



Central Highlands Council

AGENDA – ORDINARY MEETING – 21 FEBRUARY 2023

Dear Councillors,

Notice is hereby given, that an Ordinary Meeting of Central Highlands Council is scheduled to be held in the **Bothwell Council Chambers, Bothwell** on **Tuesday 21 February 2023**, commencing at **9.00am**.

I certify under Section 65 of the *Local Government Act 1993*, that the matters to be discussed under this Agenda have been, where necessary, subject of advice from a suitably qualified person and that such advice has been taken into account in providing advice to the Council.

Dated at Hamilton this 17th day of February 2023.

Adam Wilson
Acting General Manager

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1. OPENING

2. AUDIO RECORDING DISCLAIMER

As per Regulation 33 (2) (a) of the Local Government (Meeting Procedures) Regulations 2015, audio recordings of meetings will be made available to Councillors, staff and members of the wider community including Government Agencies at no charge and will be made available on Council's website as soon as practicable after each Council Meeting. Unlike Parliament, Council meetings are not subject to parliamentary privilege, and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.

The Mayor advises the meeting and members of the public that Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website in accordance with Council's Policy 2017-50.

The Mayor also advises, that members of the public are not permitted to make audio recordings of Council Meetings.

3. ACKNOWLEDGEMENT OF COUNTRY

4. PRESENT

5. IN ATTENDANCE

6. APOLOGIES

7. LEAVE OF ABSENCE

8. PECUNIARY INTEREST DECLARATIONS

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

9. PERCEIVED INTEREST DECLARATIONS

Under the **Model Code of Conduct** made by Order of the Minister responsible for Local Government the following will apply to a Councillor –

PART 2 – Conflict of Interest that are not Pecuniary

(6) A Councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –

- (a) Declare the conflict of interest and the nature of the interest before discussion on the matter begins; and
- (b) Act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the Councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.

10. CLOSED SESSION OF THE MEETING

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

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

RECOMMENDATION 01/02.2023/C

Moved: Cr

Seconded: Cr

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

Item Number	Matter	Outcome
1	Confirmation of the Minutes of the Closed Session of the Ordinary Meeting of Council held on 17 January 2023.	Regulation 15 (2)(g) of the <i>Local Government (Meeting Procedures) Regulations 2015</i> – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential.
2	Deputation – Dr Mary Lumsden	Regulation 15 (2)(C) of the <i>Local Government (Meeting Procedures) Regulations 2015</i> – Commercial information of a confidential nature.
3	Supplementary Agenda Items	Part 2 Regulation 8 (6) of the <i>Local Government (Meeting Procedures) Regulations 2015</i> .
4	Thousand Acre Lane Extension	Regulation 15 (2)(D) of the <i>Local Government (Meeting Procedures) Regulations 2015</i> – Commercial information of a confidential nature.
5	Osterley Church and Cemetery Proposal	Regulation 15 (2)(C & F) of the <i>Local Government (Meeting Procedures) Regulations 2015</i> – Commercial information of a confidential nature; and Proposals for Council to Acquire Land.
5	Tender CH 01-23 Hamilton Council Office Re-Roof	Regulation 15 (2)(D) of the <i>Local Government (Meeting Procedures) Regulations 2015</i> – Commercial information of a confidential nature.
7	Consideration of Matters for Disclosure to the Public.	Regulation 15 (8) of the <i>Local Government (Meeting Procedures) Regulations 2015</i> - While in a closed meeting, the Council, or Council Committee, is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.

11. MOTION OUT OF CLOSED SESSION

RECOMMENDATION 02/02.2023/C

Moved: Cr

Seconded: Cr

THAT Council move out of Closed Session and resume the Ordinary Meeting.

12. RE-OPEN MEETING TO PUBLIC

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

Members of the public are not permitted to make audio recordings of Council Meetings.

13. DEPUTATIONS

14. PUBLIC QUESTION TIME

In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the Council conducts a Public Question Time Forum to enable members of the public to ask question on Council related matters.

A period of 15 minutes, if required, will be set aside at the beginning of each Ordinary Council Meeting to conduct Public Question Time. If a response to a question cannot be provided at the meeting a written response will be provided as soon as practicable.

A member of the public may give written notice to the General Manager, 7 days before a meeting of a question to be put to the Meeting.

The Chairman may invite any member of the public present at a meeting to ask questions, without notice, relating to activities of the Council, subject to the provisions of Clause 2 below.

1. Once Question Time commences the Chairman will determine the order in which questions are heard.
 2. Questions may relate to any business of the Council capable of being discussed in the open portion of the meeting, and which is not listed as an item for consideration on the Agenda for the Council Meeting.
 3. Members of the public proposing a question are required to be present at the Council Meeting at which their question is to be read. Where a person submits a question for Public Question Time but fails to attend the meeting, the question will be treated as general correspondence and a written response will be provided at the earliest opportunity.
 4. A person asking a question, when called upon by the Chairman is requested to:
 - Stand
 - State their name and address
 - Read out their question
 5. The Chairman retains the right to accept or decline questions and to determine if the question is to be answered at the meeting by the appropriate Councillor or employee or written down and taken on notice. The decision to take the question on notice may also be taken by the Councillor or employee to whom the question is directed. Questions taken on notice will be answered at a later meeting.
 6. The Chairman may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, insulting, improper or relates to any matter which would
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normally be discussed in the closed portion of the meeting as defined in the *Local Government (Meeting Procedures) Regulations 2015*.

7. Public Question Time forum will be limited to a maximum of 15 minutes in duration and will be declared closed following the expiration of the allocated time period, or where all valid questions have been dealt with, whichever is the sooner.
8. Each question is to be asked by the proponent who will be allowed a maximum of three minutes in which to put the question.
9. The Chairman will **not allow** any discussion or debate on either the question or the response.
10. Where a person proposes more than one question at any one forum, and there are a number of persons wishing to lodge questions, the Chairman may take the questions in such order so as to hear as many members of the public as practical during the time allocated.
11. The minutes of the Council Meeting will contain a summary of each question asked by members of the public and the response given.
12. Public Statements (as opposed to questions) **will not** be accepted for the reason that statements could be considered a form of participation.

Pertaining to any Planning Authority agenda item within this agenda, Council will do so in accordance with Council's Policy 2017-49.

Both the Public Question Time Procedure above and Council's Policy 2017-49 'Public Comment on Planning Agenda Items' will be available for the public to view at the meeting.

15. COMMITMENTS

15.1 MAYORAL COMMITMENTS

11 January to 10 February 2023

- Business of Council x 9
- Ratepayer and community members - communications x 16
- Elected Members - communications x 12
- Central Highlands Council Management - communications x 5

11 January 2023	Meeting with Minister for Local Govt, Nick Street
16 January 2023	Great Lake Community Centre – Launch – Miena
16 January 2023	Onsite meeting – West Dungrove Fire Shed
17 January 2023	Ordinary Meeting of Council – Hamilton
18 January 2023	Tas Fire Service Meeting – Bothwell
25 January 2023	Australia Day Awards Event – Hamilton
02 February 2023	Opening of Tenders – Hamilton
04 February 2023	Independent Living Units – meeting
11 February 2023	Phone call with Opposition Leader Rebecca White MP

15.2 COUNCILLOR COMMITMENTS

Deputy Mayor J Allwright

17 January 2023	Ordinary Council Meeting – Hamilton
25 January 2023	Australia Day Awards Event – Hamilton
14 February 2023	Planning Meeting
14 February 2023	Council Workshop

Cr A Bailey

17 January 2023	Ordinary Council Meeting – Hamilton
25 January 2023	Australia Day Awards Event – Hamilton
07 February 2023	Independent Living Units Meeting – Bothwell
15 February 2023	Plant Committee Meeting - Hamilton

Cr S Bowden

17 January 2023	Ordinary Council Meeting – Hamilton
14 February 2023	Planning Meeting
14 February 2023	Council Workshop

Cr R Cassidy

17 January 2023	Ordinary Council Meeting - Hamilton
14 February 2023	Planning Meeting
14 February 2023	Council Workshop

Cr J Hall

17 January 2023	Ordinary Council Meeting – Hamilton
14 February 2023	Planning Meeting
14 February 2023	Council Workshop
15 February 2023	Plant Committee Meeting - Hamilton

Cr J Honner

17 January 2023	Ordinary Council Meeting – Hamilton
25 January 2023	Australia Day Awards Event – Hamilton
14 February 2023	Planning Meeting
14 February 2023	Council Workshop
14 February 2023	Meeting with Director of Local Government Board

Cr D Meacheam

17 January 2023	Ordinary Council Meeting - Hamilton
Completion, Councillor - LP3 - Local Government Learning and Development Framework Learning Package 3.	
13 February 2023	Attendance via Zoom of a Future of Local Government consultation.
14 February 2023	Council workshop and Future of Local Government consultation with CHC councillors.

Cr Y Miller

17 January 2023	Ordinary Council Meeting - Hamilton
14 February 2023	Planning Meeting
14 February 2023	Council Workshop

15.3 GENERAL MANAGER'S COMMITMENTS

Date	With Whom	Subject / Comment
18/1/2023	REMPPLAN Representatives	Meeting concerning the Residential Land Demand & Supply Study for all Southern Tasmania Councils outside the Greater Hobart
23/1/2023	Hydro Tasmania	Teams meeting to discuss the promotion of the new toilet block, picnic area and carpark at Dunrobin Park, Lake Meadowbank.
24/1/2023	HATCH Committee Representative	Meeting concerning their ongoing services within the Community
25/1/2023	Australia Day Awards	Community awards presentation
31/1/2023	Industrial Relations Consultant	Local Government Division action & request
1/2/2023	van Diemen Project small business support team and Deputy General Manager	Meeting about small business support
2/2/2023	Ash Cottage's – Tracey Turale & Catherine, and Works & Services Manager	Discussions around the future use of Ouse Recreation Ground
3/2/2023	Derwent Valley Council Mayor & General Manager	General discussions around Local Government functions & our approaches
6/2/2023	Sharon Miller from Searson Buck	Meeting about following up on my appointment with Council
7/2/2023	Independent Living Units Committee Meeting	
7/2/2023	Enterprise Bargaining Committee Meeting	Meeting to discuss the new EB Agreement with staff
9/2/2023	Deputy General Manager from Southern Midlands Council and Grant Finn their new Development Services Manager	Introduction meeting and ongoing shared services arrangements
14/2/2023	Planning Committee Meeting	Monthly meeting
14/2/2023	Council Workshop	
14/2/2023	Future of Local Government engagement session with Councillors	
14/2/2023	Future of Local Government engagement session with Council Staff	
14/2/2023	Future of Local Government engagement session with the Community members	
15/2/2023	Plant Committee Meeting	Meeting when required
15/2/2023	Central Highlands & Southern Midlands Health Service Providers Networking Meeting with the Mayor	Meeting with services providers within our Municipality and how Council can help to promote these

15.4 DEPUTY GENERAL MANAGER'S COMMITMENTS

Date	With Whom	Subject / Comment
31/01/2023	GHD Flood Mapping Team	Teams meeting regarding River Clyde Flood Study Progress Meeting
1/02/2023	van Diemen Project small business support team and General Manager	Meeting about small business support
2/02/2023	Warwick Smith	Meeting to discuss CHC WHS Induction program
14/02/2023	Local Government Board	Engagement Meeting for Future of Local Government Review
14/02/2023	ASU, Council EB Rep's, Management Team and General Manager	Meeting regarding EB 2023

16. NOTIFICATION OF COUNCIL WORKSHOPS HELD

Workshop was held 14 February 2023 and the following items were discussed –

- Future of Local Government Review – Stage 2 Options Plan Submission
-

17. FUTURE WORKSHOPS

The next Council Workshop will be held on the following dates –

- 28 February 2023 (Presentation by GHD on Flood Mapping); and
 - 14 March 2023 (ordinary workshop).
-

18. MAYORAL ANNOUNCEMENTS

Telstra payphone outside the Interlaken Exchange

19. MINUTES

19.1 CONFIRMATION OF DRAFT MINUTES ORDINARY MEETING – 17 JANUARY 2023

RECOMMENDATION 03/02.2023/C

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Ordinary Meeting of Council held on Tuesday 17 January 2023 be confirmed.

19.2 RECEIVAL OF DRAFT INDEPENDENT LIVING UNITS COMMITTEE MINUTES – 7 FEBRUARY 2023

RECOMMENDATION 04/02.2023/C

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Independent Living Units Committee Meeting held on Tuesday 7 February 2023 be received and the recommendations adopted.

19.3 RECEIVAL OF DRAFT PLANNING COMMITTEE MINUTES 14 FEBRUARY 2023

RECOMMENDATION 05/02.2023/C

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Planning Committee Meeting held on Tuesday 14 February 2023 be received.

19.4 RECEIVAL OF DRAFT PLANT COMMITTEE MINUTES 15 FEBRUARY 2023

RECOMMENDATION 06/02.2023/C

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Plant Committee Meeting held on Wednesday 15 February 2023 be received and the recommendations adopted.

