hall Committee Inc</i></p> <p style="text-align: center;">Job Profit & Loss Statement</p> <p style="text-align: center;">Buskers Bash 2015</p> <p style="text-align: center;">1/01/2015 through 29/04/2015</p>		
Account Name	Budget	Actual
Income		
Gifts In Kind	\$2,800.00	\$3,480.00
Buskers Bash Stall Fees		\$345.00
Buskers Bash Sponsorship		\$700.00
Buskers Bash Gate Takings		\$1,231.00
Buskers Bash Plectrum Sales		\$130.00
Buskers Bash Drink Sales		\$177.90
Buskers Bash Cafe Sales		\$719.40
Buskers Bash Other Sales		\$394.00
Donations Received		\$940.00
Community Grants	\$2,000.00	\$1,700.00
Total Income	\$4,800.00	\$6,337.30
Cost of Sales		
Buskers Awards Given	\$2,000.00	\$2,000.00
Purchases for Resale		\$313.70
Entertainment	\$646.00	\$400.00
Total Cost of Sales	\$2,646.00	\$2,713.70
Expense		
Advertising	\$350.00	\$220.00
Catering & Kitchen Supplies	\$200.00	\$191.13
First Aid Charges	\$70.00	\$70.00
Insurance	\$235.00	\$441.65
Legal Fees	\$60.00	\$59.20
Printing		\$146.36
Electricity	\$50.00	\$50.00
Total Expense	\$965.00	\$1,178.34
Net Profit (Loss)	\$1,189.00	\$2,445.26

16.3 ACKNOWLEDGEMENT OF THE IMPORTANCE OF THE FAGS TO COUNCIL SERVICES

Further to previous correspondence received, LGAT is seeking Council's advice as to whether Council have or are intending to pass a resolution supporting the National FAGS campaign.

LGAT has advised the following:
By way of reminder:

The freeze of the indexation of Financial Assistance Grants will result in a permanent reduction in the grants base by about 13%. The 'frozen' portion of Financial Assistance Grants amounts in real terms to more than \$300 million per year being taken out of communities during the 3 years, and almost \$1 billion over the Budget out years.

These first steps of the campaign are a) passing resolutions at your council acknowledging the importance of the FAGs to the delivery of your services, and making representations to your Federal representatives, particularly Coalition representatives, to explain the impact of the decision to freeze indexation; b) coordination of a national and state media campaign to build general community and political awareness of the need for FAGs (ALGA are finalising a media kit).

Case studies are need to provided examples of what can no longer be achieved as a result of freeze or the revenue impact of freeze and the practical flow on effect it will have on your community. Be careful to ensure that these are always linked back to the freeze on FAGs indexation so that it doesn't come across as an excuse for rate rises and service cuts. You can mention examples of projects programs that have benefitted from FAGs funding in the past and perhaps highlight a project worth the equivalent of the funding you will miss out on due to the three year freeze as an example of what the community will/can subsequently miss out on.

The motion that is being asked to be considered by all councils is along the following lines:

“THAT Council:

- 1) Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;***
- 2) Acknowledges that it will receive X million in 2014-15; and***
- 3) Will ensure that this federal funding, and other funding provided by the Federal Government under the relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.”***

Council considered this request at its April 2015 meeting and the following resolution was passed:

Moved Cllr R G Bowden

Seconded Cllr R L Cassidy

THAT the Mayor responds to LGAT regarding Council's concerns on the below motion.

THAT the Council:

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;***
- 2. Acknowledges that the council will receive \$X.Y million in 2014-15; and***
- 3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.***

Carried

14 Tasmanian Councils have passed the resolution.

For Decision

Lyn Eyles

From: Katrena Stephenson <katrena.stephenson@lgat.tas.gov.au>
Sent: Monday, 27 July 2015 1:05 PM
To: Break O'Day Council (E-mail); Brighton Council ; Burnie Council (E-mail); Central Coast Council; Lyn Eyles; Circular Head; Clarence City Council (E-mail); Derwent Valley Council (E-mail); Devonport Council (E-mail); Dorset Council (E-mail); Flinders Council; George Town Council (E-mail); Glamorgan Spring Bay Council (Email); Glenorchy City Council; Hobart City Council; Huon Valley Council; Kentish Council; King Island Council; Kingborough Council; Latrobe Council (E-mail); Launceston City Council (Email); Meander Valley Council; Northern Midlands Council; Sorell Council; Southern Midlands Council (E-mail); Tasman Council (E-mail); Waratah/Wynyard Council (E-mail); West Coast Council (E-mail); West Tamar Council
Cc: Clare Hogan; Mail Archive
Subject: FAGS resolutions.docx
Attachments: FAGS resolutions.docx; Council Case Studies Request Form.docx

Dear All

Further to the information presented by Bill McArthur at the conference, regarding the national FAGs campaign, I would appreciate it if you could provide updated advice as to whether you have, or are intending to, pass a resolution on the matter (see attached). Also, I am still seeking case studies from councils on the impact of the freeze on indexation and would appreciate you letting me know if you can assist.

By way of reminder:

The freeze of the indexation of Financial Assistance Grants will result in a permanent reduction in the grants base by about 13%. The 'frozen' portion of Financial Assistance Grants amounts in real terms to more than \$300 million per year being taken out of communities during the 3 years, and almost \$1 billion over the Budget out years.

These first steps of the campaign are a)passing resolutions at your council acknowledging the importance of the FAGs to the delivery of your services, and making representations to your Federal representatives, particularly Coalition representatives, to explain the impact of the decision to freeze indexation; b)coordination of a national and state media campaign to build general community and political awareness of the need for FAGs (ALGA are finalising a media kit).

Case studies are need to provided examples of what can no longer be achieved as a result of freeze or the revenue impact of freeze and the practical flow on effect it will have on your community. Be careful to ensure that these are always linked back to the freeze on FAGs indexation so that it doesn't come across as an excuse for rate rises and service cuts. You can mention examples of projects programs that have benefitted from FAGs funding in the past and perhaps highlight a project worth the equivalent of the funding you will miss out on due to the three year freeze as an example of what the community will/can subsequently miss out on.

The motion that is being asked to be considered by all councils is along the following lines:

"THAT Council:

- 1) Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;*
- 2) Acknowledges that it will receive X million in 2014-15; and*
- 3) Will ensure that this federal funding, and other funding provided by the Federal Government under the relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports."*

Many thanks

16.4 BUDGET ALLOCATION TO RURAL ALIVE & WELL (RAW)

Council 2015/2016 budget has an allocation of \$2,000 as a contribution to Rural Alive and Well. The following motion and amendment were put to the June 2015 meeting.

Moved **Clr E M McRae**

Seconded **Clr L M Triffitt**

THAT Council increase the RAW allocation be increased from \$2,000 to \$10,000.

Amendment

Moved **Clr L M Triffitt**

Seconded **Clr E M McRae**

THAT Council defer the motion and invite RAW to speak to Council to provide extra information

Carried

Daniel Rockford, Ian McMichael, Dianne Fowler & Darren Thurlow from Rural Alive & Well (RAW) attended the July Meeting and gave a presentation to Council.

It was agreed that a review of the allocation be considered at the August Council Meeting.

For Discussion

16.5 QUOTE REPLACEMENT VEHICLE DES MANAGER

The Plant Committee has considered quotes received for a replacement vehicle for the DES Manager. The Plant Committee has made the following recommendation:

THAT *this committee recommends to Council that Council accepts the quote to purchase a Nissan X-Trail Manual Diesel T32 from DJ Nissan for \$36,104.16 GST Inclusive AND that the trade in price offered for the current Nissan X-Trail be accepted.*

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT Council accepts the quote to purchase a Nissan X-Trail Manual Diesel T32 from DJ Nissan for \$36,104.16 GST Inclusive **AND** that the trade in price offered for the current Nissan X-Trail be accepted.

16.6 LGAT CODE OF CONDUCT FEEDBACK SOUGHT

At the Local Government of Tasmania General Meeting it was agreed that LGAT would seek feedback from Councils out of session there was no general agreement on a recommendation put forward by LGAT:

Only allow for complaints regarding incidents/matters that have happened in the preceding 90 days.

At the General Meeting some alternatives were mooted, and four options are presented for council consideration:

Options

1. **Only allow for complaints regarding incidents/matters that have happened in the preceding 90 days.**
2. **Allow for complaints regarding incidents/matters that have happened in the preceding 6 months.**
3. **Allow for complaints to be lodged within 60 days after the general public or complainant become aware of the alleged contravention of the code of conduct as long as the alleged contravention is within the current term of office.**
4. **Only allow for complaints regarding incidents/matters that have happened in the preceding 90 days, but**

clearly provide the ability for the Code of Conduct Panel to consider related matters that precede the 90 days but are within the current term.

