

Council Meeting Agenda

15th October 2024

Bothwell Council Chambers

Notice of Meeting of Council – Tuesday 15th October 2024

To Councillors,

In accordance with the Local Government (Meeting Procedures) Regulations 2015, Notice is hereby given, that an Ordinary Meeting of Central Highlands Council is scheduled to be held in the Council Chamber, **Bothwell** on **Tuesday 15th October 2024**, commencing at **9.00am** with the business of the meeting to be in accordance with the following agenda paper.

In accordance with the Local Government (Meeting Procedures) Regulations 2015 Part 2, Division 1, a notice of the meeting was published on the Council website on 1 August 2024.

General Manager's Certification

PURSUANT to Section 65 (1) of the Local Government Act 1993, I hereby certify, with respect to the advice, information and/or recommendation provided for the guidance of Council in this Agenda, that:

- A. such advice, information and/or recommendation has been given by a person who has the qualifications or experience necessary to give such advice; and
- B. where any advice is given by a person who does not have the required qualifications or experience, that person has obtained and taken into account the advice from an appropriately qualified or experienced person.

Section 65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.

Dated at Hamilton this **10th** day of **October 2024**.



Stephen Mackey
Acting General Manager

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The meeting commenced at ____ a.m.

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 without prior approval being granted.

ACKNOWLEDGEMENT OF COUNTRY

I acknowledge and pay respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of this land on which we gather today and acknowledge and pay respect to Elders, past, present and emerging.

CONDUCT OF COUNCIL MEETING

Central Highlands Council takes safety seriously. We have a duty to ensure that we provide a safe workplace for our Employees, Councillors, Contractors and members of the public while present at Council's workplaces.

These premises form part of the Council's workplace, and it is expected that everyone who attends Council meetings will behave in a polite and respectful manner. People should refrain from using offensive or derogatory language or comments and not be aggressive, threatening or speak in a hostile manner.

1. PRESENT

1.1 IN ATTENDANCE

1.2 APOLOGIES

2. MINUTES

2.1 CONFIRMATION OF DRAFT ORDINARY COUNCIL MEETING MINUTES – 17 SEPTEMBER 2024

RECOMMENDATION 01/10.2024/C

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Ordinary Meeting of Council held on Tuesday 17 September 2024 be confirmed.

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to confirm the Council Minutes of the previous month. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

2.2 RECEIVAL OF DRAFT OF PLANNING COMMITTEE MEETING MINUTES – 8 OCTOBER 2024

RECOMMENDATION 02/10.2024/C

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 8 October 2024 be received.

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to receive the Planning Committee Minutes. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

2.3 RECEIVAL OF DRAFT AUDIT PANEL MEETING MINUTES – 7 OCTOBER 2024

RECOMMENDATION 03/10.2024/C

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Audit Panel Meeting of Council held on Monday 7 October 2024 be received.

Attachment – Draft Minutes

PURPOSE

The purpose of the report is to receive the Audit Panel Meeting Minutes. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

2.4 RECEIVAL OF DRAFT BOTHWELL SWIMMING POOL COMMITTEE MEETING MINUTES – 7 OCTOBER 2024

RECOMMENDATION 04/10.2024/C

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Bothwell Swimming Pool Committee Meeting held on Monday 7 October 2024 be received.

DISCUSSION

At the Swimming Pool special Committee Meeting held on the 7 October 2024 the following motion was passed.

That the following season details be adopted **Free Admission to Pool for Season 2024/25**.

Under the *Local Government Act 1993*, section 205 gives the power to make fees and charges to council. As I am unable to find any recommendation from council that has given this power to set fees and charges for the use of the Bothwell Swimming Pool to the Swimming Pool Special committee then the decision in my view is invalid.