20. BUSINESS ARISING – January 2023

22.1	DA 2021/72: REORGANISATION OF BOUNDARIES & SUBDIVISION: 871 & 991 DAWSON ROAD, OUSE	Correspondence provided & actioned.
24.3	PROPOSED TOWNSHIP STRUCTURE PLANNING PROJECT	Council initiate the Central Highlands Township Structure Plan Project, as outlined in the attached draft Project Plan and draft Project Brief, dated 11 January 2023. Call for Expressions of Interest from potential consultants to undertake the work once the funding assistance from the State Government (State Planning Office) has been confirmed through a Grant Deed.
24.5	RE-ALLOCATION OF BUDGET FUNDS	Budget allocation for the Wayatinah Hall Roof & Squash Court Floor be re-allocated as follows: • \$50,000 – Ouse Hall Floor • \$50,000 – Bronte Toilet Water Connection
26.4	COVID-19 SAFETY PLAN – REVIEW	COVID-19 Safety Plan will continue to form part of Council's Business Continuity Plan for any future epidemics but for the health & safety of all employees, contract workers, elected members and the public, Council will be directed by all official State Government Public Health directions and recommendations.
26.5	POLICY NO. 2013-02 USE OF COUNCIL HALLS	Policy Register updated
26.6	BUSHFEST 2023	Staff to begin preparations for Highlands Bushfest 2023 which will be held on 25th and 26th November 2023 and funds will be allocated within the 2023/2024 budget for this event.

FOR NOTING

21. DERWENT CATCHMENT PROJECT – MONTHLY REPORT

RECOMMENDATION 07/02.2023/C

Moved: Cr

Seconded: Cr

THAT the Derwent Catchment Project Monthly Report be received.



Derwent Catchment Project Monthly Report for Central Highlands Council

11 January – 14 February 2023

General

The team has been busy managing weeds, working with farmers and restoring rivers with favourable weather for the last four weeks allowing the on-ground works to progress. Morgan met with representatives from Hydro, Sustainable Timbers Tas., and TasNetworks to coordinate the weed management plan and associated control works for Dee Lagoon. We will be attending the Bushy Park Show this weekend and are looking forward to the Hamilton Show, and the Sustainability Festival in Brighton.

Central Highlands weeds program

Strategic Actions 4.4 Continue the program of weed reduction in the Central Highlands and 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

The weed management program focusses on implementing the Central Highlands Weed Management Plan and responding to weed control priorities. The ground team have been working through the eradication zones with a focus on Californian thistle. Justin has targeted Californian thistle throughout the Derwent Catchment as the conditions have been favorable for the species this season. Californian thistle requires a specialised treatment that differs from the general roadside treatment.

Adopt-A-Shore volunteer weekends around the Great Lake will be happening throughout February and March; watch this space.

The Ellendale eradication zone has been treated for blackberries this season, and we are hopeful that we can stop the creep of blackberries towards the Tasmanian World Heritage Area.



Dee Lagoon

Hydro, TasNetworks and Sustainable Timbers Tasmania, along with the Central Highlands council (as part of the Central Highlands Weed Management Plan) to fund the Dee Lagoon Weed Action Plan. Dee Lagoon is a complicated site to manage due to cross-tenure management concerns. The ground crew has already targeted the Californian thistle, and the remaining gorse and broom are scheduled to be undertaken in early March.

Orange Hawkweed – Weed Action Fund

This project supports control and implementation of biosecurity measures for the priority species Orange-hawkweed. Survey work with the scent detection dog, Fonz, is ongoing, looking for Orange hawkweed at known infestation sites across the Central Highlands. Understanding the extent of Orange hawkweed at the known sites is still a priority to ensure there is a comprehensive understanding of the management zone. We are communicating with private land managers about extending surveys to assess if there are any other infestations nearby.



Agri-best practice programs

Strategic Actions 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

Derwent Pasture Network – funded by NRM South through the Australian Government's National Landcare Program

This program is about improving dryland grazing management productivity and sustainability in the Derwent. Monitoring of the test sites has included processing data from our legume and fertiliser test strip plots. At our Bushy Park site, fertiliser test strips are in their second year on a low soil fertility site. Year one results indicated a strong total biomass and clover yield response to autumn applied phosphorous and potassium combination. A spring application of fertiliser treatments on a separate series of strips did not mirror this, highlighting the importance of application timing, particularly concerning sub clover growth.

Results in year two have now indicated an ongoing total yield response to the original phosphorous and potassium application on the autumn strips but a suppressed clover yield, suggesting nutrient limitation has already recurred for the more sensitive clover component of the pasture. Across the two growth seasons assessed so far, the cumulative response to autumn-applied potassium and potassium at this site has been 5.6TDM/ha of extra feed grown, compared to annual unfertilised control growth of up to 4.3TDM/ha. This equated to approximately 65% more feed grown over the two years.

At a contrasting site adequately meeting soil phosphorous and potassium targets near Bothwell, we have some indication of increased yield with additional P and K applied in combination. This response was measured at 1-1.5TDM/ha of extra feed grown, with clover biomass being about half of this extra growth. Application of lime at this site has also indicated a potential legume response to lime and additional phosphorous and potassium. These results will be presented at an on-site field day, discussing the value of legume, nutrient responses, interactive limitations, efficient fertiliser use, pasture condition, and an appraisal of the costs and benefits of action and inaction.

Natural capital & On-farm opportunities in the Derwent - funded by the TasAg Innovation Hub (Drought Hub)

This project is about exploring opportunities and market options for carbon and biodiversity on farms in the Derwent Catchment. The team have been busy undertaking baseline condition assessments on priority remnant vegetation on Nareen that will feed into the biodiversity plan for Chris and Hannah Downie. Preliminary discussions have been held with Fiona Hume at Arundel around biodiversity priorities areas across her estate. Laurie is working with both Chris and Fiona to develop carbon footprint assessments of their enterprises which will form part of the carbon component of the plans.



Cross-hub containment feeding/drought lotting project - funded by the Future Drought Fund (National Drought Hub)

This project is working to support farmers with drought resilience. We continue to survey farmers in Tasmania to understand the state of play with drought-lotting and containment feeding set ups and management regimes. Two workshops will be held next week in Bothwell and Hamilton facilitated by Cam Nicholson, a farmer and consultant to Southern Farming Systems and a partner with DCP in this project. The workshops will be focused on trigger points and forecasting using local knowledge to develop a framework for decision making when facing drought or dry times ahead. Eve has been speaking to farmers to encourage a good turn out for the workshops.

Restoration and Conservation

Strategic Actions: 4.1 Continue to fund and support the Derwent Catchment Project and 4.7 Support and assist practical programs that address existing environmental problems and improve the environment.

Tyenna River Recovery – willow warriors – supported by IFS, SFM, DV council and Tassal

This project is a long running project which aims to remove the willows and restore the Tyenna River. The program is strongly supported by volunteer activities with monthly working bees on the river. The program works to implement a 10 year plan for river recover.

The Willow Warriors have completed two working bees so far this year and had their celebrational lunch at the beginning of the month to say thanks for their work during 2023. The working bees are currently focusing on a large willow infestation on private land upstream of Mt Field National Park. The landholder has been attempting to manage the willows over the last decade, but some of the trees were beyond their capacity to manage effectively. The volunteers will meet every month up to June.



Ouse River Recovery

This program builds on works conducted under the Agricultural Landscape (flood) Rehabilitation Scheme to improve the health and condition of the Ouse River. The ground crew have been doing maintenance work on the plantings around the Ouse River in the Ouse Township. We have replaced guards and stakes where necessary and reduced competition

from grasses around the more established trees. The Ouse River has had a lot of challenges with flooding events after recent planting efforts; however, there is recruitment, and the plants are doing well.

Platypus walk

This project works to maintain the restoration works undertaken as part of a Tasmanian Community Fund project with support from Council to improve the Platypus Walk in Hamilton. The ground crew has been managing thistles and other weeds along the Platypus walk. The revegetation along the walk is growing well and becoming established. Further investigations into flood damage will be done by the DCP crew to assess what can be done.

Miena Cider Gum

This program focuses on conserving the endangered *Eucalyptus gunni* subsp. *divaricata* otherwise known as the Miena Cider Gum. In the past month the onground team have been installing wombat gates into the pre-existing fence at St Patrick's plains that we erected in 2021. The wombat gates are necessary as the fence has had multiple breach points due to wombats moving in and out of the area. Extensive camera surveying was conducted to assess what was making the breaches that were acting as passages for other wildlife. The materials and installation of the gates were made possible with funding from TasNetworks and Epuron.

Hamilton Native Plant Nursery update

Karen has been busy undertaking site visits for future plantings on private land and growing plants for large-scale projects including the riverbank repair work along the Tyenna and Lachlan river. A major focus at this time of year is collecting seed for propagation, which has been challenging this year with variable seasons. The pricking out this season has been completed not without its challenges (due to weather)

however, 17,000 plants were propagated for Autumn planting. Karen is now getting supplies and equipment ready for the community event days.



Grant applications

Weed Action Fund – Final Round

The final round of the Weed Action Fund is now open for applications and the Derwent Catchment Project is submitting proposals for 1. the control of Bridal Creeper, 2. implementing the weed control plan for Broom in the Highlands in conjunction with Parks, Hydro, and TasNetworks and 3. an Education Program aimed at Council planning departments to help support pre-emptive strategies for development that can prevent the spread weeds.

Building drought resilience for small producers in the Derwent Catchment – EOI (we held meetings with TIA and Rural Business Tasmania (the other applicants) and are now waiting to progress to the project development phase).

Funding request \$450,000

Please don't hesitate to call us if you have any queries about our programs.

Yours Sincerely,

The Derwent Catchment Team

Key Contacts:

Josie Kelman (CEO) 0427044700

Eve Lazarus (Program Manager) 0429170048

Morgan McPherson (Works Manager) 0418 667 426

Karen Phillips (Nursery Manager) 0400 039 303

22. COUNCIL ACTING AS A PLANNING AUTHORITY

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

In accordance with Regulation 25, the Council will act as a Planning Authority in respect to those matters appearing under Item 22 in this Agenda, inclusive of any supplementary items.

RECOMMENDATION 08/02.2023/C

Moved: Cr

Seconded: Cr

THAT Council is now acting as a Planning Authority.

22.1 DA2022/92: REORGANISATION OF BOUNDARIES: LOT 1 MAYFIELD ROAD, PELHAM

Report by

Louisa Brown (Planning Officer)

Applicant

D G J Potter Land & Engineering Surveyors

Owner

G Davis

Discretions

26.3.3 Discretionary Use

Proposal

Council is in receipt of a Development Application for the Reorganisation of Boundaries at Lot 1 Mayfield Road, Pelham.

The proposal includes two lots CT 115693/2 approximately 16.83ha and CT 115692/5 approximately 2801m².

The proposal seeks approval for the boundary reorganisation of the existing titles into two lots to create a better layout of lots, in equal size.:

- Lot 1 – 10.0ha, frontage to Basils Road. Vehicular access required to be updated from Basils Road; and
- Lot 2 – 6.86ha, frontage to Basils Road and Sonners Road. New vehicular access required either from Basils Road or Sonners Road.

The proposal is discretionary owing to being a Boundary Reorganisation/Subdivision and is assessed against the standards for the Rural Resource Zone pursuant to section 26.0 of the Central Highlands Interim Planning Scheme 2015.

Subject site and Locality

The property is located 11km from the junction of Elderslie Road and Pelham Road and 20km east of Hamilton.

The existing lot boundaries are defined by Basils Road to the north west and Sonners Road to the south west. Pelham North Nature Reserve, managed by Parks & Wildlife abuts the property to the north east and continues along the eastern and southern property boundary to join Pelham Nature Reserve to the south.

Both lots are currently vacant and contain large areas of eucalyptus forest and fern land. Some areas of improved pasture maybe found on properties within close proximity to the lots.

An existing vehicular track provides access into CT 115693/2, this will need upgrading to meet standards.

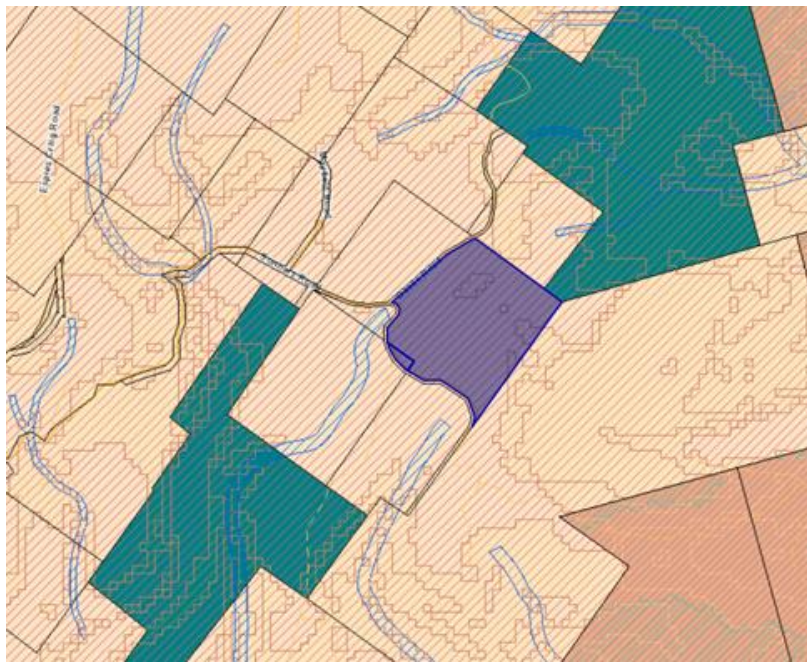


Fig 1. Location and zoning of the existing properties (blue shaded), indicating the Rural Resource Zone (Cream), Significant Agriculture (Brown) and Environmental Management (Green). Code Overlays Bushfire Prone Area (pink lines). (Source: LISTmap, accessed 27/01/2023)



Fig 2. Aerial photo of the subject land and surrounding area, titles marked blue (Source: LISTmap, accessed 27/01/2023).