LGAT is seeking Council feedback as soon as possible.

For Decision

Lyn Eyles

From: Katrena Stephenson <katrena.stephenson@lgat.tas.gov.au>
Sent: Tuesday, 4 August 2015 2:43 PM
To: Break O'Day Council (E-mail); Brighton Council ; Burnie Council (E-mail); Central Coast Council; Lyn Eyles; Circular Head; Clarence City Council (E-mail); Derwent Valley Council (E-mail); Devonport Council (E-mail); Dorset Council (E-mail); Flinders Council; George Town Council (E-mail); Glamorgan Spring Bay Council (Email); Glenorchy City Council; Hobart City Council; Huon Valley Council; Kentish Council; King Island Council; Kingborough Council; Latrobe Council (E-mail); Launceston City Council (Email); Meander Valley Council; Northern Midlands Council; Sorell Council; Southern Midlands Council (E-mail); Tasman Council (E-mail); Waratah/Wynyard Council (E-mail); West Coast Council (E-mail); West Tamar Council ; Break O'Day Council Mayor Mick Tucker; Brighton Council Mayor Tony Foster; Burnie City Council Mayor Anita Dow; Central Coast Council, Mayor Jan Bonde; Deirdre Flint; Circular Head Mayor Daryl Quilliam; Clarence City Mayor Doug Chipman; Derwent Valley Council Mayor Martyn Evans; Devonport City Council Steve Martin; Dorset Mayor; Flinders Mayor Carol Cox; George Town Council Mayor Bridget Archer; Glamorgan Spring Bay Michael Kent; Glenorchy City Council Mayor Kristie Johnston; Hobart City Council Lord Mayor Sue Hickey; Huon Valley Council Mayor Peter Coad; Kentish Council Mayor Don Thwaites; King Island Mayor Duncan McFie; Kingborough Council Steve Wass ; Latrobe Council Mayor Peter Freshney; Launceston City Council Mayor Albert van Zetter; Meander Valley Mayor Craig Perkins; Northern Midlands Mayor David Downie; Sorell Council Mayor Kerry Vincent; Southern Midlands Council Mayor Tony Bisdée; Tasman Council Mayor Roseanne Heyward; Waratah-Wynyard Council Mayor Robby Walsh; West Coast Mayor Phil Vickers; West Tamar Mayor Christina Holmdahl
Cc: Christine Agostinelli; Mail Archive
Subject: Code of Conduct Amendment Bill out of session.doc
Attachments: Code of Conduct Amendment Bill out of session.doc

Dear All

Further to the General Meeting Item on the Code of Conduct Amendment Bill, please see an out of session paper for your consideration and feedback. I would appreciate your feedback ASAP. Could you please advise me if the matter is not likely to be considered by your council in the next fortnight.

Many thanks

Katrena

Code of Conduct Amendment Bill: Time Frame For Complaint Consultation with Councils

Recommendation:

That Council advise LGAT on the option that they would like LGAT to advocate for in relation to the timeframe for Code of Conduct complaints.

Background:

Further to the item at the 22 July General Meeting (see Attachment 1 for minutes), it was agreed that LGAT would seek feedback from councils out of session, but ahead of the Legislative Council returning and continuing the debate on the Code of Conduct Amendment Bill.

The recommendation put forward by LGAT based on the experience of the Association as Registrar of the Standards Panel was:

Only allow for complaints regarding incidents/matters that have happened in the preceding 90 days.

It appeared that some Members had concerns similar to those raised in the Legislative Council.

Currently a complaint must be lodged within 90 days of an incident occurring. Some members of the Legislative Council have suggested that this be amended to within sixty days after the general public or the complainant become aware of the alleged contravention of the code of conduct (whomever first became so aware).

The Association is concerned that there is a risk the proposed amendment would mean that a code of conduct complaint could be lodged at any time, for example years after the alleged contravention. It would also be significantly difficult to define 'awareness' and has potential to be used maliciously. Administratively it might be easier just to extend the timeframe for lodging a complaint, but again there is potential for this to be used maliciously, for example, around election time when an incident has long been known about.

The main concern from LGAT members appeared to relate in relation to the 'straw the broke the camel's back' type incident where only the latest matter could be considered not anything that happened prior to that even if strongly related. This could be dealt with differently, as outlined in Option 4.

At the General Meeting some alternatives were mooted that went some way to address the concerns. Four options are presented below for consideration by Councils.

Options

1. Only allow for complaints regarding incidents/matters that have happened in the preceding 90 days.
2. Allow for complaints regarding incidents/matters that have happened in the preceding 6 months.
3. Allow for complaints to be lodged within 60 days after the general public or complainant become aware of the alleged contravention of the code of conduct as long as the alleged contravention is within the current term of office.
4. Only allow for complaints regarding incidents/matters that have happened in

the preceding 90 days, but clearly provide the ability for the Code of Conduct Panel to consider related matters that precede the 90 days but are within the current term.

Attachment 1: Draft Minutes 22 July 2015 (extract)

1.1 Local Government (Code of Conduct) Amendment Bill
Contact Officer: Katrena Stephenson

Devonport City Council/City of Hobart

That the Meeting agree that Mayors will write to MLCs in support of the Local Government (Code of Conduct) Bill, noting the significant consultation that has occurred with councils since 2010.

Carried

That the Meeting vote on the following recommendations (the recommendations relate to the numbered items in the backound section):

Item 1

Devonport City Council/City of Hobart

That the single Code of Conduct Panel be able to investigate, hear and determine code of conduct complaints.

Carried

Item 2

Devonport City Council/City of Hobart

Provide for some flexibility for councils to expand upon core elements in the Regulated (Model) Code of Conduct.

Carried

Item 3

Devonport City Council/City of Hobart

Only allow for complaints regarding incidents/matters that have happened in the preceding 90 days.

Lost

The CEO to consult with councils on some possible options.

Item 4

Devonport City Council/City of Hobart

That there continue to be a requirement to pay a fee to lodge a complaint, noting that the fee is reimbursed if the complaint is upheld.

Carried

Item 5

Devonport City Council/City of Hobart

That there remain an ability to withdraw a complaint.

Carried

Item 6

Devonport City Council/City of Hobart

That given the need to contain costs and to deal with complaints expeditiously, legal representation not be allowed in Standard Panel Hearings.

Carried

Item 7

Devonport City Council/City of Hobart

That the legislation allow for a Code of Conduct complaint to be submitted locally to the General Manager to check that proper procedure has been adopted before forwarding to the Standards Panel.

Carried

Item 8

Devonport City Council/City of Hobart

That the one month suspension sanction be changed to allow for up to three months suspension in order to offer an effective deterrent for bad behaviour.

Carried

Item 9

Devonport City Council/City of Hobart

That the holding of an AGM is optional, to be determined by Council.

Carried

Item 10**Devonport City Council/City of Hobart**

That the Council be able, through a majority vote, to direct the General Manager to provide complete information (not redacted or removed) that the General Manager has withheld on the basis of deeming it private and confidential information relating to a person.

Carried

Below is some explanatory material for each of the recommendations.

1. It is proposed to Amend the Bill to remove the inquiry/investigation powers of the Standards Panel (to sit with another body) and the Panel would just hear and determine the case. LGAT asserts this fails to recognise that the nature of complaints, are on the whole, relatively low order behavioural matters that do not require extensive investigation. This is a vastly different model than has been in place and does not relate to any issues raised by the sector at any time. It would significantly increase the complexity of determining cases and the costs and would require a substantial rewrite of the Bill and further consultation further delaying any improvements to the current process.

It should be noted that the Director of Local Government can already undertake higher order investigations regarding alleged breaches of the Act and that indeed these must be referred to the Director by the Standards Panel. Further in the Bill currently before Parliament, a code of conduct complaint regarding half or more councillors is referred to the Director because such a complaint may be indicative of a potential breach of powers or functions of councillors under the Act. It also might be an indication of other systemic issues within a council that require further investigation.

A related amendment proposed suggests removing references to the Panel conducting an investigation but this would mean that, as is currently the case, the Standards Panel would have to have a hearing on every matter and has not flexibility to resolve an issue without a hearing. This has been an issue of concern for the sector, raised as far back as 2010 and LGAT asserts the flexibility is desirable to ensure appropriate efficient resolution of complaints.

2. The Legislative Council have indicated a preference to remove the ability of councils to vary the model code of conduct. Currently Councils may adopt any code. In 2012 LGAT developed a model code to improve consistency of approach, particularly in relation to how breaches were defined, based on feedback from Standards Panel Members.