I therefore advise that the recommendation of the Swimming Pool Special Committee cannot overturn a lawful decision already made by Council under section 205 of the *Local Government Act 1993* and that is as follows:

Fee Schedule

As part of Council's Annual Budget deliberations, the following fees and charges have been adopted for the 2024/2025 Season:

- Family Season Ticket- \$164.00
- Family Concession Ticket -\$120.00
- Adult Season Ticket _ \$90.00
- Junior/Pensioner Season Ticket _\$50.00
- Adult Day Pass -\$6.00
- Junior/Pensioner Day Pass -\$5.00
- Afternoon or Evening Session Adult Ticket _ \$4.00
- Afternoon or Evening Session Junior/Pensioner Ticket - \$2.00

Recommendation to Council 02/10.2024/BSPC

Moved: Jim Poore

Seconded: Susan Webb

THAT the following season details be adopted with **Free Admission to Pool for Season 2024/2025**

Season Opening Date – Friday 20th December 2024

Closing Date – To be determined

Operating Hours – 1.00pm to 6.00pm seven days a week, weather permitting.

CARRIED

RECOMMENDATION 06/10.2024/C**Moved:** Cr**Seconded:** Cr

THAT Council allocate \$500.00 towards the Australia Day Celebrations at the Bothwell Swimming Pool, with the funds coming from the Australia Day budget.

The Pool Lifeguard has held an Australia Day Celebration, with funding from Council in past years. This has included hiring / purchasing inflatable items and holding a BBQ.

Recommendation to Council 03/10.2024/BSPC**Moved:** Susan Webb**Seconded:** Graham Rogers

THAT the Bothwell Swimming Pool Committee recommend that Council allocate \$500 towards an Australia Day Celebration to be held on Sunday 26th January 2025.

CARRIED**Attachment – Draft Minutes****PURPOSE**

The purpose of the report is to receive the Bothwell Swimming Pool Committee Meeting Minutes and to bring forward any recommendations to council for approval. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

2.5 RECEIVAL OF DRAFT INDEPENDENT LIVING UNITS COMMITTEE MINUTES – 2 OCTOBER 2024**RECOMMENDATION 07/10.2024/C****Moved:** Cr**Seconded:** Cr

THAT the Draft Minutes of the Independent Living Units Committee Meeting held on Wednesday 2 October 2024 be received and the recommendations adopted.

Attachment – Draft Minutes**PURPOSE**

The purpose of the report is to receive the Independent Living Unit Committee Meeting Minutes. Copies of the minutes have been previously circulated to Councillors prior to the meeting.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

RECOMMENDATION 08/10.2024/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.

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*.

4. DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST BY COUNCILLORS AND STAFF

4.1 DECLARATIONS OF PECUNIARY INTEREST

PURPOSE

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.

4.2 DECLARATIONS OF CONFLICT OF INTEREST

PURPOSE

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.

5. NOTIFICATION OF COUNCIL WORKSHOP(S) HELD

RECOMMENDATION 09/10.2024/C

Moved: Cr

Seconded: Cr

THAT the Council notes the following Council Workshop conducted by Council since its last ordinary Council meeting.

Date	Attendance	Purpose
8/10/2024	<p>Present: Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.</p> <p>Mr Stephen Mackey (Acting General Manager) and Mr Paul West (Independent Advisor).</p> <p>Apologies: Nil</p>	<p><i>Discussions undertaken on the following items:-</i></p> <ul style="list-style-type: none"> • <i>Telstra</i> • <i>Motion(s) to the next LGAT General Meeting</i> • <i>Anglican Diocese Tasmania St Michaels and all Angels' Church Bothwell.</i> • <i>Finance Committee formation.</i> • <i>Granville Harbour Windfarm on the West Coast.</i> • <i>Ouse School</i> • <i>Osterley Church Cemetery</i> • <i>Jetty Lake Crescent</i> • <i>Councillors Learning Packages.</i>

PURPOSE

The purpose of the report is to note the Council Workshop(s).

5.1 FUTURE WORKSHOP(S)

PURPOSE

The purpose of the report is for Councillors to note the Council Workshop date(s).

The proposed next Council Workshop will be held on the following date(s).