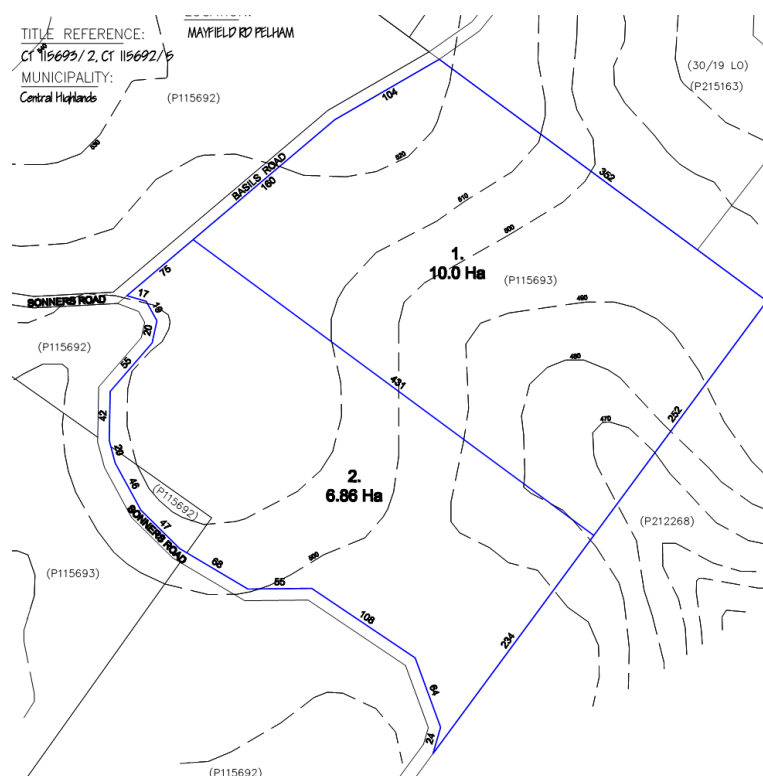


Fig 3. Proposed Plan of Boundary Reorganisation, Development Application documents provided by D G J Potter.

Exemptions

Nil

Special Provisions

Nil

Use Standards

There are no applicable use standards for Boundary Reorganisations.

Development Standards for Rural Resource Zone

Within the Rural Resource Zone, Boundary Reorganisation is a discretionary use and is therefore assessed against the following discretionary use standards and development standards of the Interim Planning Scheme 2015.

26.3.3 Discretionary Use To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No acceptable solution.	<p>P1 A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p> <p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p> <p>(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.</p>	<p>Both lots are currently vacant and are adjacent to Pelham Nature Reserve. The proposed boundary reorganisation will create a better layout of lots, in equal size and will allow for future non-agricultural use on site and on adjoining lands.</p> <p>The applicant aims to create a new lot which will provide conservation protection for fauna.</p> <p>The proposal meet the Performance Criteria P1.</p>

Development standards for Subdivision and Reorganisation of Boundaries

The subject land is in the Rural Resource Zone of the Central Highlands Interim Planning Scheme 2015. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions and boundary reorganisations:

26.5.2 Reorganisation of Boundaries		
Objective: To promote the consolidation of rural resource land and to allow for the rearrangement of existing titles, where appropriate, to provide for a better division of land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 A lot is for public open space, a riparian or littoral reserve, or Utilities.</p>	<p>P1 The reorganisation of boundaries must satisfy all of the following:</p> <p>(a) all existing lots are adjoining or separated only by a road;</p> <p>(b) no existing lot was formally a crown reserved road or other reserved land;</p> <p>(c) provide for the sustainable commercial operation of the land by either:</p> <p>(i) encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot', as demonstrated by a whole farm management plan,</p> <p>(ii) encompassing an existing or proposed non-agricultural rural resource use in one lot;</p> <p>(d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 26.4.2;</p> <p>(e) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;</p> <p>(f) a new vacant lot must:</p> <p>(i) contain land surplus to rural resource requirements of the primary agricultural lot;</p> <p>(ii) contain a building area capable of accommodating residential development satisfying clauses 26.4.2 and 26.4.3.</p> <p>(iii) not result in a significant increase in demand for public infrastructure or services;</p> <p>(g) all new lots must comply the following:</p> <p>(i) be no less than 1ha in size;</p>	<p>Both lots are adjoining and no lot was formally crown reserve land.</p> <p>The boundary reorganisation will create two lots of equal size, enable a better more efficient use of the land which is currently surplus to requirements.</p> <p>There are no structures on the properties.</p> <p>Both lots are capable of accommodating a building area and setbacks to meet 26.4.2 and 26.4.3.</p> <p>No new lots are created and both lots have frontages of more than the minimum requirement of 6m and are capable of accommodating safe vehicular access.</p> <p>The Performance Criteria is met.</p>

	(ii) have a frontage of no less than 6m; (iii) be serviced by safe vehicular access arrangements; (h) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.	
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Codes

E1 Bushfire-Prone Areas Code

The Bushfire-Prone Code applies to boundary reorganisation of land that is located within a bushfire-prone area.

A Bushfire Hazard Report was prepared by HED Consulting, dated 20 December 2022 and forms a part of the Development Application Documents. This Report makes several recommendations which are included in conditions 9 and 10 of the Planning Permit below.

E5.0 Road and Railway Assets Code

The purpose of this provision is to:

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

This Code applies to the development of land that intensifies the use of an existing access.

E5.5 Use Standards E5.5.1 Existing road accesses and junctions To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	P1 Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than 60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to: (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and	The Acceptable Solution A1 is met, the proposal does not increase vehicular movements onto a category 1 or 2 road.

	(h) any written advice received from the road authority.	
<p>A2</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>P2</p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority. 	<p>The Acceptable Solution A2 is met, the proposal does not increase vehicular movements by more than 10 vehicular movements or by more than 10%.</p>
<p>A3</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p>P3</p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; 	<p>The Acceptable Solution A2 is met, existing road speed limit is not less than 60km.</p>

	(f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.	
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E6.0 Parking and Access Code

The purpose of this provision is to ensure enough parking is provided for a use or development to meet the reasonable requirements of users and are designed in conformity with recognised. This code applies to all use and development.

To ensure that:		
(a) safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising: (i) the number of vehicle access points; and (ii) loss of on-street car parking spaces; (b) vehicle access points do not unreasonably detract from the amenity of adjoining land uses; (c) vehicle access points do not have a dominating impact on local streetscape and character.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	P1 The number of vehicle access points for each road frontage must be minimised, having regard to all of the following: (a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points; (b) whether the additional access points can be provided without compromising any of the following: (i) pedestrian safety, amenity and convenience; (ii) traffic safety; (iii) residential amenity on adjoining land; (iv) streetscape; (v) cultural heritage values if the site is subject to the Local Historic Heritage Code; (vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.	The proposal complies with the Acceptable Solution A1, both lot frontages will be provided with a new single point of access.

E6.7.2 Design of Vehicular Accesses

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Design of vehicle access points must comply with all of the following:</p> <p>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off street commercial vehicle facilities.</p>	<p>P1 Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users.</p>	<p>The proposal meets the Acceptable Solution A1, access design and construction will be required to meet the applicable AS/NZS Rural Access standard as a requirement in the conditions of this permit.</p>

Representations

The proposal was advertised for the statutory 14 days period from 23 January to 7 February 2023. No representations were received.

Conclusion

The proposal for the Reorganisation of Boundaries at Lot 1 Mayfield Road, Pelham is assessed to comply with the applicable standards of the Rural Resource Zone and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and no representations were received.

It is recommended that the application be approved, subject to conditions.

Legislative Context

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2022/92 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation for approval. The Planning Authority must consider the report but is not bound to adopt the Recommendation for approval. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

This determination has to be made no later than 26 February 2023.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

25 (2): *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

Options

The Planning Authority must determine the Development Application DA2022/92 Reorganisation of Boundaries at Lot 1 Mayfield Road, Pelham in accordance with one of the following options:

1. Approve in accordance with the Recommendation:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2022/92 Reorganisation of Boundaries at Lot 1 Mayfield Road, Pelham subject to conditions in accordance with the Recommendation.

2. Approve with altered conditions:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2022/92 Reorganisation of Boundaries at Lot 1 Mayfield Road, Pelham subject to conditions as specified below.

Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:

Alteration to Conditions:-

3. Refuse to grant a permit:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2022/92 Reorganisation of Boundaries at Lot 1 Mayfield Road, Pelham for the reasons detailed below.

Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:

Reasons :-

RECOMMENDATION 09/02.2023/C

Moved: Cr

Seconded: Cr

PLANNING COMMITTEE CONSIDERATION

This item was considered at the Planning Committee Meeting held on Tuesday 14th February 2023 with the Planning Committee making the following recommendation to the Planning Authority.

THAT

1. Approve in accordance with the Recommendation: -

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2022/92 Reorganisation of Boundaries at Lot 1 Mayfield Road, Pelham subject to conditions in accordance with the Recommendation.

Recommended Conditions

General

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

Staged Development

3. The subdivision development must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's Manager Environment and Development Services.

Easements

4. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

Endorsements

5. The final plan of survey must be noted that Council cannot or will not provide a means of drainage to all lots shown on the plan of survey.

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 Manager Environment and Development Services.

Bushfire

7. The development and works must be carried out in accordance with the Bushfire Hazard Report, prepared HED Consulting, and dated 20 December 2022.
8. Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all works required by the approved Bushfire Hazard Management Plan has been complied with.

Agreements

9. Agreements made pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must be prepared by the applicant on a blank instrument form to the satisfaction of the Council and registered with the Recorder of Titles. The subdivider must meet all costs associated with the preparation and registration of the Part 5 Agreement.

Final Plan

10. 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.
11. A fee of \$210.00, or as otherwise 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.
12. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Central

Highlands Council. The security must be in accordance with section 86(3) of the *Local Government (Building & Miscellaneous Provisions) Council 1993*. The amount of the security shall be determined by the Council's Municipal Engineer.

13. 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.
14. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Water Quality

15. Where a development exceeds a total of 250 square metres of ground disturbance a soil and water management plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Municipal Engineer before development of the land commences.
16. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development.
17. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's Municipal Engineer.
18. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Property Services

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

Existing Services

20. 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.

Rural Access

21. A separate vehicle access must be provided from the road carriageway to each lot. New and existing access must be an all-weather pavement with a minimum width of 3 metres at the property boundary and located and constructed in accordance with the standards shown on standard drawings SD-1009 *Rural Roads - Typical Standard Access* and SD-1012 *Intersection and Domestic Access Sight Distance Requirements* prepared by the IPWE Aust. (Tasmania Division) (attached) and the satisfaction of Council's Municipal Engineer.

Construction Amenity

22. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:

Monday to Friday	7:00 AM to 6:00 PM
Saturday	8:00 AM to 6:00 PM
Sunday and State-wide public holidays	10:00 AM to 6:00 PM
23. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
 - (a) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
 - (b) Transport of materials, goods or commodities to or from the land.
 - (c) Appearance of any building, works or materials.

24. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.
25. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

Construction

26. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before commencing construction works on site or within a council roadway. The written notice must be accompanied by evidence of payment of the Building and Construction Industry Training Levy where the cost of the works exceeds \$12,000.
27. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's Manager Engineering Services.
28. A fee for supervision of any works to which Section 10 of the *Local Government (Highways) Council 1982* applies must be paid to the Central Highlands Council unless carried out under the direct supervision of an approved practising professional civil engineer engaged by the owner and approved by the Council's Municipal Engineer. The fee must equal not less than three percent (3%) of the cost of the works.

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. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The SWMP must show the following:
 - (a) Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
 - (b) Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
 - (c) Estimated dates of the start and completion of the works;
 - (d) Timing of the site rehabilitation or landscape program;
 - (e) Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection.
 - (f) Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion.
 - (g) Temporary erosion and sedimentation controls to be used on the site.
 - (h) Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia (2000), AS/NZS 1547: *On-site wastewater management*, Standards Australia, Sydney.
- D. Appropriate temporary control measures include, but are not limited to, the following (refer to brochure attached):
 - 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;
 - Stormwater pits and inlets installed and connected to the approved stormwater system before the roadwork's are commenced; and

- Rehabilitation of all disturbed areas as soon as possible.

E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.

23. ORDINARY COUNCIL MEETING RESUMED

RECOMMENDATION 10/02.2023/C

Moved: Cr

Seconded: Cr

THAT Council is no longer acting as a Planning Authority and the Ordinary Council Meeting is resumed.