It is anticipated that some councils may wish to go into more detail on some matters and to be able to make sure that it is locally relevant and matches with existing council policies. This is particularly important in code of conduct matters relating to councillor expenses and gifts and benefits, for which a number of councils have developed local policies to strictly control such matters. Some councils may wish to supplement the model code of conduct to elaborate on their ideas around good governance. Some councils may also wish to include detailed procedures in their code of conduct for dealing with internal disputes between councillors.

Allowing a council to vary the model code also provides opportunity for discussion on aspects of good ethical behaviours and gain a common understanding of what is expected of each other, particularly if linked to a post election review cycle.

3. Currently a complaint must be lodged within 90 days of an incident occurring. Some members of the Legislative Council have suggested that this be amended to within sixty days after the general public or the complainant become aware of the alleged contravention of the code of conduct (whomever first became so aware).

There is a risk the proposed amendment would mean that a code of conduct complaint could be lodged at any time, for example years after the alleged contravention. It would also be significantly difficult to define 'awareness' and has potential to be used maliciously.

4. It has been proposed that there be no fee to lodge a code of conduct complaint.

Each complaint will come at some cost to the council, even if deemed frivolous and vexatious. There has to be some deterrent from such complaints. The fee will likely be on par with Standards Panel referral fee and is refundable where the complaint is upheld.

5. It has been suggested that the legislation should remove complainant's ability to withdraw from a code of conduct complaint

The Bill currently allows a complainant (or two complainants jointly) to withdraw from a code of conduct complaint, by notice in writing to the general manager or the Code of Conduct Panel, at any time prior to the final determination of the complaint by the Panel. The Bill also outlines the notification requirements relating to a withdrawn code of conduct complaint.

The Bill provides that a code of conduct lodgement fee is returned if the complaint is withdrawn by the complainant.

It is considered appropriate to allow a code of conduct complaint to be closed at the wish of the person who made the complaint. There are various reasons why a complainant may want to withdraw their complaint, such as:

- their concerns have been resolved (eg through mediation);
- they no longer wish to proceed with the complaint; or
- they have agreed to withdraw the complaint as part of a resolution of a related case under another law.

While LGAT has concerns about automatic reimbursement of lodgement fees upon withdrawal (with a preference for this to be determined by the Panel on a case by case basis), we strongly support the ability to withdraw a complaint as this has been

noted as a problem by Members over a number of years.

6. A proposed amendment provides that a complainant or councillor against whom the complaint is made may be represented by an advocate.

The Bill already allows that a complainant or councillor against whom the complaint is made may be represented by an advocate who is not an Australian lawyer, at the consent of the Panel. The Code of Conduct Panel is not a court, proceedings are non adversarial and it is important to keep costs low and processes streamlined given the nature of complaints (relatively low level matters).

Any person involved in a complaint may seek legal advice; the only restriction under the Bill is that legal representation at a hearing is not permitted.

With a three member Code of Conduct Panel and a right of review to the Magistrates Court, there are sufficient protections for councillors built into the new code of conduct complaint framework.

7. It has been proposed that all complaints be lodged centrally through the Code of Conduct Panel Executive Officer. The Bill provides that a code of conduct complaint is lodged with the general manager of the relevant council. If the code of conduct complaint meets the requirements of the Act, the general manager is to refer it to the Executive Officer.

It is important that there is someone within a council that can receive a person's code of conduct complaint. This ensures that the system is accessible to ratepayers. Further, it is considered appropriate for a complaint to be lodged with a general manager because this position is more independent than a mayor or deputy mayor.

A General Manager has no involvement in a code of conduct complaint aside from the purely administrative step of receiving a complaint, checking that it meets prescribed requirements and forwarding it to the Code of Conduct Panel for initial assessment.

It is important to note that a General Manager is obliged to refer a complaint to the Executive Officer.

There may be an increase in costs associated with the Executive Officer receiving code of conduct complaints and assessing whether the complaint meets the prescribed requirements. This is because the Executive Officer is only paid when the position is required. The Bill has been designed to keep council costs as low as possible. Facilitating ratepayer access to the system would also be more difficult compared to allowing a person to lodge a complaint with their council.

8. It has been proposed that there be an increase from the Panel's one month suspension sanction (in relation to the determination of a code of conduct complaint) to three months.

Consultation with LGAT Members found there was a preference to have an ability to make stronger sanctions for more serious Code of Conduct breaches.

9. The Legislative Council expressed concern with regard to dropping the requirement to hold an AGM. This amendment was requested by Local Government given the poor attendance of AGMs across many councils making this an inappropriate use of council resources for community engagement. The requirement predated the

changes in community engagement, particularly since the advent of social media. The broader Tasmanian community was also consulted on this proposed change with minimal feedback or concern raised.

10. The Bill as currently drafted allows (Clause 5 (b) (7), (8) and (9)) for a Council (by majority vote) to overturn the decision of a General Manager to withhold information on the basis it is private and confidential. The amendment suggested is that this power should be provided to the Director of Local Government (not the Council). While this allows for independent scrutiny it would also slow down progression of any decision-making related to the withheld information.

It should be noted there is already provision in the Act to appeal to the Director of Local Government (s339E).

The Current Bill can be viewed at www.thelaw.tas.gov.au (Bills Currently Before Parliament).

The second reading debate in the Legislative Council is available through Hansard on the www.parliament.tas.gov.au website (see 25 June, 2015).

Current Policy

There have been a number of significant consultation processes with our sector since 2010 and this matter has been the subject of several successful motions and numerous reports to the General Meeting.

Budget Implications

Movement of the support to the Standards Panel away from LGAT will free up some resource to progress and support some other Member activities. There will be a cost to each council which is subject to a Code of Conduct complaint.

16.7 DISCUSSION PAPER – NATURAL RESOURCE MANAGEMENT

The State Government is reviewing the Tasmanian Resource Management Framework and the natural resource management Act 2002 and has prepared a discussion paper for consultation. The review is due for completion by the end of 2015. LGAT will be developing a sectoral response to the review and is seeking Council's comments by COB Tuesday, 25 August, 2015.

Recommendation:

Moved C/r

Seconded C/r

THAT comments be forwarded to the Acting General Manager by 12 Noon, Monday 24 August, 2015.

Lyn Eyles

From: Georgia Palmer <georgia.palmer@lgat.tas.gov.au>
Sent: Tuesday, 4 August 2015 4:14 PM
To: Break O'Day Council (E-mail); Brighton Council ; Burnie Council (E-mail); Central Coast Council; Lyn Eyles; Circular Head; Clarence City Council (E-mail); Derwent Valley Council (E-mail); Devonport Council (E-mail); Dorset Council (E-mail); Flinders Council; George Town Council (E-mail); Glamorgan Spring Bay Council (Email); Glenorchy City Council; Hobart City Council; Huon Valley Council; Kentish Council; King Island Council; Kingborough Council; Latrobe Council (E-mail); Launceston City Council (Email); Meander Valley Council; Northern Midlands Council; Sorell Council; Southern Midlands Council (E-mail); Tasman Council (E-mail); Waratah/Wynyard Council (E-mail); West Coast Council (E-mail); West Tamar Council
Cc: Mail Archive
Subject: NRM review

Dear General Managers,

The State Government is reviewing two principal instruments related to the delivery of natural resource management in the State: the Tasmanian Resource Management Framework and the Natural Resource Management Act 2002. A discussion paper has been developed which forms the basis for consultation. The review includes matters such as Tasmania's priorities for natural resource management and will determine the functions of the Tasmanian Natural Resource Management Council. The Discussion Paper considers five broad themes and their relationship with the Framework and the Act. These include:

- Purpose: the definition and functions of NRM
- Participation: who is involved in NRM, and their roles and responsibilities;
- Priorities: the key NRM issues;
- Principles: the underlying ideas that guide NRM in Tasmania;
- Performance: how NRM is measured and reported.

The review is due for completion by the end of 2015.

As councils have a key role in NRM in their communities it would be good if you could please review the discussion paper and provide comments to me **by COB Tuesday 25 August** so that I can develop a sectoral response to the review.