- TBC

6. CLOSURE OF THE MEETING TO THE PUBLIC

RECOMMENDATION 10/10.2024/C

Moved: Cr

Seconded: Cr

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

Item Number	Matter	Outcome
2.1	<i>Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 17 September 2024.</i>	<i>Regulation 15 (2)(G) of the Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential.</i>
4.1	<i>Rates Exemption Request</i>	<i>Regulation 15 (4)(a)(b) of the Local Government (Meeting Procedures) Regulations 2015 – legal action taken by or involving council; or possible future legal action that may be taken or may involve the Council).</i>
4.2	<i>Notice of Motion – Independent Facilitator Contract Arrangement</i>	<i>Regulation 15 (2)(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential</i>
4.3	<i>Solar Farm Project by Weasel Solar Farm Pty Ltd</i>	<i>Regulation 15 (2)(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential</i>
4.4	<i>Acting General Manager – Extension of Appointment</i>	<i>Regulation 15 (2)(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential</i>

PURPOSE

Under 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.

MEETING CLOSED to the public at ____ am.

7. RE-OPEN MEETING TO THE PUBLIC

The meeting re-opened to the public at ____am. The Mayor again advises, 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 without prior approval being granted.

8. PUBLIC RELEASE ANNOUNCEMENT(S)

The Chairperson announced that pursuant to Regulation 15(8)(9) of the Local Government (Meeting Procedures) Regulations 2015 and having considered privacy and confidential issues, the Council authorised the release to the public of the following discussions, decisions, reports or documents relating to the closed meeting:

Item Number	Matter	Decision
2.1	<i>Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 17 September 2024.</i>	
4.1	<i>Rates Exemption Request</i>	
4.2	<i>Notice of Motion</i>	
4.3	<i>Solar Farm Project by Weasel Solar Farm Pty Ltd</i>	
4.4	<i>Acting General Manager – Extension of Appointment</i>	

9. 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 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.

10. PETITIONS / DEPUTATIONS / PRESENTATIONS

10.1 PETITIONS

Nil

10.2 DEPUTATIONS

Nil

10.3 PRESENTATIONS

Nil

11. NOTICE OF MOTIONS

PURPOSE

Under Regulation 16 of the Local Government (Meeting Procedures) Regulations 2015 relating to Motions on Notice. It states the following:

- (5) *A Councillor may give to the general manager, at least 7 days before a meeting, give written notice of a motion, together with supporting information and reasons, to be included on the agenda of that meeting.*

Nil

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

The Chairperson is to advise the meeting if the Council (or a Council Committee) intends to act at a meeting as a Planning Authority under the *Land Use Planning and Approvals Act 1993*.

The General Manager is to ensure that the reasons for a decision by the Council (or a Council Committee) acting as a Planning Authority are recorded in the minutes.

Any alternative decision the Council may make to a recommendation appearing on the Agenda requires a full statement of reasons in order to maintain the integrity of the planning approval process and to comply with the requirements of the *Judicial Review Act 2000*.

12.1 DEVELOPMENT APPLICATION (DA2024/00003) BOUNDARY REORGANISATION 580 AND 575 DAWSON ROAD (CT179591/7) OUSE SUBMITTED BY DG POTTER SURVEYOR ON BEHALF OF SUNRAY STRAWBERRIES LTD AND RL & KL CRAWFORD

RECOMMENDATION 11/10.2024/C

Moved: Cr

Seconded: Cr

THAT, in accordance with the provisions of the *Tasmanian Planning Scheme – Central Highlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA2024/03) for subdivision (boundary adjustment) on land at 575 and 580 Dawson road, Ouse at Lot 2 owned by RL & KL Crawford and Sunray Strawberries P/L. subject to conditions detailed below.

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. The development and works must be carried out in accordance with:
Bushfire Hazard Report, Richard Dawson Boundary Adjustment 580 & Lot 7 Dawson Road Ouse 7140 dated April 2024 (version 2.0)
3. 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.