24.1 DEVELOPMENT & ENVIRONMENTAL SERVICES REPORT – JANUARY 2023

Report By

Graham Rogers, Development & Environmental Services Manager

PLANNING PERMITS ISSUED UNDER DELEGATION

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

NO PERMIT REQUIRED

DA NO.	APPLICANT	LOCATION	PROPOSAL
2023 / 00006	GHD	1288 Hollow Tree Road, Hollow Tree	Utilities (Solar Arrays)

PERMITTED USE

DA NO.	APPLICANT	LOCATION	PROPOSAL
2022 / 00115	S J Lincoln	6943 Lyell Highway, Ouse	Dwelling
2023 / 00003	S D Taylor, L Farquharson	16 Watkins Road, Tods Corner	Change of Use to Visitor Accommodation

DISCRETIONARY USE

DA NO.	APPLICANT	LOCATION	PROPOSAL
2022 / 00110	J Psereckis	695 Arthurs Lake Road, Arthurs Lake	Dwelling & Outbuilding
2022 / 00113	Rizon Builders	15 Water Street, Ouse	Dwelling
2022 / 00111	Pettit Designs	3 Meredith Springs Road, Miena	Dwelling & Visitor Accommodation
2023 / 00002	Goldwind Australia Pty Ltd	Bashan Road, Victoria Valley (CT 118843/1)	Meteorological Mast

ANIMAL CONTROL

Total Number of Dogs Registered in 2021/2022 Financial Year – 978

Total Number of Kennel Licences Issued for 2021/2022 Financial Year – 30

2022/2023 Statistics as of 15 February 2023

Number of Dogs Impounded during last month	0
Number of Dogs Currently Registered	948
Number of Dogs Pending Re-Registration	26
Number of Kennel Licences Issued	29
Number of Kennel Licences Pending	1

RECOMMENDATION 11/02.2023/C

Moved: Cr

Seconded: Cr

THAT the Development & Environmental Services Report for January 2023 be received.

24.2 SUBMISSIONS TO THE STATE PLANNING OFFICE ON THE REGIONAL PLANNING FRAMEWORK DISCUSSION PAPER & THE DRAFT STRUCTURE PLAN GUIDELINES

Report By

Council Planning Consultant, Damian Mackey

Attachments

1. Letter from the Minister for Planning.
2. Regional Planning Framework Discussion Paper (State Planning Office).
3. Structure Plan Guidelines Draft November 2022, (State Planning Office)

Introduction

Tasmania's land use planning system is currently undergoing significant reform, driven by the State Government through the State Planning Office (SPO).

After reforming the *statutory planning system*, through the creation of the single, state-wide Tasmanian Planning Scheme, the government is now turning its attention to the *strategic planning system*.

This reform process offers local government a number of opportunities to get involved with a view to influencing outcomes at the state level and to proactively plan for their communities at the regional and local level.

In late 2022 the SPO released two discussion papers for Councils to comment on:

- **Regional Planning Framework Discussion Paper.**
 - This sets out a proposed structure of a 'Regional Planning Framework' to undertake the review of the State's three Regional Land Use Strategies (RLUSs).
 - It is proposed that the Regional Planning Framework would remain in place as a permanent feature of Tasmania's planning system, to undertake regular five-yearly reviews of the RLUSs.
 - RLUSs are statutory planning instruments with which all new planning schemes and amendments to planning schemes must be consistent.

- **Draft Structure Plan Guidelines.**

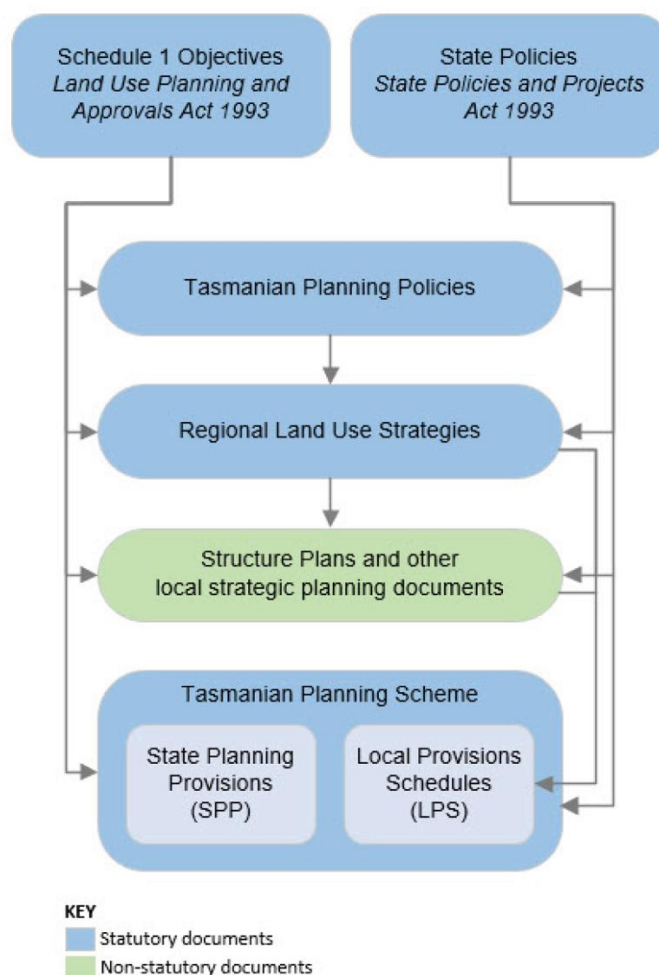
- Structure Plans are non-statutory local-level strategic planning documents that set out the future planning for local areas such as towns and suburbs. They are carried out by Councils, usually through the engagement of independent expert consultants, and typically involve substantial community consultation.
- They include recommendations for rezonings and other planning scheme changes, and they need to be consistent with the particular region's RLUS.
- There are no set protocols, methodology or documentation standards, and various existing Structure Plans in Tasmania have a different 'look and feel'.
- The purpose of the proposed guidelines is to provide a degree of standardisation.
-

Submissions on the two discussion papers are due by the end of February.

Planning System Background

The relationships between the key elements of Tasmania's planning system can be readily understood through the following diagram. Note the position of Regional Land Use Strategies and Structure Plans.

Hierarchy of Tasmanian planning instruments



Notes:

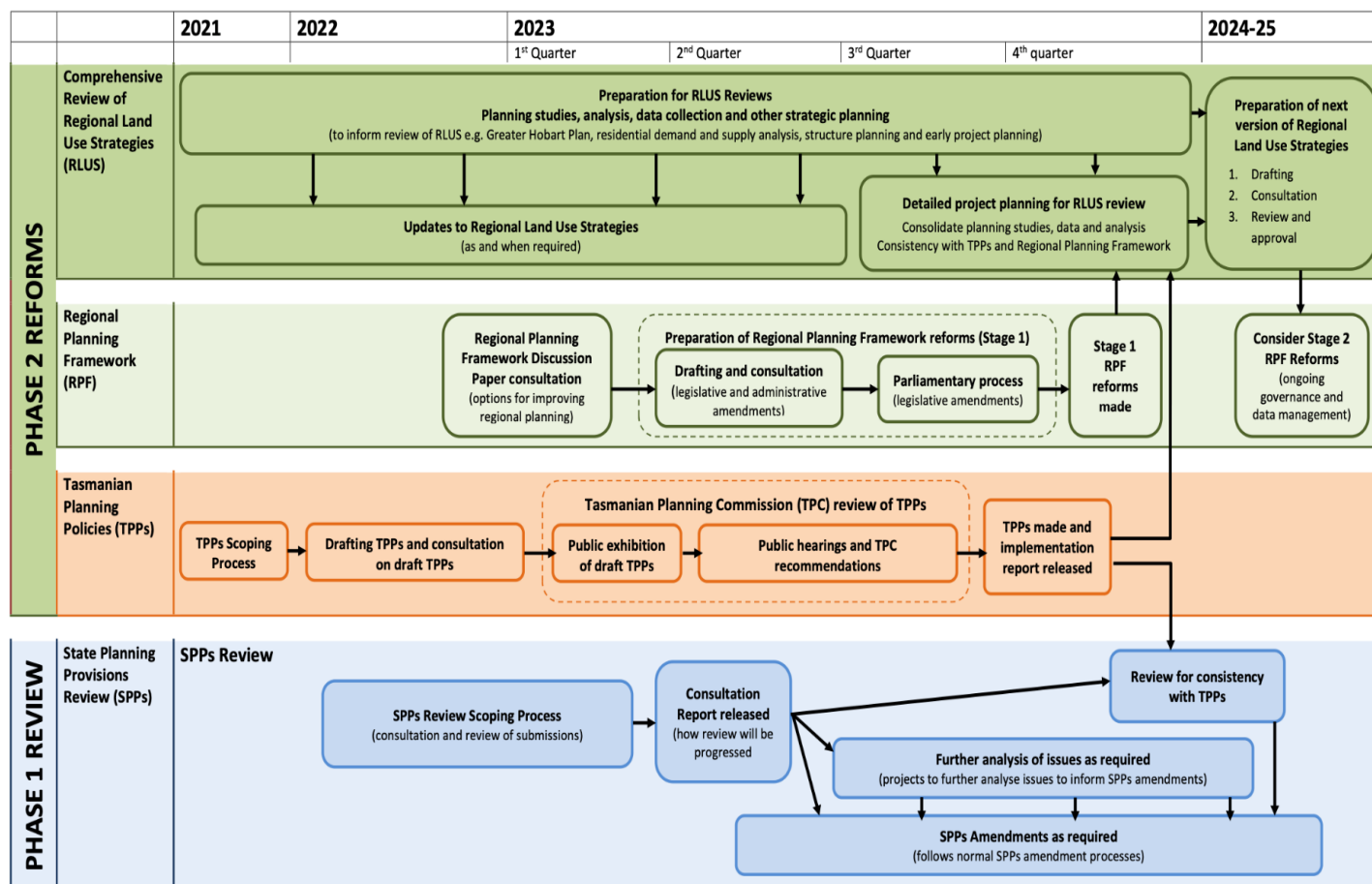
- The Tasmanian Planning Policies (TPPs) are yet to be created. During 2023 it is expected that the Government will released draft TPPs for comment. They will play a crucial role in the future, and Councils should be ready to consider the drafts and make submissions.
- Tasmania's three Regional Land Use Strategies were created twelve years ago and are largely based on 2006 census data. They have not been reviewed since. It is generally acknowledged that they are out of date, particularly considering the significant growth that has occurred during that time; a level of growth that was not anticipated. A core goal of the Government's planning reform agenda is the full revision of these strategies.

- There is a renewed push under the Government's current planning reform agenda for Councils to undertake structure planning, recognising that outcomes may also inform the review of the RLUSs.
- Most, but not all, Tasmanian Councils have now transitioned to the Tasmanian Planning Scheme.

The Broader Planning Reform Agenda

The proposed Regional Planning Framework and Structure Plan Guidelines are part of a larger planning reform agenda driven by the State Government, as set out in the following diagram:

PHASE 2 PLANNING REFORMS WORK PROGRAM (indicative timeframes as at December 2022)



PROPOSED SUBMISSION: REGIONAL PLANNING FRAMEWORK DISCUSSION PAPER

As mentioned, the three Regional Land Use Strategies are now twelve years old, out-of-date and in need of review.

In order to achieve this review, the State Planning Office (SPO) proposes to establish an ongoing system so that regular five-yearly reviews continue to occur, thereby keeping these crucial planning instruments up-to-date.

The SPO has named the proposed system the 'Regional Planning Framework' and has released the attached discussion paper for Councils to comment on.

Key issues include whether Regional Land Use Strategies should be based on a common template with common definitions, and whether their approval should involve a process through the Tasmanian Planning Commission similar to new planning schemes. The three existing Regional Land Use Strategies were developed independently and have few similarities. They were prepared by the three regional groupings of Councils and approved by the Minister, (not the Tasmanian Planning Commission).

Submissions on the Regional Planning Framework Discussion Paper are due by the end of February.

The attached discussion paper sets out the key issues and asks specific questions. These are repeated below, with Council proposed responses. Once finalised, these would form the basis of Council's submission back to the State Planning Office.

2.1 Scope and Purpose

Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

Response:

- Agree, provided this is kept general / high level.
- The use of regulation, rather than legislation, would provide more flexibility in terms of ease for future amendments.

Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

Response:

- Agree with suggested contents.
- The suggested contents are sufficiently broad.

2.2 Consistency

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

Response:

- Terminology / definitions.
- Categorisation of settlements.
- Main content headings, with the ability to add to accommodate regional characteristics, when needed.
- Fundamental background data, with the ability to add to accommodate regional characteristics, when needed.

Should there be a template for RLUSs?

Response:

- Agree; there should be a template for Regional Land Use Strategies.
- This could be set via a State Planning Office Guideline in the first instance, so that it can be readily amended. After one or two iterations of the RLUSs there may be sufficient confidence in the template to set it in place through regulation, if considered necessary at that time.