Kind regards

Georgia Palmer
 Senior Policy Officer
 Local Government Association of Tasmania
 326 Macquarie Street, Hobart
 Ph: 03 6233 5965 | Mobile: 0467 057 696 | Fax: 03 6233 5986
 Monday and Tuesday

8/8/2015

NRM Review

Skip to main content

Tasmanian Government - www.tas.gov.au

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Department of Primary Industries, Parks, Water and Environment

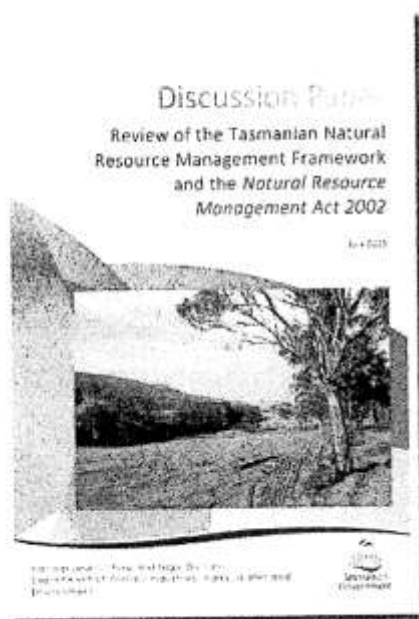
Conservation

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NRM Review

The Tasmanian Government is currently reviewing the effectiveness of Tasmania's two principal instruments for natural resource management in the State: the Tasmanian Natural Resource Management Framework 2002 and the *Tasmanian Natural Resource Management Act 2002*.

Public comment on the review is open until 5 pm 31 August 2015.



The review is the first step towards ensuring that Tasmania's natural resource management arrangements are contemporary and meet community needs and expectations.

Anyone involved or interested in NRM in Tasmania is invited to provide feedback to contribute to the review. Comments received will contribute to developing a series of recommendations for improving the Framework and Act. These recommendations will be provided to the Minister for Environment, Parks and Heritage.

Submissions are to be provided in writing and individual submissions will not be published by the Department. Submissions can answer the questions contained in the Discussion Paper, or general submissions can be provided.

 Discussion Paper - Review of the Tasmanian Natural Resource Framework and the Natural Resource Management Act 2002 (1Mb)

Submissions close 5 pm Monday 31 August 2015.

<http://dpi.pwe.tas.gov.au/conservation/natural-resource-management/nrm-review>

06/2015

NRM Review

How to make a submission:

By post:

Natural Resource Management Review
Natural and Cultural Heritage Division, DPIPWE
GPO Box 44
HOBART TAS 7001

By email:

RMC.Policy@dpiuwe.tas.gov.au

Further information:

Contact

Policy Officer - Natural and Cultural Heritage

Tom Jackson
GPO Box 44
HOBART TAS 7000
Phone: 03 6165 4422
Email: Tom.Jackson@dpiuwe.tas.gov.au

This page was created by the Department of Primary Industries, Parks, Water and Environment (Tasmania).

Questions concerning its content can be sent using the feedback form or by telephone.

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Discussion Paper

Review of the Tasmanian Natural Resource Management Framework and the *Natural Resource Management Act 2002*

July 2015



Natural and Cultural Heritage Division
Department of Primary Industries, Parks, Water and
Environment



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1. Introduction

Tasmania's NRM Framework and NRM Act

Tasmania has two principal instruments related to the delivery of natural resource management (NRM) in the State: the Tasmanian Natural Resource Management Framework (the Framework) and the *Natural Resource Management Act 2002* (the Act).

The Framework was developed in 2002 to define the scope of NRM in Tasmania and to provide the State with a systematic way of integrating NRM.

The Act was introduced in 2002 in order to fulfil key aspects of the Framework. The Act establishes key NRM entities – the Tasmanian Natural Resource Management Council and the Regional Natural Resource Management Committees – and prescribes their respective functions, powers and membership requirements. The Act also prescribes processes for developing and accrediting regional NRM strategies, and includes provisions for the determination of State NRM principles and priorities.

The Act must be reviewed at least every seven years. The first such review (2007-2009) also included an analysis of the Framework, and resulted in 18 recommendations, which included recommendations for amendments to both the Framework and the Act.

The next review of the Act must be completed by the end of 2015; this review will also include consideration of the Framework. This discussion paper has been developed to seek input to the review.

This discussion paper

This discussion paper and the associated consultation process encourage those involved or interested in NRM in Tasmania to contribute to the review.

It is an opportunity to capture stakeholder comments and perspectives in relation to the Framework and the Act in order to guide the delivery of NRM in Tasmania. The review aims to ensure that the Framework and the Act meet community expectations, are flexible and contemporary, and take into account the diversity of NRM activities. The review will be informed by stakeholder comments, and will develop a series of recommendations for improving the Framework and the Act that will be provided to the Minister for Environment, Parks and Heritage.

Anyone interested or involved in NRM in Tasmania can provide feedback to the review. This paper includes matters that the review must address by law, however, the review is also intended to be wide-ranging, and feedback on any aspect of NRM in Tasmania is welcome. The questions contained in this paper aim to prompt consideration of some key issues, as well as to encourage comment on a range of NRM-related matters.

The paper considers the following five broad themes, and their relationship with the Framework and the Act:



- Purpose: the definition and function of NRM;
- Participation: who is involved in NRM delivery, and their roles and responsibilities;
- Priorities: the key NRM issues;
- Principles: the underlying ideas that guide NRM in Tasmania;
- Performance: how NRM is measured and reported.

Accessing the Framework and the Act

The Tasmanian Natural Resource Management Framework can be found at:
<http://dpiwwe.tas.gov.au/Documents/ReportNoPics.pdf>.

The Tasmanian *Natural Resource Management Act 2002* can be found at:
<http://www.thelaw.tas.gov.au>.



2. Purpose

The Framework and the Act were first developed in response to growing national and international expectation that the management of natural resources be governed by appropriate legislation and policy. The original approach was influenced by the understanding of NRM at the time, and the development of national programs that provided support to natural resource managers.

Since that time, the number of people actively involved in NRM has increased significantly, as has the range of NRM activities and our understanding of the role of NRM in Australian society.

The Framework includes the following definition of NRM: "Natural resource management is the management of all activities that use, develop and/or conserve our air, water, land, plants, animals and microorganisms, and the systems they form."

Q.1. Does this definition need to be changed to reflect contemporary NRM?

It is important that the rules and policies that support NRM keep pace with change.

The purpose of the Act is: "to establish the Tasmanian Natural Resource Management Council and regional committees for NRM and to provide for the development of regional strategies for NRM."

Although the legislation was not intended to be environmental or conservation legislation with the purpose of protecting specific natural values, it does have the capacity to recognise a range of NRM activities and functions in order to broadly support NRM stakeholders and encourage community engagement and awareness.

The Framework is a policy that is designed to support the Act. As outlined in the Framework, its purpose is: "to provide the State with a systematic way of integrating natural resource management, to ensure consistency, efficiency and improved natural resource outcomes. It will be the administrative system by which the Tasmanian Government will coordinate and integrate the activities of the wide range of entities that are involved in the management of natural resources in the State. Its operation will include, and not replace, the formal systems by which the State Government currently regulates natural resource use."

Q.2. Does the Framework provide consistency, efficiency and improved natural resource outcomes in Tasmania? If not, how could the Framework be improved?

Q.3. Does the Framework reflect the contemporary role and importance of NRM in Tasmania? If not, how could the Framework be strengthened?



3. Participation

The range of NRM participants and stakeholders is very broad, and it is increasingly recognised that all areas of society depend upon NRM for good environmental and socio-economic outcomes. As well as those organisations for whom NRM is core business, industries, governments at all levels, community groups and individuals also contribute to NRM. This contribution has not always been understood or acknowledged. In order for policy and legislation to meet the needs of these stakeholders effectively, it is essential that stakeholders are identified and are able to participate.

The Act is very specific in its purpose, but it does provide the legislative means by which the regional NRM structure is established in Tasmania, as well as creating the Tasmanian Natural Resource Management Council.

Q.4. Does the Act foster the participation of NRM stakeholders and meet their needs? If not, how could the Act be amended?

The Framework provides more detail in relation to stakeholder involvement and relationships. It identifies the respective roles of State Government, the regional NRM organisations, the NRM Council and local natural resource managers.

Q.5. Does the Framework reflect the range of stakeholders in Tasmanian NRM and their roles? If not, what should be changed?

Q.6. How can the Framework be improved to foster the participation of all stakeholders?

Central to the current NRM structure in Tasmania are the Tasmanian Natural Resource Management Council and the three NRM regions. The Act establishes these bodies and prescribes their respective memberships, functions, and responsibilities. The Framework provides further detail on these matters, and more fully explains the intended relationship between them.

The purpose of the current review is to consider whether the prescriptions of the Act and the associated detail in the Framework are appropriate. The review is not to evaluate specific projects undertaken by these bodies, or their performance; these are matters considered annually by the Minister.



The Council

The Act states that the Tasmanian Natural Resource Management Council should consist of:

...not more than 16 persons appointed by the Minister of whom –

- (a) one is the Secretary of the responsible Department; and
- (b) one is a person nominated by the regional committee of the northern area; and
- (c) one is a person nominated by the regional committee of the north-western area; and
- (d) one is a person nominated by the regional committee of the southern area; and
- (e) the remainder are persons with experience, skills and knowledge in natural resource management selected from nominations as the Minister may determine.