Easements

4. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Manager Environment and Development Services. The cost of locating and creating the easements shall be at the subdividers full cost.

Covenants

5. 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.

Final plan

6. 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.
7. A fee of \$315.00, 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.
8. 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 subdividers responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
9. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Access

10. Unless approved otherwise by Council's General Manager the existing vehicular access to the portion of 580 Dawson Road that is to be adhered to 575 Dawson Road must be durable all-weather surface with a minimum width of 3 metres at the property boundary to the Road and must comply with Standard Drawings TSD-R03-v1 Rural Roads Typical Property Access, TSD-R04-v1 Rural Roads Typical Driveway Profile and TSD-RF01-v1 Guide To Intersection And Domestic Access Sight Distance and to the satisfaction of Council's General Manager. Or as otherwise required by the approved Bushfire Hazard Report & Plan.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

Legal:

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

Asset Protection:

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

Other Approvals:

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

Generally:

- N. All engineering related queries should be directed to the Works & Services Manager. The Council General Manager has delegated functions relevant to the permit to the Works & Services Manager.

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

REPORT BY

Senior Planning Officer, Grant Finn

Attachments

- Development Application documents
- Agronomy report – prepared by Nicholbrook Consulting
- Bushfire Hazard report – prepared by Chris Lyne (date April 2024)

TPS DISCRETIONS

20.5.1 – Lot Design

21.5.1 – Lot Design

PROPOSAL

The applicant DG Potter Surveyor on behalf of the owners, Sunray Strawberries Ltd and RL & KL Crawford have applied for a Permit under the Land Use Planning and Approvals Act 1993 (“the Act”) to undertake an adjustment (reorganisation) of existing property boundaries on land at 575 and 580 Dawson Road, Ouse.

The proposal is for a boundary reorganisation between the existing titles to enable the excision of 9.2ha of productive Class 4 land from 580 Dawson Road being adhered to 575 Dawson Road, Ouse. The purpose of the application is for increased horticultural production.

580 Dawson Road is zoned Rural whilst 575 Dawson Road is zoned Agriculture.

Water rights held by Sunray Strawberries allow for the development and intensive horticulture on a parcel of land that is currently dryland grazing.

The application has been lodged under the Tasmanian Planning Scheme – Central Highlands (“the Planning Scheme”).

The land is zoned Rural and Agriculture and is affected by the following Planning Code overlays:

- Low landslip hazard band,
- Waterway and Coastal protection area, and
- Bushfire-prone areas

The proposal is to be assessed against both the development standards of the zone and applicable Codes within the Planning Scheme and the LPS. These matters are described and assessed in this report.

This is a discretionary application under the Planning Scheme. The Council gave notice of the application for public comment as required by the Act. During the notification period no representations were received from members of the public.

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

THE SITE

580 Dawson Road, Ouse is situated on the southern side of Cluny Lagoon approximately 4km from the Ouse township. It is bordered by HEC title to the north encompassing Cluny lagoon, Rural zoned land to the west and east and Agriculture zoned land owned by Sunray Strawberries PL to the south.

580 Dawson Road has a total area of 23.95ha whilst 575 Dawson Road is 31.48ha but forms part of a property of 4 Titles totalling 100.97ha owned and operated by Sunray Strawberries.

The land is currently vacant and is used as paddocks. The vegetation species are predominantly exotic and the site has been modified.



Map 1_The subject land on the northern side of Dawson Road is zoned Rural. Land to the south including 575 Dawson Road is in the Agriculture Zone (brown). Source: LISTmap (taken on 30/09/2024)



Map 2_The land is subject to the following overlays, with Bush-fire prone being applicable
Source: LISTmap (taken on 30/9/2024).