2.3 Preparing Regional Land Use Strategies

No questions are posed by the SPO under this heading. However, the following comments are proposed:

- State agencies and state infrastructure providers contribute key base information into RLUSs. This is best coordinated by the State Planning Office on a state-wide bases, rather than done three times by the individual regions.
- Ensuring state agencies and state infrastructure providers are properly engaged with the regional planning system, as proposed by the State Planning Office, is strongly supported.
- RLUSs should continue to be prepared by the three regional groupings of Councils, working in conjunction with the State Planning Office (and State agencies and infrastructure providers via the SPO).

2.4 Assessing & Declaring Regional Land Use Strategies

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?

Response:

- RLUSs should not be subject to a statutory assessment process and public hearings by the TPC. They should remain under the direction and control of the three regional groupings of local Councils, with ultimate approval by the Minister.
- RLUSs should remain within the domain of the elected representatives of the people. Local Councils in the first instance, followed by the Minister. They are, in part, aspirational documents setting out an agreed vision for the future of each region, tempered by State direction as contained with the Objectives of the Act and set out by the Tasmanian Planning Policies. It is not possible, nor is it appropriate, for a statutory panel of unelected officials to properly or correctly channel the will of the people.
- Pursuant to the above, it is important that local government undertakes the task of creating and reviewing RLUSs as Councils under the *Local Government Act 1993* (i.e. as the elected representatives of the people), not as Planning Authorities under the *Land Use Planning & Approvals Act 1993*.
- There is no need for a statutory public notification and public hearing process. A thorough (non-statutory) community consultation process of the kind normally undertaken by local government during, for example, structure planning processes, is far better for discerning 'the will of the people'. Prior to approving a RLUS, the Minister should simply be 'satisfied' that the regional group of Councils undertook an appropriate level of public consultation on a draft of the document. (The SPO could produce a Guideline in regard to this).

Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

Response:

- The creation of RLUSs should involve bringing State policy direction down to the regional level and bringing relevant local-level strategies, policies and community consultation outcomes up to the regional level. RLUSs, therefore, have a broader scope of inputs than the TPPs.

2.5 Reviewing Regional Land Use Strategies

Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

Response:

- Agree. The timeframe for the ongoing reviews of RLUSs should be 5 years.

Should any other matters trigger the review of the RLUSs?

Response:

- A review of the RLUSs outside the 5-year cycle should happen only in exceptional circumstances.
- The Minister should have the power to order a review outside the 5-year cycle. Such a decision could be made on the Minister's own instigation, or after considering a request from the regional group of Councils.
- RLUSs could contain change triggers, which would automatically lead to a change without the need for an amendment. For example, if the take-up of vacant land within an urban growth boundary reaches a certain level, the urban growth boundary could automatically expand to a predefined new line.

Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

Response:

No. Refer comments under section 2.4.

2.6 Amending Regional Land Use Strategies

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

Response:

- For substantial amendments, the process should generally follow the same path as that for approving RLUSs.
- Refer comments under section 2.4.

Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

Response:

- Agree. Minor amendments can be defined and should be able to occur with minimal time and cost.

What matters should qualify as triggers for amending a RLUS?

Response:

- The advent of a new Tasmanian Planning Policy, or a significant amendment of a TPP.
- Key strategies within the RLUSs could be written with clear triggers for a review outside the scheduled 5 yearly cycle.

If more regular reviews are required or the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?

Response:

- The Minister should have the power to order a review outside the 5-year cycle. Such a decision could be made on the Minister's own instigation, or after considering a request from the regional group of Councils.
- Others, such as land developers for example, would need to convince the regional group of Councils that an amendment is warranted. Then that regional group of Councils would make a request for an amendment to the Minister. Such a request should be subject to set period within which the Minister must make a decision.
- The regional groupings of Councils should operate, for the purposes of creating and amending RLUSs, on the principle of one vote per Council.

PROPOSED SUBMISSION: DRAFT STRUCTURE PLAN GUIDELINES.

State and regional planning instruments together with local information and community input, inform the creation of Structure Plans. Important outputs of such plans are proposed planning scheme amendments, along with an overarching vision for the future of a settlement together with a broad range of recommended potential actions for Council (and others) to follow to achieve the vision. Such documents set out the land use planning future for towns and villages.

In order to assist Councils to undertake structure planning work, the State Planning Office has released draft Structure Plan Guidelines for Local Government to comment on.

Along with suggested inputs, community consultation guidance and desirable outcomes, the discussion paper seeks to establish a standard template and methodology.

The State Planning Office has specifically asked the following questions, with submissions due by the end of February:

Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?

Response:

- The idea of broadly standardising the methodology, content and presentation of structure plans across the State is supported. It will facilitate and reduce the costs of this work for Local Government. It should also ensure that recommendations and supporting information for proposed planning scheme amendments arising out of structure planning are in a form that will be accepted by the TPC.
- Under 2.1.8, the draft Guidelines state that structure plans should be consistent with the relevant RLUS. This is agreed with generally, however the draft Guidelines also state that structure planning outcomes may inform the review of RLUSs. Therefore, the guidelines need to accommodate this kind of recommendation.
 - For example, in the coming review of the RLUSs, it is Council's view that the Growth Scenarios for regional towns should either be changed or removed altogether, recognising that the residential demand & supply factors impacting towns outside the 'gravitational pull' of Greater Hobart are local, and have little-to-no implications regionally. The structure planning work that Council is about to embark on may contain recommendations along these lines, which will be at odds with the current version of the Southern Tasmania Regional Land Use Strategy.
- Implementation of structure plan recommendations by Councils is often best undertaken just by integrating the relevant recommendations into Council's LGA Strategic Plan, budgeting, forward works programs, etc., rather than setting up a special implementation committee. It can be the role of a key Council officer to provide a regular 'implementation update' to Council meetings, as appropriate.
- The SPO has proposed that it coordinate the engagement of State agencies and infrastructure providers

for the proposed Regional Planning Framework. It would be of great assistance to Local Government if the SPO could help ensure that these agencies and infrastructure providers:

- Recognise the importance of local-level structure planning.
- Engage meaningfully with structure planning.
- Recognise the outcomes of structure planning and incorporate them into their forward planning and budgeting.

Are there any other additional matters or issues that should be considered for inclusion in the guidelines?

Response:

- The Guidelines should explicitly recognise that local government undertakes the structure planning task as Councils under the *Local Government Act 1993* (i.e. as the elected representatives of the people), not as Planning Authorities under the *Land Use Planning & Approvals Act 1993*.
- The guidelines should recognise that structure plan recommendations generally fall into one of three 'implementation categories' for local government:
 - Council as the implementor. For actions that Council is directly responsible for. Such as:
 - Initiating planning scheme amendments.
 - Street beautification works.
 - Open space / playground improvements.
 - Etc.
 - Council as a facilitator. For actions that are undertaken by others but require cooperation or coordination with Council, and/or Council grants, such as:
 - Community / historical groups,
 - Local service providers,
 - Etc.
 - Council as an advocate. For actions that are undertaken by others without the need for Council assistance, such as:
 - State infrastructure or service providers.
 - Projects requiring State or Federal Government funding.

It is helpful if each recommended action in a structure plan is identified as falling into one of the above categories.

RECOMMENDATION 12/02.2023/C

Moved: Cr

Seconded: Cr

THAT Council submit the submissions set out above to the Department of Premier & Cabinet, State Planning Office, regarding the Regional Planning Framework Discussion Paper and the Draft Structure Plan Guidelines.

24.3 NEW FOOD SAFETY STANDARD

Report By:

Beverley Armstrong EHO

A new food safety standard – [3.2.2A Food Safety Management Tools](#) - was gazetted on 8 December 2022 with a 12-month transition period for businesses to comply. A copy of the letter received from the Public Health Department has been included in the attachments for your information.

Standard 3.2.2A introduces requirements for food service, catering and retail businesses that handle unpackaged, ready-to-eat, potentially hazardous foods, which is sold direct to the consumer. The new Standard aims to strengthen food safety in these businesses via three new 'Tools', namely –

- food handler training,
- food safety supervisor, and
- substantiation of key food handling practices.

Some other jurisdictions have had these requirements in place for several years, and the changes will bring Tasmania in line with the rest of Australia.

This Standard does not apply to the handling of food for, or at a fund-raising event.

Food premises will be notified by letter and a link to the new Standard will be available on our website and Facebook page.

FOR INFORMATION

24.4 WASTE LEVY INCREASE

Report By:

Beverley Armstrong EHO

The below information has been received from the Department of Natural Resources and Environment Tasmania with regards to an increase in the Waste Levy for 2023/2024:

We have had a number of enquiries on the level of government Fee Units for 2023-24. As you know, the landfill levy rate is set in the *Waste and Resource Recovery Act (2022)* at 12 Fee Units and the annual change in the Fee Unit amount affects the amount of the levy.

During 2022-23, as the Minister had committed to the levy commencing at \$20.00 per tonne, he instructed the WRR board to provide an "assistance package" to landfill operators in respect of the levy, for the amount of \$0.40 per tonne for this financial year. This assistance package will cease on 30 June 2023, which means that the amount of the levy payable by landfill operators for the 2023-24 financial year will revert to the value of 12 Fee Units.

The fee unit amount was gazetted last week and is to be increased from \$1.70 to \$1.78 <https://www.gazette.tas.gov.au/>. This means that the amount of the landfill levy for 2023-24 will be \$21.36 per tonne.

Details on the process of setting government Fee Units can be found on the Treasury website here: <https://www.treasury.tas.gov.au/economy/economic-policy-and-reform/fee-units>].

This information will mean an increase in the amount of Landfill Levy Councils pays, for 2023/2024 budget purposes Council should allow an average of 150 tonne of waste per month equal to \$3,204.00 per month or \$38,448 for the year.

FOR INFORMATION & NOTING

24.5 SES CENTRAL HIGHLANDS UNIT OPERATIONS & TRAINING REPORT FOR 2022

Below is the SES Central Highlands Unit Operations & Training Report for 2022.



Unit Operations & Training Report 2022

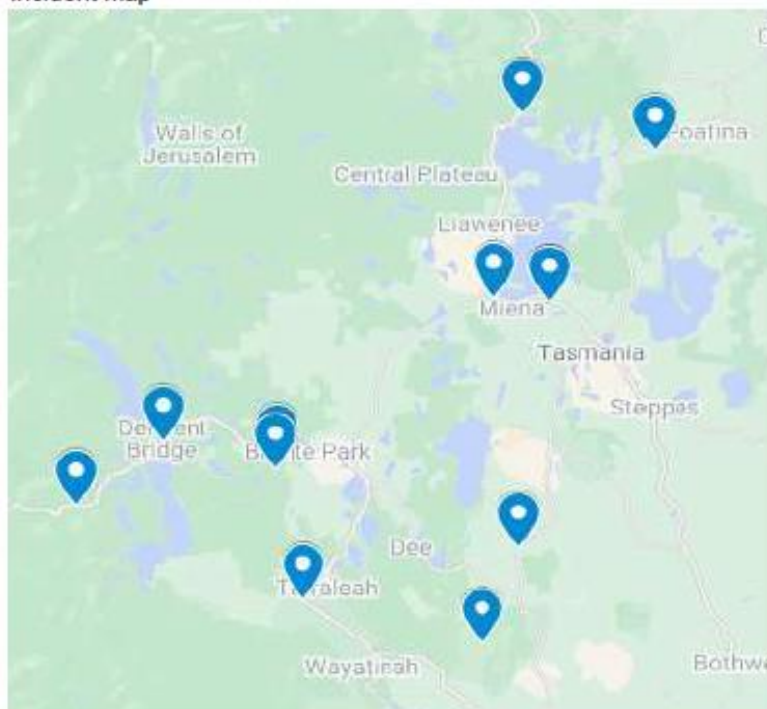
Number of Members	9
Probational Members	3

	No. Incidents	No. Members attended*	Total Hours*
Incidents attended by type			
RCR/MVA	17	25	47.0
TOTAL	17	25	47.0

*does not include incidents where reports have not been received

	No. Training Events	No. Members attended	Total Hours
Training conducted by type			
Induction	1	4	10
General Rescue	1	3	3
Road Crash Rescue	4	17	60.5
TOTAL	6	24	73.5

Incident Map



FOR INFORMATION & NOTING

24.6 CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE (LPS): NOTICE UNDER SECTION 35M(1)(A)

A Notice under Section 35M(1)(a) of the *Land Use Planning and Approval Act 1993* approving the Central Highlands draft LPS has been received from the Tasmanian Planning Commission and a copy has been included in the attachments for your information.

The LPS and Tasmanian Planning Scheme formally commenced operation on the 8th February 2023 and replaced the *Central Highlands Interim Planning Scheme 2015*.

The Central Highlands LPS and associated decisions are available from the assessment section of the Tasmanian Planning Commission's website www.planning.tas.gov.au.

The Central Highlands LPS is available on the iplan website (www.iplan.tas.gov.au) and information on zoning and overlays is available from the listmap service (www.listmap.tas.gov.au).