The Act also states that the Council should:

- (a) provide a balance of natural resource management interests in the State; and
- (b) comprise equal numbers of males and females as may be practicable.

Q.7. Is it useful to have the Tasmanian Natural Resource Management Council to provide advice to the Minister?

Q.8. Should the membership of the Council be changed in any way?

The Framework reinforces the roles of the Council as prescribed by the Act, and provides further detail. It notes that the main role of the Council is to: "advise the Government, as well as encouraging broader understanding of NRM, particularly by promoting the Framework's Principles".

In addition, the Council should: "establish effective communication and liaison mechanisms with the Regional Natural Resource Management Committees and with stakeholders, including industry, resource users and community groups".

The Framework states that the Council will advise the Government on:

1. state-wide priorities for natural resource management, including funding priorities;
2. appropriate accreditation criteria for regional natural resource management strategies;
3. the accreditation of Regional Strategies, and the setting of appropriate standards and targets;
4. the best way of delivering consistency in natural resource management, including across regional boundaries;
5. the most effective means of building community capacity with regard to natural resource management;



6. the efficiency and effectiveness, including performance monitoring against standards and targets, of the activities undertaken under Regional Strategies, on which the Council would receive annual reports;
7. the implementation and administration of funding programs; and
8. matters referred to the Council by Government.

Q.9. Is the role of the Council useful or appropriate? If not, how should it be amended?

The regional committees

The Act establishes three NRM regions in Tasmania, with a regional NRM committee in each region. Each regional committee is to consist of:

... not more than 15 persons who together have experience, skills and knowledge in the following:

- (i) best-practice governance;
- (ii) business administration;
- (iii) legal and contractual issues;
- (iv) the achievement of natural resource management and conservation outcomes.

The current membership requirements were revised as a result of the previous review, most notably to ensure that good governance and contemporary business skills were included, better reflecting the roles and responsibilities of the committees.

Q.10. Are three regions the best configuration for NRM delivery in Tasmania?

Q.11. Should membership requirements be changed in any way?

The functions of the three regional committees are established under the Act. These are further expanded upon in the Framework, which notes that "the key role at the regional level is to provide a link between the local and State levels. A further function at the regional level is to pull together existing processes and programs across the region and to provide integration and coordination of regional activities. The Regional Natural Resource Management Committees can also streamline existing processes and organisations by becoming the focal points for consideration of regional natural resource management matters."

The Framework states that the "Regional Committees will facilitate and coordinate regional natural resource management. Regional Committees do not have a regulatory role".

The Framework further states that – in order to fulfil these functions – each regional committee will:



1. identify priority natural resource management issues for the region;
2. prepare a natural resource management strategy for the region, including appropriate standards and targets, and ensure community input into the development of the strategy;
3. seek, manage and allocate regional funds in accordance with the Regional Strategy;
4. coordinate the region's participation in natural resource management programs;
5. monitor and evaluate the implementation of the region's natural resource management strategy, report on it annually to the Tasmanian Natural Resource Management Council, and review it at regular intervals;
6. promote the natural resource management principles, and encourage community ownership of the Regional Strategy through a regional communications plan;
7. develop and implement, in liaison with State agencies, a process to ensure appropriate education and training in natural resource management for people in the region, including through extension services;
8. integrate the natural resource management and planning activities of the region and foster linkages between local councils, State agencies, industry and community groups.

Q.12. Are the functions of regional NRM committees, as specified in the Act and Framework, still appropriate?



4. Priorities

The Minister responsible for the Act is required to determine the State's NRM priorities, and in doing so is to seek the advice of the Council.

The priorities contained in the Framework (see below) were chosen – in part – because they closely aligned with national priorities. Over time, priorities at the national level have changed.

This review provides an opportunity to reflect on the relevance of the priorities and the value in aligning them at national-state, and state-regional levels. There is also an opportunity to consider how flexible priority setting should be, and whether new technology may allow priorities to be published and updated regularly.

The Framework contains the current priorities:

“Capacity building, education / communication and research are key priority areas for the future of natural resource management in Tasmania. Progress in these areas is needed to ensure that the community can be effectively involved in natural resource management, and also that the delivery of natural resource management programs is based on sound knowledge and data.

In addition to these process priorities, five high-level resource management priorities have been identified for the State. They also include some of the primary values to be enhanced or maintained, issues of concern and focus areas for attention that may be taken into consideration in addressing the priorities. As well as these state-wide priorities, it is also recognised that there will be a range of other priorities that may be important at a regional level, such as urban impacts and air quality.”

Water management

Values – Clean drinking water, biodiversity, aquatic ecosystem health (freshwater, wetlands, estuarine, marine), irrigation for agricultural production, industrial use, aquaculture and fisheries production, recreation and tourism.

Issues – Environmental flows, water allocation, diffuse and point source pollution.

Focus Areas – Agricultural and forestry land use practices, riparian vegetation management, sewage and stormwater treatment, drinking water treatment and road management.

Vegetation management (forest and non-forest)

Values – Biodiversity, ecosystem health, soil stabilisation, ground and surface water impacts (e.g. water table and salinity effects), tourism and recreation, stock shelter and aesthetics.

Issues – Clearing and management practices, high conservation priority forest and non-forest communities and rural tree decline.

Focus Areas – Forestry and agricultural practices.



Soil management

Values – Agricultural and forestry production, biodiversity and ecosystem health.

Issues – Erosion, soil structure, salinity, stream turbidity, sedimentation and its impacts on amenity and infrastructure.

Focus Areas – Agricultural and forestry land use practices.

Management of weeds, pests and diseases

Values – Agricultural, forestry, aquaculture and fishery production, biodiversity, ecosystem health, safe food and market image.

Issues – Weeds of State and national significance, marine and terrestrial feral pests, *Phytophthora cinnamomi*, plant and animal diseases.

Focus Areas – Quarantine policy and operation, weed management on public and private land, translocation and farm hygiene, and ballast water management.

Management of the coastal / marine environment

Values – Aquaculture and fishery production, recreation and tourism, biodiversity and ecosystem health.

Issues – Estuarine nutrient loading, inshore habitat degradation, changes in community structure associated with harvesting of some species, pest incursions, fishery sustainability, coastal vegetation management and area reservation.

Focus Areas – Fisheries and aquaculture practices, sewage treatment and land use practices.

Q.13. Are the current priorities appropriate and useful in informing the priorities for NRM activities and investment?

Q.14. Should Tasmanian priorities be reviewed on a more regular basis to better reflect changing community expectations, and to better align with national priorities? If so, how should this be done?

Q.15. Should the priorities be ranked in some way to provide clearer strategic direction, and to assist funding processes?

5. Principles

The Act specifies that the Minister responsible for the Act is to determine the State's NRM principles. The original Principles were included in the Framework, and these were amended slightly following the first review to reflect changing attitudes and increased knowledge of NRM. The current principles, as outlined in the Framework, are:

Ecosystem Approach – Natural resource management should be based on an understanding of the relationship between natural resources and the ecosystems they support, and upon careful monitoring of change over time.

Balanced Decisions – Natural resource management decisions should take proper account of the range of environmental, social and economic benefits, values and costs in accordance with the objectives of the Tasmanian Resource Management and Planning System.

Integrated Management – The management of natural resources should be integrated within regions and catchments, as well as across industry sectors, government agencies and specific issues.

Priority Based – Natural resource management actions are to be undertaken according to priorities that are based on the best available science and information, and relevant experience, as well as on assessment of the relative cost-effectiveness of various options.

Prevention is Better than Cure – It is often more efficient to prevent damage rather than repair it. Therefore, where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Partnerships – To be effective, natural resource management requires the establishment of partnerships between all levels of government and the community, including the Aboriginal community, industry, land holders and individuals, with agreed roles and responsibilities.

We are all Responsible – All Tasmanians receive benefits from the use, development and conservation of natural resources; they share responsibility for managing natural resources sustainably, and for providing economic resources to do so.

Q.16. Are the current principles appropriate and consistent with contemporary NRM?

Q.17. How could the principles be more effectively promoted and more widely understood?

6. Performance

The Framework and the Act provide that NRM delivery at the regional level is undertaken according to a regional strategy. The first regional strategies were developed in the early 2000s and approved in 2005. These documents identified – as required by legislation – the priorities for action and investment in each of the regions. It is also a statutory requirement that each regional strategy is reviewed and revised every five years; this was completed by all regions in 2009-10, and will be undertaken again in 2014-15.