Map 3 _ Aerial image of the subject land and surrounding area.
Source: LISTmap (taken on 30/9/2024)

THE APPLICATION

In addition to the DA form and Certificate of Title documents, the Applicant has submitted the following in support of the proposed development:

- Cover Letter from DG Potter Surveyor
- Bushfire Hazard report – prepared by Chris Lyne (date April 2024)
- Agronomy report – prepared Nicholbrook Horticultural Consulting (date August 2024)

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined as a boundary adjustment under the Planning Scheme.

The provisions of Part 7.3 – Adjustment of a Boundary provide for the following:

7.3 Adjustment of a Boundary

7.3.1 An application for a boundary adjustment is Permitted and a permit must be granted if:

- (a) no additional lots are created;
- (b) there is only minor change to the relative size, shape and orientation of the existing lots;
- (c) no setback from an existing building will be reduced below the relevant Acceptable Solution setback requirement;
- (d) no frontage is reduced below the relevant Acceptable Solution minimum frontage requirement;
- (e) no lot is reduced below the relevant Acceptable Solution minimum lot size unless already below the minimum lot size; and
- (f) no lot boundary that aligns with a zone boundary will be changed.

I note that Part 7.3.1(b) refers to 'only a minor change to the relative size' whereas in this instance the proposal seeks to excise 9.20ha from 580 Dawson Road and its adhesion to 575 Dawson Road. It has been determined that this does not constitute a 'minor change to the relative size.'

As such the proposal is to be assessed as a Subdivision where the reliance on Performance Criteria defaults to a Discretionary Development activity status.

Council therefore has the discretion to grant a permit for this proposal with or without conditions, or refuse to grant a permit subject to the notification and determination provisions of the Act.

Use/Development Status under the Planning Scheme

The application was advertised in accordance with Section 57(3) of the Act.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised in The Mercury Newspaper on 16th September 2024 for a period not exceeding 14 days.

No representations were received during the 14 day notification period which expired on 30 September 2024.

ASSESSMENT – TASMANIAN PLANNING SCHEME – CENTRAL HIGHLANDS

Zone & Overlays

The subject site is zoned both Rural and Agriculture and the following overlays also affect the sites:

- Low landslip hazard band
- Waterway and coastal protection
- Bushfire-prone areas

The purpose of the Rural Zone is as follows:

20.1 Zone Purpose

The purpose of the Rural Zone is:

- 20.1.1 To provide for a range of use or development in a rural location:
 - (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;
 - (b) that requires a rural location for operational reasons;
 - (c) is compatible with agricultural use if occurring on agricultural land; and
 - (d) minimises adverse impacts on surrounding uses.
- 20.1.2 To minimise conversion of agricultural land for non-agricultural use.
- 20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

The purpose of the Agriculture Zone is as follows:

21.1 Zone Purpose

The purpose of the Agriculture Zone is:

- 21.1.1 To provide for the use or development of land for agricultural use.
- 21.1.2 To protect land for the use or development of agricultural use by minimising:
 - (a) conflict with or interference from non-agricultural uses;
 - (b) non-agricultural use or development that precludes the return of the land to agricultural use; and
 - (c) use of land for non-agricultural use in irrigation districts.
- 21.1.3 To provide for use or development that supports the use of the land for agricultural use.

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

<p>20.5 Development Standards for Subdivision 20.5.1 Lot Design Objective: To provide for subdivision that: (a) relates to public use, irrigation or utilities (b) facilitates use and development for allowable uses in the zone</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, a council or a State authority; (b) be required for the provision of Utilities or irrigation infrastructure;</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have sufficient useable area and dimensions suitable for the intended purpose, excluding Residential or Visitor Accommodation, that:</p>	<p>Acceptable Solution A1 cannot be met. The 9.20ha area of land to be excised from 580 Dawson Road is to be adhered to 575 Dawson Road.</p>