For Information

25. WORKS & SERVICES

25.1 WORKS & SERVICES REPORT – JANUARY 2023

Report By

Jason Branch, Works & Services Manager

The following activities were performed during January 2023 by Works & Services –

Grading & Sheeting

Maintenance Grading

Potholing / shouldering

- Jones Road, Cider Gum Drive, Thiessen Crescent, Jacks Marsh, Woodspring Road

Spraying:

- Spraying town streets Bothwell

Culverts / Drainage:

- Clean and deepen drain at Flintstone Drive
- Replace 3 x culverts McGuire's Marsh Road
- Clean culverts McGuire's Marsh Road
- Clean Culverts Tor Hill Road
- Replace 2 x culverts Tor Hill Road
- Clean culverts Mark Tree Road
- Clean culverts Woodspring's Road
- Clean culverts 14 mile Road
- Clean culverts Rats Castle Road

Occupational Health and safety

- Monthly Toolbox Meetings
- Day to day JSA and daily prestart check lists completed
- Monthly workplace inspections completed
- Playground inspections

- Approximately 152 hours Annual Leave taken
- 25.5 hours Sick Leave taken
- 38 hours Long Service Leave
- 0 hours Workers Compensation

Bridges:**Refuse / recycling sites:**

- Cover Hamilton Tip twice weekly

Other:

- Install signs Barren Plains Road
- Clean gravel from floods Nant Lane
- Carting gravel to Thousand Acre Lane works
- Tree removal Thousand Acre Lane
- Commencement of concrete footpath Franklin Place Hamilton
- Remove hay Hamilton showgrounds.
- Commence preparing Hamilton recreation ground for show
- Repair water breaks Bothwell recreation ground
- Repair edge breaks Ellendale Road
- Repair edge breaks Hollow Tree Road
- Repair holes Pelham Road
- Cold mix holes Bothwell township
- Seep loose stones from Ellendale Road after flood
- Repair wash out Oswald Drive
- Repair washout Brandum Bay
- 1 x burial Bothwell Cemetery
- 2 x drum musters
- Swimming pool maintenance
- Remove tree Waddamana Road
- Repair sink hole Mark Tree Road

Slashing:

- Halls Road
- McCullum's Road

Municipal Town Maintenance:

- Collection of town rubbish twice weekly
- Maintenance of parks, cemetery, recreation ground and Caravan Park.
- Cleaning of public toilets, gutters, drains and footpaths.
- Collection of rubbish twice weekly
- Cleaning of toilets and public facilities
- General maintenance
- Mowing of towns and parks
- Town Drainage

Buildings:**Plant:**

- PM705 Mack truck serviced
- PM757 Backhoe new tyres

- PM676 Replace track pins
- PM726 John Deer tractor repair head gasket
- PM815 Triton ute serviced
- PM788 Hilux ute serviced
- PM687 Western Star truck repair electrical problem
- PM744 Cat grader serviced

Private Works:

17 Private Works were undertaken.

Casuals

- Toilets, rubbish and Hobart
- Hamilton general duties

Program for next 4 weeks

- Continue Thousand Acre Lane construction
- Hamilton footpath upgrade
- Culvert replacement various roads
- Repair scouring of bridge spur off the Avenue

RECOMMENDATION 13/02.2023/C

Moved: Cr

Seconded: Cr

THAT the Works & Services Report for January 2023 be received.

25.2 PREPARING AUSTRALIAN COMMUNITIES PROGRAM GRANT

The Department of Industry, Science, Energy and Resources have advised Council that our application for the Preparing Australian Communities - Local Stream - River Clyde Flood Mapping and Study was successful.

The monthly project report for January has been provided by Mr Cameron Ormes the Project Manager for the River Clyde Flood Mapping / Study and is included in the attachments for Councillors information.

GHD would like to hold a workshop with Councillors on the Tuesday the 28th February 2023 between 10.00am and 12.00 noon to discuss the draft outcomes of the River Clyde Flood Mapping / Study.

RECOMMENDATION 14/02.2023/C

Moved: Cr

Seconded: Cr

1. **THAT** Council receive the monthly project report for January 2023 from GHD for the River Clyde Flood Mapping / Study, and
2. **THAT** Council hold a workshop with GHD on Tuesday the 28th February 2023 between 10.00am and 12.00 noon to discuss the draft outcomes of the River Clyde Flood Mapping / Study.

26. ADMINISTRATION SERVICES REPORT

26.1 FUTURE OF LOCAL GOVERNMENT REVIEW – STAGE 2 OPTIONS PAPER

Report by

Kim Hossack, General Manager

In mid- December, the State Government released the Future of Local Government Review's Stage 2 Options Paper for public comment.

The Local Government Board as per their terms of reference, were required to provide the Minister with a shortlist of feasible reform options.

A body of work has been undertaken to date, to identify a range of specific structural reforms and three options have been identified. The purpose of the paper is to seek community and sector feedback and potential support on these options and their feasibility.

Attached within this agenda is the following –

1. An Options Paper
2. An Options Paper – Appendix
3. A Community Update document containing the key messages of the Options Paper.

During February 2023, the Local Government Board will be hosting in-person and online forums for members of the public, Council Staff and Elected Representatives. These sessions will be held around the State to discuss the proposed suite of reform options.

As General Manager, I would strongly encourage all ratepayers and local community members to have your say on our sector's future. All submissions close on **19 February 2023** and Council will be contributing to this process.

For further information, please visit www.engage.futurelocal.tas.gov.au or contact the Local Government Board via email or letter at GPO Box 123, Hobart TAS 7001

RECOMMENDATION 15/02.2023/C

Moved: Cr

Seconded: Cr

THAT Council receive the Future of Local Government Review – Stage 2 Options Paper written submission and approve the General Manager to lodge on behalf of Council before 19 February 2023.

26.2 POLICY NO. 2017- 50 AUDIO RECORDING OF COUNCIL MEETINGS

Report by

Adam Wilson, Deputy General Manager

The previous Policy No. 2017-50 Audio Recording of Council Meetings was approved by Council in January 2020.

Council at the January 2023 'ordinary' Council Meeting requested that 2017-50 Audio Recording of Council Meetings be reviewed.

This policy provides a framework and direction as to the management of the audio recording of Council meetings. The purpose of audio recording is to assist in the preparation of Minutes, and to ensure that a true and accurate record of debate and discussion is available.

This policy applies to all ordinary and special Council meetings (as defined in the Local Government (Meeting Procedures) Regulations 2015). Those parts of meetings which are closed to the public will not be audio recorded by Council.

It does not apply to any other meetings of Council (e.g. Council Committees – Audit / Planning).

The following update has been added to the policy:

A member of the public including "member of the press", "journalist", "reporter", may only use an audio recorder, or any other recording and/or transmitting device, to record the proceedings of the open session meeting of Council, with prior written permission from the General Manager, for the express purpose proposed. The Central Highlands Council reserves the right to revoke such permission at any time.

RECOMMENDATION 16/02.2023/C

Moved: Cr

Seconded: Cr

THAT Council approve the reviewed Policy No. 2017-50 Audio Recording of Council Meetings.

26.3 POLICY NO. 2013-16 DRUG AND ALCOHOL

Report by

Adam Wilson, Deputy General Manager

The previous Policy No. 2013-16 Drug and Alcohol was approved by Council in December 2018.

Central Highlands Council (the "Council") has legal obligations in relation to the health and safety of employees and to others when they are on council premises. The Council is committed to providing and maintaining a safe work environment, one that ensures the health and safety of employees and others at work. A safe and productive work environment includes the respectful treatment of others in the workplace.

The use of drugs or alcohol in the workplace may impair an employee's ability to perform their work safely, efficiently and with respect for colleagues, community members and others.

The purpose of this Policy is to reduce and eliminate the likelihood of possible injury and/or potential negative effects resulting from alcohol and drug use and/or abuse in the work environment.

This Policy applies to all staff, agents and contractors (including temporary contractors or subcontractors) of the Council, collectively referred to in this Policy as 'workplace participants'.

RECOMMENDATION 17/02.2023/C

Moved: Cr

Seconded: Cr

THAT Council approve the reviewed Policy No. 2013-16 Drug and Alcohol.

26.4 POLICY NO. 2013-17 USE OF COUNCIL SPORTING FACILITIES

Report by

Adam Wilson, Deputy General Manager

The previous Policy No. 2013-17 Use of Council Sporting Facilities was approved by Council in November 2020. The policy refers to the sportsgrounds and facilities singularly and collectively.

- Bothwell
 - Hamilton
-

- Ouse
- Gretna
- Ellendale

The policy recognises that Council has a responsibility towards neighbouring property owners and for this reason desires the hirers of rate funded facilities to preserve the amenity and sense of well-being that all neighbourhoods are entitled to in this municipality.

The policy also recognises the value of providing sportsgrounds and associated amenities for use by the community to facilitate the playing of organised sport.

The policy contains the terms and conditions on which Council sportsgrounds and facilities are utilised.

RECOMMENDATION 18/02.2023/C

Moved: Cr

Seconded: Cr

THAT Council approve the reviewed Policy No. 2013-17 Use of Council Sporting Facilities.

26.5 POLICY NO. 2014-30 PRIVACY (PERSONAL INFORMATION)

Report by

Adam Wilson, Deputy General Manager

The previous Policy No. 2014-30 Privacy (Personal Information) was approved by Council in January 2020.

The functions of the Central Highlands Council are many and varied as provided under the Local Government Act 1993 and other legislation and regulations made thereunder as well as By-laws made by the Council from time to time.

The Council collects, retains, stores and uses personal information where it is necessary for one or more of the Council's functions and activities.

Under the Personal Information Protection Act 2004 (the Act), the Council is the custodian of that information and the collection, use and disclosure of information which is to be used by the Council is governed by the Act.

The type of personal information collected by the Council includes names, addresses and telephone numbers, together with any specific information about a person that may be required for the purpose of discharging our functions across the organisation.

Council is committed to upholding the right to privacy of all individuals who have dealings with the Council and endeavours to ensure that the personal information we hold is accurate, complete and up to date. Where practicable, we will check on the accuracy of your personal information before we use it.

RECOMMENDATION 19/02.2023/C

Moved: Cr

Seconded: Cr

That Council approve the reviewed Policy No. 2014-30 Privacy (Personal Information).

26.6 POLICY NO. 2017-45 DISABILITY ACCESS AND INCLUSION

Report by

Adam Wilson, Deputy General Manager

The previous Policy No. 2017-45 Disability Access and Inclusion was approved by Council in January 2020.

The Central Highlands Council is committed to ensuring, as far as is practicable, that the Community is accessible for people with disabilities, their families and carers.

Council recognises that people with disabilities are valued members of the Community who make a variety of contributions to social, economic and cultural life within the Central Highlands area.

Council is required, under the Disability Discrimination Act to work towards providing equity of access to services and facilities to all sectors of the Community, including people with disabilities.

Council is committed to:

- Providing facilities, services and assets that, as far as is practicable, comply with Australian Standards and Codes and objectives of the Disability Discrimination Act; and
- Ensuring, as far as is practicable, that the Council's relevant policies and procedures address the needs of people with disabilities, in accordance with the principles outlined in the Disability Discrimination Act and this policy.

RECOMMENDATION 20/02.2023/C

Moved: Cr

Seconded: Cr

THAT Council approve the reviewed Policy No. 2017-45 Disability Access and Inclusion.

26.7 POLICY NO. 2016-44 PURCHASING AND PAYMENT CONTROL

Report by

Adam Wilson, Deputy General Manager

The previous Policy No. 2016-44 Purchasing and Payment Control was approved by Council in December 2020. The purpose of this policy is to:

- Provide clear guidelines when purchasing goods and services from external suppliers/contractors;
- Ensure Council employees engaged in purchasing will at all times undertake their duties in an ethical manner and act responsibly and exercise sound judgement;
- Clarify conditions for payment of invoices received by Central Highlands Council; and
- Clarify when an unscheduled payment can be made.

The objective of Council's Purchasing and Payment Control Policy is to:

- Coordinate Internal Procedures for purchasing and payments;
- Ensure compliance with Central Highlands Council's Tendering and Procurement Policy; and
- Ensure an appropriate process is in place for the ordering of goods and services from external suppliers/contractors.

This policy applies to the procurement of goods and services from external suppliers/contractors in accordance with Central Highlands Council's Tendering and Procurement Policy.

RECOMMENDATION 21/02.2023/C**Moved:** Cr**Seconded:** Cr

THAT Council approve the reviewed Policy No. 2016-44 Purchasing and Payment Control.

26.8 POLICY NO. 2015-06 TENDERING AND PROCUREMENT**Report by**

Adam Wilson, Deputy General Manager

The previous Policy No. 2015-06 Tendering and Procurement was approved by Council in January 2020. This Policy applies to all tendering and procurement which the Council is obliged to conduct under the Local Government Act 1993 (the Act). The Policy gives guidance for tendering and procurement procedures.

Central Highlands Council is committed to a tendering and procurement system that will produce the best value for money, quality goods and services to our residents and ratepayers, open and effective competition, enhancement of the capabilities of local business and industry and that treats all tenderers in a timely and fair manner. To help achieve this, this Policy sets out the steps that the Council will follow when procuring and tendering goods, services or works.

To achieve its objective the Council will ensure that the tender process is fair to all parties, and use its best endeavours to demonstrate that fairness to tenderers and potential tenderers. More specifically, it will:

- produce tender documents that clearly specify the Council's required outcomes to allow tenderers to bid for and price work accurately;
- package work put to tender in a manner which encourages competition and the best outcome for residents and ratepayers;
- not participate in, and actively discourage other parties from, improper tendering practices such as collusion, misrepresentation and disclosure of confidential information;
- require any conflict of interest to be disclosed immediately;
- have regard to the cost of tendering to tenderers, residents and ratepayers and seek to constrain that cost.