The Framework and the Act provide detail on the process by which regional strategies are to be developed (including consultation requirements), and the matters that a strategy should consider and include.

Q.18. How relevant have the regional strategies been in identifying priorities for action and directing investment?

The Framework and the Act also stipulate the process by which a strategy is accredited. The need for accreditation criteria was a Commonwealth government requirement at the time the Framework and the Act were developed, and helped ensure that there was a high degree of consistency between regional approaches, and an agreed minimum standard for those documents, while also ensuring sufficient flexibility for each region to focus on the issues that mattered most to the regional community.

Following the last review of the Framework and the Act, the criteria were amended slightly. In 2009-10 the regional strategies were required to:

- Consider the full range of NRM issues in the region as identified through an evidence-based analysis of natural resource conditions, trends, challenges and priorities.
- Involve key stakeholders in plan development and implementation.
- Focus on addressing underlying causes rather than the symptoms of problems.
- Incorporate and seek to implement the principles of NRM as contained in the NRM Framework, in accordance with the *Natural Resource Management Act 2002*.
- Demonstrate consistency with the region's other planning processes and legislative requirements, including furthering the objectives of the Resource Management Planning System.
- Set strategic, prioritised and achievable targets at the regional scale, consistent with, but not limited to, relevant state and national NRM standards and targets, such as national strategies for biodiversity, climate change and the national reserve system, and *TasTogether*.
- Provide for the regular development, monitoring, review and improvement of the plan in a manner that is consistent with relevant state and national agreements and guidelines.

It has been noted that the accreditation criteria represent the only performance measurement in the Framework and the Act, and only apply to the development of the strategies – not their implementation. Neither do they apply to NRM activities undertaken by other organisations. It has

been further noted that there is now a strong expectation at all levels that performance should be measured and reported on.

Q.19. Has the process of reviewing the regional strategies been effective in reflecting regional NRM issues?

Q.20. Should the Framework include guidance on how NRM performance is measured and reported? How might it do this?

7. Invitation to provide feedback

Anyone involved or interested in NRM in Tasmania is invited to provide feedback to contribute to the review. Comments received will contribute to developing a series of recommendations for improving the Framework and Act. These recommendations will be provided to the Minister for Environment, Parks and Heritage.

Feedback can answer the questions contained in this discussion paper, or general submissions can be provided. **Feedback must be received by Monday 31 August 2015** and can be sent via:

Post: Natural Resource Management Review
Natural and Cultural Heritage Division, DPIPWE
GPO Box 44
HOBART TAS 7001

Email: RMC.Policy@dpipwe.tas.gov.au

Further information about this review can be provided by contacting the Natural and Cultural Heritage Branch on (03) 6165 4422.

16.8 LGAT PLANNING FOR HEALTHY COMMUNITIES GRANT PROGRAM

As advised in July by Council's Finance Manager, LGAT would like to offer Central Highlands Council \$5,000 to undertake a social determinants of health based capacity-building project. To accept the offer Council needs to confirm our commitment by submitting a brief project plan.

Janet Monks has prepared the attached Project Plan. If Council are happy with the plan it will be forwarded to LGAT. Janet has offered to undertake the project on behalf of Council and believes the majority of the hours can be completed during her current employment with council.

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT Council submit the Project Plan for the LGAT Planning for Healthy Communities Grant Program and Janet Monks undertake the project on behalf of Council.



Local Government Association Tasmania

COPY

Our Ref: LG/CA
File No.: 0226

13 July 2015

Ms Lyn Eyles
General Manager
Central Highlands Council
P O Box 20
HAMILTON 7140

Dear Ms Eyles

LGAT Planning For Healthy Communities Grant Program

Thank you for your expression of interest for funding under the Local Government Association of Tasmania's (LGAT) Planning for Healthy Communities Grants program.

I am pleased to advise that LGAT would like to offer Central Highlands Council \$5,000 (plus GST) to undertake a social determinants of health based capacity-building project, as advised in your Expression of Interest. This grant funding incorporates any training and workshop needs.

Attached is a project brief outlining the requirement for funding and related deliverables.

If you accept this offer, please confirm your commitment by submitting a brief project plan (as per the attached project brief and template) and an invoice for \$5,000 (+ GST) by 27 July 2015.

If you have any queries relating to this grant, please contact Liz Gillam by email liz.gillam@lgat.tas.gov.au and she will respond on her next work day.

A handwritten signature in black ink, appearing to read 'Katrena Stephenson'.

Dr Katrena Stephenson
Chief Executive Officer

cc Chris Absolom, Project Officer

LGAT Planning for Healthy Communities Grants



Title	Central Highlands Council
In relation to:	LGAT Planning for Healthy Communities - Capacity Building Project
Budget	\$5,000

LGAT Planning for Healthy Communities Project

The Local Government Association of Tasmania in partnership with the Cradle Coast Authority has been funded by Tasmania Medicare Local to deliver a capacity building project under the broader Social Determinants of Health Project (SDoH) funding.

The SDoH Project approach takes account of the social, cultural and institutional context of a region, its physical geography and the knowledge of its residents which is seen as central to developing solutions that are both relevant and realistic for those communities. It aims to improve the health of Tasmanians through addressing social determinants including social disadvantage, transport, housing, health literacy, food security and education. Local Government is recognised as a key partner in enabling improvement social disadvantage and health outcomes. Information about the SDoH Project is available here: <http://www.tasmedicarelocal.com.au/programs-and-services/social-determinants-of-health>

The LGAT planning for Healthy Communities project combines a number of regional forums, resource and information provision a small grants and training program. The project focusing on awareness raising as well as a strategic examination of the role of Local Government in addressing the social determinants of health and integrating health equity into Local Government strategic planning for community development.

Central Highlands Council Capacity-Building Project

Central Highlands Council submitted an EOI outlining a proposal to develop and deliver a program on the social determinants of health and target nutrition, healthy eating, obesity, access to healthy food, food preparation and cooking.

This followed involvement with the Healthy Communities Initiative Program, during which it was evident that nutrition, health eating and obesity was a particular concern in the Central Highlands Community.

The funding will be used assist with the financial costs of researching and developing a plan/strategy, especially towards the funding of a project officer.

Requirements:

LGAT requires Central Highlands Council to submit a project plan (using the attached template) incorporating the following:

- Aims and Objectives
- activity(ies) to be undertaken
- a brief outline of how funding will be allocated to these activity(ies)
- measure of success.

At the end of the project you will need to provide a project completion report including a summary, achievements and any identified next steps.

Please forward your project plan with an accompanying invoice to Liz Gillam – Liz.Gillam@lgat.tas.gov.au by 27 July 2015.

Central Highlands Council Project Plan

1. Project aims and objectives

To engage a project officer to research and develop a plan to promote and support healthy lifestyle choices within the communities of the CH

2. Project Description

The project aims to gather information on the availability of existing programs and opportunities for local residents to make healthy choices and changes. This will be achieved through liaising with existing stakeholders across all avenues, and building networks and preparing a database. Once this information is gathered a proposal on the way forward will be put to Council for consideration

3. Project activity(ies)

Activity	Description	Outputs	Budget	Timeline
Research	Liaise and develop relationships with existing local and State and Fed service providers and identify other opportunities. Collate information	Up to date database	\$3140	Sept – Oct 2015
Develop a plan	Liaise with stakeholders and prepare a plan on way forward. The plan will include methods to provide opportunities, promotion and support and ensure affordability	Council's Strategic Plan	\$1650	Nov 2015
Recommendations	Work with Council staff to develop a draft recommendation for the Central Highlands Council to consider.	Policy development	\$210	December 2015

4. Measure of Success

Success will be achieved through the development of a data base of information that can be used for future planning and possible grant applications.

5. Project Completion report (to be provided at end of Project)

(Summary, achievements and any identified next steps)

16.9 LGAT 2015 BY-ELECTION PRESIDENT OF LGAT

A By-Election is being held to fill the position of President for LGAT. The ballot paper has been received and must be returned by post to reach the Tasmanian Electoral Officer by 10.00am on 8 September 2015. The ballot paper envelope must be signed by the Mayor.

Council are to number their preferences from 1 to 4
Nominations Received are:

Cheryl Arnol – Glamorgan Spring Bay
Doug Chipman – Clarence City Council
Daryl Herbert Quillam – Circular Head Council
Michael Wayne Tucker – Break O'Day Council

For Decision

2015 LGAT Presidential Election - Candidate Statements

Clr Cheryl Arnol

In 1996 I was elected Deputy Mayor in my first term of office at Glamorgan Spring Bay. In 1999 I was elected, by the councillors, as the first female Mayor of the two oldest rural councils in Australia; the amalgamated Glamorgan Spring Bay. I served three terms as Mayor. I successfully contested the first ever popularly elected Mayoral Council election.

After 6 years as Mayor and following a number of unfortunate ratepayer incidences, I ended up resigning in 2005. After a two year break I realised I had seriously missed local government and was re-elected as a Councillor in 2007.

As well as knowledge of local government, I have experience in small business. My husband and I owned a small engine business in Triabunna for almost 20 years until we sold it 10 years ago and I then had my own business for 5 years. I currently work in private enterprise in Triabunna.

I am a current Board member of the Forest Practices Authority and sit on the National Timber Councils' Association. In addition to my Councillor, Deputy Mayor or Mayor roles, I have held Director, President or Chairman of the Board roles in various organisations over the past 40 years so have a strong background in governance structures.

I would bring to LGAT governance skills as well as practical and sound business knowledge.

I would be most grateful for your Council's number 1 vote or alternatively second preference vote.

I am happy to provide further information. Please feel free call me on 0419 533 615.



Clr Cheryl Arnol



Mayor Doug Chipman

Dear Mayor and Aldermen/Councillors,

I have nominated for the position of President of the Local Government Association of Tasmania (LGAT) as I believe at a time of significant proposed reform to the sector, that the voice of local government must be heard clearly by those in power.

Your council, as a member of LGAT, is entitled to vote in this optional preferential election, and I am writing to ask for your council's support.

Local councils in Tasmania make a major contribution to the state economy through offering employment opportunities, capital works programs, and through the services provided to their respective communities.

Yet, in recent times we have seen the State Government propose significant reforms to the sector regarding major planning, financial and governance reforms, on occasion, with little opportunity from us for input.

For local government to rise up to these challenges, we must be able to clearly articulate to the State Government our concerns and issues, if we are to have a say in reforms being put forward.

To achieve this, LGAT must have ready access to decision makers and be able to influence the processes that are being undertaken both formally and informally, to ensure the sector is being properly represented whilst continuing to serve with dedication the communities we represent.

I would like to see LGAT on the front foot in regard to issues such as planning reform, amalgamations, shared services and financial reform. We need to do our homework within the local government sector, so that we can take initiative in these areas.

As a priority, I would also work to ensure that LGAT continues to be the preferred representative body for all councils in Tasmania.

Personally, I do not seek any further office in other political spheres and so will serve with enthusiasm, strength and commitment to represent your interests, and strive to achieve the agreed objectives for our vitally important sector.

Accordingly, I ask for your vote in the forthcoming election, if not your first vote, then your second preference.

If you would like to discuss any issues or matters regarding my candidacy please do not hesitate to call me on 0409 704 835 or contact me at doug.chipman@bigpond.com.

A copy of my brief CV is available on my Facebook page at www.facebook.com/cccmayor.

Yours sincerely,

Alderman Doug Chipman
MAYOR, Clarence City Council

Mayor Daryl Quilliam

Dear Councillors

I write to offer myself as your President for the coming 2 years.

I was first elected to the Circular Head Council in 1980 and served for 7 years until 1987 when Bev, my wife, and I purchased a business. I then was elected again in 1993 to council, a position I still hold.

I was elected as Deputy Mayor in 2000 a position that I held until elected as Mayor in 2007.

I was elected to the General Management Committee and Vice President of LGAT in 2012, a position that I still hold.

I have additional experience which, I believe, would be valuable in serving you as President of LGAT:

- My experience as a board member of ALGA representing Tasmania for the past 3 years;
- My experience as spokesperson for the regional councils for the past 2 years;
- My experience is working with our last 2 Presidents of LGAT; and
- My experience as your Acting President for the past 2 months.

I seek your support in my endeavour to become your President, and if successful, I intend :

- making myself available at all times, as the spokesperson for Local Government, and for discussion with Councillors, Councils, and other stakeholders,
- including a greater input by all councillors across the State, to LGAT matters, by visiting as many councils as possible each year,
- encouraging more training for councillors, and
- promoting local government and its opportunities to both State and Federal politicians, as opportunities allow.

I enjoyed working closely with our last 2 Presidents and now seek your support for the chance to lead this wonderful organisation for the next 2 years.

I would really appreciate your Council's number 1 vote or alternatively second preference vote. Please don't hesitate to call me if you would like to discuss issues or concerns on 0408 543 927.

Sincerely

Daryl

Mayor Michael Tucker

I am 57 years old and have been married to Charmaine for 36 years and we have two(2) daughters.

I was born and bred in Break O'Day and am currently the Mayor. I was first elected to Council in 2011.

I have been the owner of the St Helens Newsagency for the last 13 years.

Prior to that I was a professional fisherman and charter boat operator for 22 years and owner of a wholesale retail seafood outlet. I am a wooden shipwright by trade.

I have been a past president of the Tasmanian Hook Fishing Industry Association and Executive Board Member of the Tasmanian Fishing Industry Council and Commonwealth Fishing Industry Board Member on South East Non Trawl Management Committee (Sentmac) with Australian Fisheries Management Authority (AFMA) and the Australian Fisheries Service (AFS). I am also a past president of the Tasmanian Axemen's Association, past committee member of the North East Axemen's Association and past Tasmanian Representative in wood chopping.

I am a Past Vice president of the St Helens & Districts Chamber of Commerce and current Public Officer/Secretary of the Lotteries Association of Tasmania.

I would welcome your vote.

Sincerely

Mick Tucker

16.10 AUSTRALIA POST RESPONSE

At the July meeting it was requested that a letter be sent to Australia Post regarding options for better delivery of mail to Hamilton and surround residents.

A response has been received and is attached.

For Noting

10 August 2015

Received	12/8/15
Mail <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> DES <input type="checkbox"/>	
Forwarded to:	
GM <input type="checkbox"/> PM <input type="checkbox"/> WM <input type="checkbox"/> DES <input type="checkbox"/>	
Other	
Entered By	
Ref:	



Ms Lyn Eyles
General Manager
Central Highlands Council
Tarleton Street
HAMILTON TAS 7140

Dear Lyn

POSTAL SERVICES IN HAMILTON

Thank you for your letter of 27 July 2015 in regard to the provision of postal services in the Hamilton community. As you may be aware, the former Licensee of the Hamilton Licensed Post Office provided Australia Post with notice that they would cease operating the post office at the close of business 30 June 2015.

In these situations our first priority is always to look for alternatives to ensure continuity of postal services for the community.

We approached the owners of the café/hotel in mid June to seek their willingness to take on the provision of full postal services to the community. As the owners of this business conducted another business commencing at 4.00pm, they were very upfront in advising us that they could only trade from 8.30am – 3.00pm Monday to Friday. It's important to note that many outlets in smaller communities around Australia trade at reduced hours to assist in ensuring ongoing viability of the outlet.

To avoid the town losing its post office, we agreed to these conditions. If the post office was to close, the alternative would be to establish an operation similar to that of neighbouring Gretna with a nest of boxes set up for collection of mail only.

While the post office operates reduced hours, we have also agreed with the new operators to provide them with new point of sale technology which means that they can extend the range of services that they offer including banking and electronic bill payment services.

To date we have only received one complaint regarding the trading hours at Hamilton.

For any customer that is finding it difficult to collect their mail within these hours, we can offer the following alternatives:

- 1) Mail can be diverted to another location
- 2) They can take advantage of a post office box which we will offer at significantly discounted rate of \$25.00 per year that is accessible 24/7
- 3) Provide authorisation for another person to collect mail on their behalf

The new operators have also advised that unofficially the residents know that they can collect their mail or parcels after hours if the café or hotel is open and it is convenient to do so. The offer was made to the resident that had previously complained.

Please feel free to contact me if you would like to discuss this matter further or if you require any clarification.

Yours sincerely,



Geoff Hyland
Retail Manager, Tasmania

Direct telephone: 03 6236 3590

Direct fax: 03 6234 6170

Email: geoffrey.hyland@auspost.com.au

16.11 VISIT BY NEW CEO OF LGAT

Katrena Stephenson has been appointed as the new Chief Executive Officer of LGAT and is visiting all Councils.

Katrena is making her way around the state visiting councils as part of her role as CEO and would like to attend Council's September meeting (15 September at Hamilton) to introduce herself. I have suggested she attend at 10.30am.

Recommendation:

Moved **Clr**

Seconded **Clr**

THAT Council confirm with LGAT, the attendance of Katrena Stephenson, CEO of LGAT at Council's meeting to be held on 15 September, 2015 at Hamilton at 10.30 am.

16.12 TELSTRA LINES BOTHWELL RECREATION GROUND

The Tourism Committee had asked staff to obtain a quote to install two telephone lines at the Bothwell Recreation Ground. Lines will be required if Council wish to have ATMs at Bushfest. There are no ATM facilities in Bothwell. Last year many stallholders could not use their portable eftpos machines over the mobile network and it was our intention to hire two ATMs for Bushfest. We have been advised that we will require fixed telephone lines to enable this to happen.