Council promotes a policy of supporting local business, i.e. within the municipal area, in the first instance where the local business is able to supply goods and services which are equivalent value and standard to external sources.

Council also has the opportunity to procure selected items through NPN (National Procurement Network); a service made available through LGAT. Prices may be significantly lower due to the increased purchasing power and there may also be significant time savings as specifications, tenders and contracts are all dealt with by NPN.

This policy restates the ethical principles applying to all parties in the tendering process and then describes all steps in the tendering process under the headings of obligations of the principal and of tenderers.

Adherence to this code provides for minimum acceptable levels of behaviour from those involved in the tender process but does not minimise all areas of potential risk and associated liability.

RECOMMENDATION 22/02.2023/C**Moved:** Cr**Seconded:** Cr

THAT Council approve the reviewed Policy No. 2015-06 Tendering and Procurement.

26.9 WORKING SHEEP DOG TRIALS - BOTHWELL

The Tasmanian Working Sheep Dog Association has written to Council requesting permission to use the Bothwell Recreation Ground to run sheep dog trials on 3rd to the 5th March 2023.

A booking has been confirmed by the Bothwell Office to hold sheep dog trials at the Bothwell Recreation Ground on 3rd to the 5th March 2023.

The Tasmanian Working Sheep Dog Association has requested that the ground hire fees be remitted as the Tasmanian Working Sheep Dog Association makes a donation to the local school and football club.

RECOMMENDATION 23/02.2023/C

Moved: Cr

Seconded: Cr

THAT permission be given to the Tasmanian Working Sheep Dog Association to hold sheep dog trials at the Bothwell Recreation Ground on 3rd to the 5th March 2023 and to remit the ground hire fees for the Working Sheep Dog Trails event.

26.10 HEALTH AND WELLBEING PLAN 2020-2025 – MONTHLY PROGRESS REPORT

Report by

Katrina Brazendale, Senior Administration/Community Relations Officer

No report was available this month due to staff absenteeism.

For noting

26.11 FINANCE REPORT TO 31 JANUARY 2023

RECOMMENDATION 24/02.2023/C

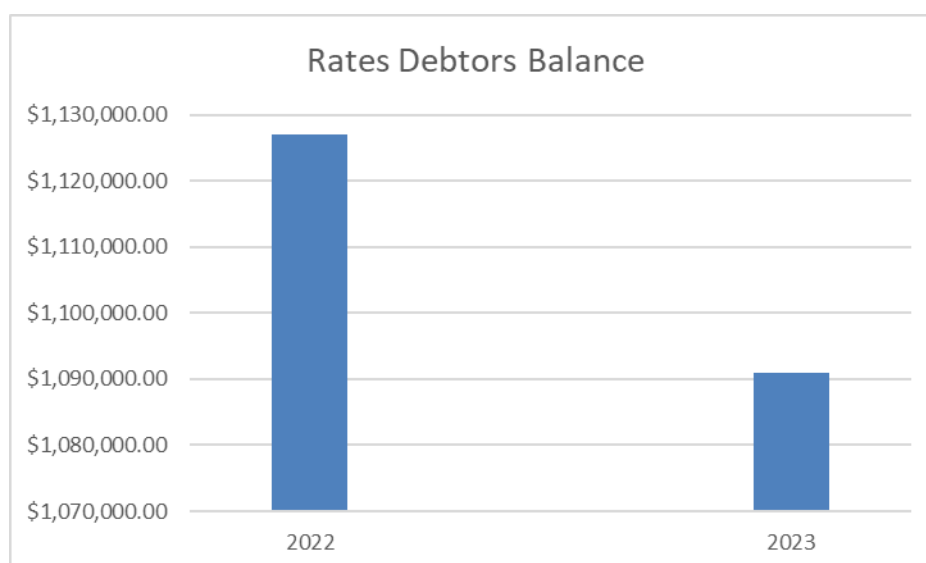
Moved: Cr

Seconded: Cr

THAT the Finance Report to 31 January 2023 be received.

RATES RECONCILIATION AS AT 31 JANUARY 2023




	<u>2022</u>	<u>2023</u>
Rates in Debit 30th June	\$132,481.89	\$100,036.35
Rates in Credit 30th June	-\$132,398.46	-\$139,127.10
Balance 30th June	\$83.43	-\$39,090.75
Rates Raised	\$3,912,121.67	\$4,110,809.76
Penalties Raised	\$21,955.81	\$25,164.48
Supplementaries/Debit Adjustments	\$26,489.46	\$21,627.95
Total Raised	\$3,960,650.37	\$3,979,384.34
Less:		
Receipts to Date	\$2,703,898.71	\$2,744,666.97
Pensioner Rate Remissions	\$101,093.20	\$110,356.31
Remissions/Supplementary Credits	\$28,601.88	\$33,376.03
Balance	\$1,127,056.58	\$1,090,985.03



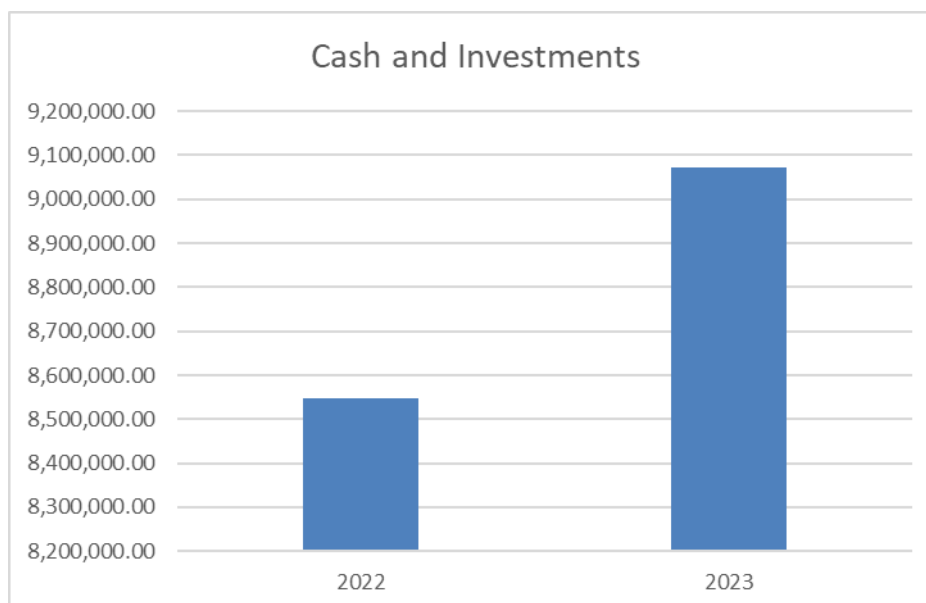
Bank Reconciliation as at 31 January 2023

	2022	2023
Balance Brought Forward	\$9,603,425.11	\$9,553,313.20
Receipts for month	\$133,446.72	\$154,888.48
Expenditure for month	\$1,190,200.91	\$637,108.25
Balance	\$8,546,670.92	\$9,071,093.43
Represented By:		
Balance Commonwealth Bank	\$793,425.51	\$226,363.90
Balance Westpac Bank	\$14,529.66	\$143,478.25
Investments	\$7,738,295.60	\$8,700,281.28
Petty Cash & Floats	\$550.00	\$550.00
	\$8,546,800.77	\$9,070,673.43
Plus Unbanked Money	\$0.00	\$0.00
	\$8,546,800.77	\$9,070,673.43
Less Unpresented Cheques	\$129.85	\$0.00
Unreceipted amounts on bank statements	\$0.00	\$0.00
	\$8,546,670.92	\$9,070,673.43

	BUDGET	ACTUAL TO	ACTUAL TO	% OF BUDGET	BALANCE OF
	2022/2023	31-Jan-22	31-Jan-23	SPENT	BUDGET
CORPORATE AND FINANCIAL SERVICES					
ADMIN HAMILTON	\$1,421,591	\$767,241	\$1,031,018	72.53%	\$390,573
ELECTED MEMBERS EXPENDITURE(A MEH)	\$203,648	\$93,678	\$106,714	52.40%	\$96,934
MEDICAL CENTRES(MED)	\$147,200	\$83,657	\$57,127	38.81%	\$90,073
STREET LIGHTING(STLIGHT)	\$39,600	\$19,058	\$20,752	52.40%	\$18,848
ONCOSTS	\$168,149	\$137,764	\$79,480	47.27%	\$88,669
COMMUNITY & ECONOMIC DEVELOPMENT & RELATIONS(CDR+EDEV)	\$340,850	\$63,945	\$114,686	33.65%	\$226,164
COVID-19		\$5,058	\$835		
TOTAL CORPORATE & FINANCIAL SERVICES	\$2,321,038	\$1,170,401	\$1,410,611	60.78%	\$911,262
DEVELOPMENT AND ENVIRONMENTAL SERVICES					
ADMIN BOTHWELL	\$240,804	\$136,910	\$141,642	58.82%	\$99,162
ENVIRON HEALTH SERVICES (EHS)	\$31,250	\$12,783	\$11,926	38.17%	\$19,323
ANIMAL CONTROL(AC)	\$10,500	\$2,900	\$6,079	57.89%	\$4,421
PLUMBING/BUILDING CONTROL (BPC)	\$141,119	\$60,577	\$74,100	52.51%	\$67,019
SWIMMING POOLS (POOL)	\$39,475	\$27,091	\$15,648	39.64%	\$23,827
DEVELOPMENT CONTROL (DEV)	\$191,000	\$63,645	\$78,390	41.04%	\$112,610
WASTE SERVICES	\$713,294	\$302,370	\$438,082	61.42%	\$275,212
ENVIRONMENT PROTECTION (EP)	\$4,500	\$546	\$168,667	3748.15%	(\$164,167)
TOTAL DEVELOPMENT & ENVIRONMENTAL SERVICES	\$1,371,942	\$606,823	\$934,534	68.12%	\$437,408
WORKS AND SERVICES					
PUBLIC CONVENIENCES (PC)	\$136,000	\$79,879	\$97,725	71.86%	\$38,275
CEMETERY (CEM)	\$18,200	\$13,002	\$11,375	62.50%	\$6,825
HALLS (HALL)	\$60,000	\$37,552	\$32,805	54.67%	\$27,195
PARKS AND GARDENS(PG)	\$64,000	\$44,617	\$45,819	71.59%	\$18,181
REC. & RESERVES(Rec+tennis)	\$84,316	\$52,952	\$51,254	60.79%	\$33,062
TOWN MOWING/TREES/STREETSCAPES(MOW)	\$120,000	\$102,258	\$116,970	97.48%	\$3,030
HOUSING (HOU)	\$71,458	\$50,365	\$63,685	89.12%	\$7,772
CAMPING GROUNDS (CPARK)	\$13,500	\$7,769	\$9,149	67.77%	\$4,351
LIBRARY (LIB)	\$1,400	\$893	\$1,279	91.37%	\$121
ROAD MAINTENANCE (ROAD)	\$885,000	\$620,719	\$845,189	95.50%	\$39,811
FOOTPATHS/KERBS/GUTTERS (FKG)	\$5,000	\$1,136	\$6,210	124.21%	(\$1,210)
BRIDGE MAINTENANCE (BRI)	\$23,289	\$12,613	\$5,857	25.15%	\$17,432
PRIVATE WORKS (PW)	\$85,000	\$50,933	\$53,272	62.67%	\$31,728
SUPER. & I/D OVERHEADS (SUPER)	\$316,800	\$206,470	\$274,346	86.60%	\$42,454
QUARRY/GRAVEL (QUARRY)	(\$25,000)	(\$43,685)	(\$44,910)	179.64%	\$19,910
NATURAL RESOURCE MANAGEMENT(NRM)	\$121,000	\$57,680	\$72,315	59.76%	\$48,685
SES (SES)	\$2,000	\$797	\$12,567	628.33%	(\$10,567)
PLANT MTCE & OPERATING COSTS (PLANT)	\$500,000	\$282,432	\$367,134	73.43%	\$132,866
PLANT INCOME	(\$710,000)	(\$415,614)	(\$474,728)	66.86%	(\$235,272)
DRAINAGE (DRAIN)	\$264,360	\$15,242	\$19,997	7.56%	\$244,363
OTHER COMMUNITY AMENITIES (OCA)	\$27,731	\$22,277	\$26,001	93.76%	\$1,730
WASTE COLLECTION & ASSOC SERVICES (WAS)	\$37,000	\$24,496	\$27,719	74.92%	\$9,281
FLOOD REPAIRS			\$51,617		
TOTAL WORKS & SERVICES	\$2,101,054	\$1,224,782	\$1,672,649	79.61%	\$480,022
DEPARTMENT TOTALS OPERATING EXPENSES					
Corporate Services	\$2,321,038	\$1,170,401	\$1,410,611	60.78%	\$911,262
Dev. & Environmental Services	\$1,371,942	\$606,823	\$934,534	68.12%	\$437,408
Works & Services	\$2,101,054	\$1,224,782	\$1,672,649	79.61%	\$480,022
Total All Operating	\$5,794,033	\$3,002,006	\$4,017,794	69.34%	\$1,828,692