The quote attached is from the Recreation Ground gate to the kiosk area, but Council will be required to dig the trench.

A normal telephone connection fee will be required for each line, but can be disconnected after the event until it is required the following Bushfest event.

For Decision

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Quote

Telstra Network & Services

Network Integrity Services

Level 2/317 Hunter St
Newcastle, NSW 2300

Locked Mail Bag 6017
Hunter Region Mail Centre, NSW 2310

Telephone: 1800 810 443

Facsimile: 02 9289 8623

Email:

NI.Non.Standard.Works.Southern.Quote>Returns@team.telstra.com

Quotation No: **TT168559-1**
Date: **12-AUG-2015**

Requesting Party Details
Casey Bryant
Central Highlands Council
Po Box 20
Hamilton Tasmania 7140

Project Site Details
Ra26 Hollow Tree Road
Bothwell Tasmania 7030

Dear Casey,

Thank you for offering Telstra Corporation the opportunity to provide you with our quotation to carry out your work. Our details are as follows: -

Commercial Works

Extend Telstra Network to Ra26 Hollow Tree Road

Scope of works to include:

- Supply & install 1st pipe in provided trench - 50 mm pipe/conduit.
- Rod, rope and prove conduit.
- Haul 10 to 100 Pair.
- Supply cable - 10/064 CPFUT MBHJC.
- Insert additional cable/s into Heat Shrink Joint.
- Joint working cable pairs.

Commercial Works Fee

The Commercial Works Fee for above project is: \$ 3,615.00 inclusive of GST.

This charge will be issued on a separate tax invoice; it will *not* be included on your normal telephone bill. This is a Lump Sum price (only).

At the end of each calendar month after the commencement of the Commercial Works, Telstra may give the Requesting Party an invoice setting out the proportion (as a percentage) of the Commercial Works which have been performed up to the end of that month and the corresponding proportion of the Commercial Works Fee that is payable by the Requesting Party, together with any amounts associated with any Variations and any additional amounts due to Telstra relating to the Terms and Conditions or the Commercial Works.

The Requesting Party must pay Telstra within 30 days of receiving an invoice.

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**Date for Completion**

Within 4 weeks of commencement.

Specific Conditions Of Quotation

Where applicable the Quote is subject to the following conditions:

1. All work will be carried out in accordance with Australian Communications Authority standards, Telstra Appendix "A" and current Network Integrity Services Specifications.
2. Telstra Corporation Limited Proposal and Scope of Works are based on documents, plans and information supplied by the client as well as information gathered from a site visit by Telstra's Industry Specialists whenever possible.
3. The quoted price is for the work detailed in the Scope of Work and does not include new network connection charges.
4. Telstra's Industry Specialists contractors will provide all materials necessary to complete the job.
5. All general Commercial Works will be performed during normal working hours i.e. 7am to 5pm, Monday to Friday. Work outside of these hours will incur an additional loading.
6. All works related to Fibre Optic and Special Services cutovers will be performed outside of normal working hours to Telstra's standard specifications.
7. All Traffic Control, Permits and Traffic Control Plans to be organised by the client unless specified otherwise.
8. Existing Telstra conduits, even those outside of the works site but whose access is necessary to complete the Commercial Works, are assumed to be clear and free of blockages. If this is not the case, Telstra after consultation with the client, reserves the right to charge a variation for clearing any obstacles.
9. Existing Telstra cables and conduits are assumed to be at standard Telstra depth, normally 450-600mm cover in footpaths, and 1.2m cover under major roadways. Cost arising from excavation at depths requiring shoring that are not identified in the Scope of Works will be charged to the client as a variation.
10. Client to provide alignments, finish levels and all information regarding extra depth or special protection of the network prior to commencement of job. If precise alignments, levels and depths are not provided, Telstra takes no responsibility for the levels or alignments of the Telstra installed plant. Telstra has made no allowance in the quote (unless noted on the scope) for Telstra plant to be located at depths greater than the depth necessary to obtain standard Telstra cover (as shown in item 9).
11. Should the network be altered or Telstra's policy or work methods change after design approval, Telstra will seek a variation from the client if the changes result in additional costs.
12. This quote is based on Telstra and its contractor having right to a clear and unobstructed access to all of the Site at the times and to the extent reasonably required by Telstra in order to perform the Commercial Works. If, at any time after commencement of the Commercial Works, Telstra or its contractors are required to leave the Site and return at a later date then a mobilisation fee will apply.
13. Unless a specialised asbestos removalist is specified in the quote, no allowance has been made for existing Telstra Asbestos Assets.
14. Price includes the removal of all redundant Telstra surface plant including asbestos pits.
15. Price excludes removal of buried asbestos conduits unless otherwise negotiated.

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16. Telstra's quote does not include disposal of any material from site with the exception of excess spoil from trenching and it is further assumed that the site is free of contaminated soils.
17. Telstra's quote does not include removal of waste water from Telstra's manholes and pits.
18. Should rock be encountered and normal digging is not possible with telecommunications industry standard 4-8 ton excavators then an extra/over rate per cubic metre shall apply. Telstra will contact the client and inform them of the presence and expected volume of rock before proceeding.
19. Directional drilling activities – an extra over rate will apply if soil conditions are such that a bore is not able to be completed using standard drill rigs (e.g. Vermeer 17/20 or equivalent), or the driller encounters rock.
20. An extra over will be charged if works in fire ant designated areas incur additional costs due to Legislative Requirements such as spoil removal and machinery wash downs.
21. Unless otherwise stated in this Quote, the Requesting Party will be totally responsible for obtaining, at its cost and in a form acceptable to Telstra, the following clearances where applicable:
 - 21.1. Notification Waivers from both the Disturber and all affected landowners, occupiers, public utilities and authorities for the Commercial Works;
 - 21.2. Authority development approvals, permits, etc;
 - 21.3. Environmental and Heritage Assessments;
 - 21.4. Leases, licences, easements, etc, in favour of Telstra; and
 - 21.5. Other matters, as Telstra considers appropriate.
22. Telstra's quote does not provide for permanent re-instatement of footpaths and roadways unless specified otherwise in the scope of works.
23. The quote is based on free access to site with any necessary vegetation removed by the Requesting Party prior to Telstra or its contractor's mobilization or site occupancy.
24. The quotation is based on the assumption of no inclement weather delays and no site access limitations.
25. Any Force Majeure situation, as a result of which we cannot reasonably be required to execute our obligations, shall be grounds for an extension of time.
26. The Terms and Conditions attached to this Quote as Appendix A.
27. All information provided in this quotation is done so on a "commercial in confidence" basis and is not to be reproduced or provided in any way to a third party without prior written approval from Telstra.

Telstra's final price may be varied if:

- your specifications change;
- undue delays arise through the actions of the Customer or the Customers Representative;
- the timetable in which you require Telstra to deliver the work changes; and
- unforeseen circumstances occur on site.

The quote as detailed above will remain valid for a period 30 days from the proposal date. After this period, Telstra reserves the right to confirm prices, terms and conditions accordingly.

Please note that this quotation has GST included in the total cost.

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A commencement date can be negotiated on receipt of your written acceptance; Telstra will not commence work or order any materials prior to a written acceptance.

Contract

By signing and returning the attached Customer Acceptance, the Requesting Party enters into a Contract with Telstra, the terms of which comprise:

- (a) this Quote; and
- (b) the Terms and Conditions attached as Appendix A to this Quote (referred to in this Quote as the **Terms and Conditions**),

(together, the **Contract**) and agrees to comply with the terms and conditions of the Contract.

Jurisdiction

Tasmania

Yours faithfully,

Franco Vesco

GM Telstra Industry Solutions
Enterprise Commercial Works Payments

For any Commercial or Contract enquiries please contact one of the State representatives below.

State	Representative	Phone Number	Email Address
QLD	Vicky Seeto	0408 068 083	Vicky.Seeto@team.telstra.com
NSW	Tim Thicknesse	0400 756 770	Tim.Thickness@team.telstra.com
VIC	Penny Coppens	0400 128 937	Penny.Coppens@team.telstra.com
SA/NT	Dragan Tomas	0418 833 635	Dragan.Tomas@team.telstra.com
WA	Phil Harman	0418 936 815	Phillip.L.Harman@team.telstra.com

17.0 SUPPLEMENTARY AGENDA ITEMS

Moved **Clr**

Seconded **Clr**

THAT Council consider the matters on the Supplementary Agenda.

18.0 CLOSURE