CAPITAL EXPENDITURE					
CORPORATE AND FINANCIAL SERVICES					
Computer Purchases	\$64,500	\$0	\$23,718	32.69%	\$43,416
Equipment	\$131,000	\$27,130	\$5,578	4.26%	\$125,422
Miscellaneous (Municipal Reval etc)	\$120,000	\$0	\$0	0.00%	\$120,000
	\$315,500	\$27,130	\$29,296 	9.29%	\$288,838
DEVELOPMENT & ENVIRONMENTAL SERVICES					
Swimming Pool	\$25,000	\$1,815	\$4,659	18.64%	\$20,341
	\$25,000	\$1,815	\$4,659	18.64%	\$23,185
WORKS & SERVICES					
Plant Purchases	\$547,266	\$33,907	\$342,711	62.62%	\$204,555
Camping Grounds	\$0	\$0	\$0		\$0
Public Conveniences	\$210,000	\$26,272	\$99,252	47.26%	\$110,748
Bridges	\$120,000	\$95	\$17,175	14.31%	\$102,825
Road Construction & Reseals	\$1,972,256	\$1,764,711	\$1,292,332	65.53%	\$679,924
Drainage	\$737,160	\$5,153	\$25,209	0.00%	\$711,951
Parks & Gardens Capital	\$261,000	\$11,722	\$123,134	47.18%	\$137,866
Infrastructure Capital (Moved to Roads)	\$55,000	\$0	\$0	0.00%	\$55,000
Footpaths, Kerbs & Gutters	\$510,000	\$0	\$8,073	1.58%	\$501,927
Rec Grounds	\$0	\$22,784	\$0		\$0
Halls	\$284,000	\$22,031	\$103,577	36.47%	\$180,423
Buildings	\$961,500	\$86,165	\$223,139	23.21%	\$738,361
	\$5,658,182	\$1,972,840	\$2,234,601 	39.49%	\$3,423,581
TOTAL CAPITAL WORKS					
Corporate Services	\$315,500	\$27,130	\$29,296	9.29%	\$286,204
Dev. & Environmental Services	\$25,000	\$1,815	\$4,659	18.64%	\$20,341
Works & Services	\$5,658,182	\$1,972,840	\$2,234,601	39.49%	\$3,423,581
	\$5,998,682	\$2,001,785	\$2,268,557 	37.82%	\$3,730,125

BANK ACCOUNT BALANCES AS AT 31 JANUARY 2023						
No.	Bank Accounts	Investment Period	Current Interest Rate %	Due Date	BALANCE	
					2022	2023
11100	Cash at Bank and on Hand					
11105	Bank 01 - Commonwealth - General Trading Account				793,295.66	226,363.90
11106	Bank 02 - Westpac - Direct Deposit Account				14,529.66	143,478.25
11110	Petty Cash				350.00	350.00
11115	Floats				200.00	200.00
11199	TOTAL CASH AT BANK AND ON HAND				808,375.32	370,392.15
11200	Investments					
11206	Bank 04	30 Days			0.00	-
11207	Bank 05	90 Days	3.32%	3/02/2023	3,654,998.22	2,528,689.57
11207	Bank 06	30 Days	3.67%	6/03/2023		2,029,235.48
11212	Bank 12	30 Days				
11214	Tascorp	180 Days	3.36%	20/03/2023	78,067.05	78,294.58
11215	Bank 15	90 Days				
11216	Bank 16	90 Days	3.87%	13/03/2023	4,005,230.33	4,064,061.65
11299	TOTAL INVESTMENTS				7,738,295.60	8,700,281.28
	TOTAL BANK ACCOUNTS AND CASH ON HAND				8,546,670.92	9,070,673.43



DONATIONS AND GRANTS 2022-23											
Date	Details	Budget	Australia Day, ANZAC Day, Hamilton Show	Childrens Services	Community Grants \ Donations	Event Development and Sponsorship	Further Education Bursaries and School Support	General Items	Church Grants	Tourism	TOTAL
	Community & Economic Development Support	\$5,000									
	Support/Donations	\$5,590									
	Further Education Bursaries	\$1,300									
	Central Highlands School Support	\$3,414									
	Anzac Day	\$6,000									
	Hamilton show	\$5,000									
	Australia Day	\$1,500									
	Church Grants	\$5,000									
	Suicide Prevention Program	\$2,000									
	Anglers Alliance Sponsorship	\$3,000									
	Bothwell Spin-in	\$0									
	Royal Flying Doctor Service	\$1,000									
	Shearing Display Bushfest	\$0									
	Youth Activities	\$5,000									
	Australasian Golf Museum contribution to power	\$5,000									
	South Central Region Projects	\$5,000									
	Local Govt Shared Services Project	\$2,000									
	200 Years of Bothwell Celebration	\$80,000									
	Health & Wellbeing Plan Implementation	\$5,000									
	Visitors Centre	\$5,000									
	Grant assistance	\$15,000									
	Design/concept contractors - Grants	\$25,000									
	Healthy Connect Project	\$10,000									
26/07/2022	Community BBQ - Hamilton	\$200			200.00						200.00
18/08/2022	Donation to 'Safe Beds' Program	\$250			250.00						250.00
26/08/2022	Donation to celebrate 75yrs of the Lions	\$300			300.00						300.00
6/09/2022	Mena Volunteer Ambulance	\$1,500			1,500.00						1,500.00
18/11/2022	All Schools Championships 2022	\$500					500.00				500.00
23/11/2022	Christmas Lolly run 2022 - Gretna Volunteer Fire Brigade	\$150			150.00						150.00
7/12/2022	Grade 6 Leavers 2022	\$136					136.36				136.36
13/12/2022	School Awards - Gift Cards -1	\$200					200.00				200.00
13/12/2022	School Awards - Gift Cards -5	\$250					250.00				250.00
20/12/2022	Bushfest community sites 2022	\$2,010			2,010.00						2,010.00
YEAR TO DATE EXPENDITURE			0.00	0.00	4,410.00	0.00	1,086.36	0.00	0.00	0.00	5,496.36
BUDGET			\$201,300	12,500.00	5,000.00	10,000.00	7,000.00	5,800.00	34,000.00	5,000.00	82,300.00

26.12 TASMANIAN LOCAL GOVERNMENT – ABORIGINAL AUDIT REPORT 2022

Report By

Kim Hossack, General Manager

Back in May 2022, the Local Government Division invited Councils to complete the Tasmanian Local Government Aboriginal Audit – a key action in the Tasmanian Implementation Plan for Closing the Gap (2021–2023) and the Australian Local Government Association Closing the Gap Implementation Plan. Twenty-eight councils responded to this request, including Central Highlands.

Overall, many Councils agree that the development and implementation of an Action Plan is central to achieving the agreed outcomes and targets contained in the National Agreement on Closing the Gap. Councils also agree that engagement with the Aboriginal community is crucial to the development of an effective Action Plan, Policy or Strategy.

Consideration on how this information can be used to inform Local Government's existing and future partnerships; and continuing to explore opportunities for enhanced engagement across the whole sector with Tasmania Aboriginal communities.

A sector-wide discussion on progressing this Audit Report, in conjunction with the Local Government Association of Tasmania will occur shortly. As part of this process, the Aboriginal Partnerships unit in the Department of Premier and Cabinet has also offered to facilitate the presentation of the Audit Report to the Coalition of Peaks.

RECOMMENDATION 25/02.2023/C

Moved: Cr

Seconded: Cr

THAT the Tasmanian Local Government – Aboriginal Audit Report 2022 be received.

26.13 DIRECTIVE LETTER FROM DIRECTOR OF LOCAL GOVERNMENT

Report By

Kim Hossack, General Manager

Council has received a directive letter from the Director of Local Government concerning good governance for all Councillors within our sector. The standard of behaviour as described in the Model Code of Conduct is not optional and all provisions must be complied with. The Director is committed to addressing any ongoing behaviours and complaints.

The letter below is now tabled as per his request -

Dear Mayor

Happy New Year. I trust that 2023 will be a productive and rewarding year for yourself, your fellow councillors/aldermen and for your Council.

As Director of Local Government, I have a statutory responsibility to promote good governance in local government. A key priority for the Office of Local Government in 2023 is to continue to support a positive culture across the sector. This includes striking an appropriate balance between supporting councillors and aldermen to perform their duties well and responding to concerns about behaviour that is impacting negatively on the sector.

Councillors are leaders in their local communities. The Model Code of Conduct adopted by all Councils provides that a councillor must treat all people fairly, must not cause any reasonable person offence or embarrassment, and must not bully or harass any person. A councillor must also listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.

Meeting the standard of behaviour prescribed in the Code is not optional. Section 28U of the Local Government Act 1993 (the Act) provides that, in performing the functions and exercising the powers of his or her office with a council, a councillor is to comply with the provisions of the council's code of conduct.

A significant majority of councillors work within the boundaries of the Code of Conduct and act in the best interests of the council and the community. Unfortunately, however, there have been several examples since the 2022 Local Government elections of behaviour that falls short of the standards set in the Code of Conduct and is impacting negatively on the operation of Councils. This has included:

1. Outbursts of aggression

Councillors must not use anger or aggression when seeking to make or respond to an issue in debate (during or outside of Council meetings). This includes raising their voice aggressively or throwing or dropping meeting papers or other items in an aggressive manner.

Behaviour can be considered aggressive even when not specifically directed towards an individual.

Aggressive behaviour can also include, for example, capitalisation of text in emails and online posts. 2

2. Acts of intimidation

Councillors must not threaten others with adverse action when debating matters within or outside of Council meetings. Councillors should never use fear of reprisal as a tool to persuade others towards a particular position or view.

3. Bullying and harassment

Councillors must not engage repeatedly and forcefully with others in a way that could be considered bullying and harassment, either verbally, in emails or online. This includes frequent exchanges that involve low levels of aggression or intimidation.

4. Accusations of impropriety

Councillors must not accuse others of impropriety without pursuing their claims through appropriate formal channels.

Councillors must also avoid unreasonably inferring or attaching intent or meaning to the actions of others for the purposes of damaging their reputation or lessening the value of their contribution to a discussion or debate.

5. Disruptive behaviour

Councillors must allow others to speak freely and succinctly without interjection or interruption.

Acting respectfully does not mean always agreeing with others. Indeed, robust debate and inquiry is in the interest of democracy and the communities we serve. I encourage all councillors to hold both fellow councillors and the general manager to account for performing their functions well but reinforce that this must be done constructively and respectfully.

Page 36 of the Good Governance Guide for Local Government outlines the importance of building effective relationships. It encourages all councillors to treat others with respect, to clearly understand their role and the role of others and to follow communication protocols. A copy of the Guide is available on the Department of Premier and Cabinet's website and can be accessed here: [Good-Governance-Guide-4-August-2022](#). A new online module focussed on building respectful relationships is also being developed as part of the new Learning and Development Framework and will be available in February 2023.

Consistent with the recently agreed reforms to the Code of Conduct Framework for Local Government, it is expected that issues associated with behaviour are addressed locally wherever possible. This may include using local dispute resolution processes or, for example, using meeting procedures to address disruptive or unruly behaviour. Regulation 40 of the Local Government (Meeting Procedures) Regulations 2015 authorises the chairperson to suspend a councillor for all or part of a meeting if a councillor:

- (a) makes a personal reflection about another councillor or an employee of the council and refuses to apologise; or*
- (b) interjects repeatedly; or*
- (c) disrupts the meeting and disobeys a call to order by the chairperson.*

The Code of Conduct process is available to address concerns about negative behaviour that cannot be resolved locally. Any person, elected or otherwise, can lodge a Code of Conduct complaint. A Bill is currently before Parliament to make agreed changes to the code of conduct process to ensure that it can effectively respond to concerns as they arise. 3

As Director of Local Government, I have a statutory responsibility to use the tools available in the Act to support the efficient and effective operation of local government. I am committed to using these tools to address any ongoing behaviour that cannot be managed through local action. This may include lodging Code of Conduct complaints against offending councillors or alderman. It may also involve recommending to the Minister that a Performance Improvement Direction is issued under Part 12B of the Act. I do not expect to use these tools frequently but will intervene where I consider that negative behaviour is seriously undermining the ability of the Council to function effectively. It would be greatly appreciated if you could circulate this letter to all councillors/aldermen in your Council for their information and consideration and table a copy of the letter at your next Council meeting.

*Kind regards
Mathew Healey
Director
19 January 2023
CC: Ms Kim Hossack, General Manager*

RECOMMENDATION 26/02.2023/C

Moved: Cr

Seconded: Cr

THAT the directive letter from the Director of Local Government dated 19 January 2023 be received and noted by all Councillors.

27. SUPPLEMENTARY AGENDA ITEMS

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council by absolute majority may decide to deal with a matter that is not on the agenda if, where the General Manager has reported either:

- a) The reason it was not possible to include the matter on the agenda;
- b) That the matter is urgent; or
- c) That advice of a qualified person has been obtained and taken into account in providing advice to Council under Section 65 of the *Local Government Act 1993*.

RECOMMENDATION 27/02.2023/C

Moved: Cr

Seconded: Cr

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

28. CLOSURE