<p>(c) be for the consolidation of a lot with another lot provided each lot is within the same zone; or</p> <p>(d) be not less than 40ha with a frontage of no less than 25m and existing buildings are consistent with the setback and separation distance required by clause 20.4.2 A1 and A2</p>	<p>(i) requires the rural location for operational reasons;</p> <p>(ii) minimises the conversion of agricultural land for a non-agricultural use;</p> <p>(iii) minimises adverse impacts on non-sensitive uses on adjoining properties; and</p> <p>(iv) is appropriate for a rural location; or</p> <p>(b) be for the excision of a dwelling or Visitor Accommodation existing at the effective date that satisfies all of the following:</p> <p>(i) the balance lot provides for the sustainable operation of a Resource Development use, having regard to:</p> <p>a. not materially diminishing the agricultural productivity of the land;</p> <p>b. the capacity of the balance lot for productive agricultural use; and</p> <p>c. any topographical constraints to agricultural use;</p> <p>(ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;</p> <p>(iii) the existing dwelling or Visitor Accommodation must meet the setbacks required</p>	<p>The purpose of the application is to increase the area under horticultural production.</p> <p>The subject land is currently being transformed from forestry to intensive horticultural production.</p> <p>The productive capacity of the Class 5 land will be enhanced through this subdivision proposal. If this 9.2ha were to remain as part of the current property it will have reduced growing potential.</p> <p>Contrastingly, as an addition to 575 Dawson Road the productive capacity would be much greater. The increased size, access to irrigation water, plant and equipment and management resources under the purchase proposal will allow this 9.2ha much greater value to primary production.</p> <p>The agronomy report states that <i>'580 Dawson road title is predominantly Class 4s and the balance Class 5 which is not suitable for cropping. Whilst the area of Class 4 is suitable for cropping, unless irrigation is available it is also only suitable for grazing, which is the current situation.'</i></p> <p>The utilisation of water rights and infrastructure that Sunray Strawberries possesses enables the 9.20ha portion of land to also be developed. This portion of land is currently under-utilised as dryland grazing.</p> <p>As the agricultural productivity of either</p>
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<p>A2. Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>by subclause 20.4.2 A2 or P2 in relation to setbacks to new boundaries;</p> <p>(iv) it is demonstrated that the new lot will not unreasonably confine or restrain the operation of any adjoining site used for agricultural use; and</p> <p>(c) be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ol style="list-style-type: none"> i. the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; ii. the topography of the site; iii. the functionality and useability of the frontage; iv. the anticipated nature of vehicles likely to access the site; v. the ability to manoeuvre vehicles on the site; vi. the ability for emergency services to access the site; and (vii) the pattern of development existing on established properties in the area. <p>P2 Each lot, or a lot proposed in a plan of subdivision, is provided with reasonable vehicular access to a boundary of a lot or building</p>	<p>property will not be materially diminished through this boundary adjustment this proposal meets the requirements of P1 (a).</p> <p>In terms of P1 (a) (iii), irrigation is currently available to the 575 Dawson Road (Sunray Strawberries property) and not available of 580 Dawson Road. With the adhesion of the 9.20ha of Class 4 land to 580 Dawson Road it will enable irrigation of this land parcel.</p> <p>The subject lots have existing access and frontage arrangements with Dawson Road which is a gravel constructed, Council maintained road.</p> <p>Each lot will retain existing accesses.</p> <p>P1(c) is both satisfied and met.</p> <p><i>As per P1(c) above, A2 is satisfied.</i></p>
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	<p>area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic, including pedestrians; and (d) the pattern of development existing on established properties in the area 	
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<p>21.5 Development Standards for Subdivision 21.5.1 Lot Design Objective: To provide for subdivision that: (a) relates to public use, irrigation or utilities (b) protects the long term productive capacity of agricultural land</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, a council or a State authority; (b) be required for the provision of Utilities or irrigation infrastructure; or (c) be for the consolidation of a lot with another lot provided both lots are within the same zone.</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, must: (a) provide for the operation of an agricultural use, having regard to: (i) not materially diminishing the agricultural productivity of the land; (ii) the capacity of the new lots for productive agricultural use; (iii) any topographical constraints to agricultural use; and (iv) current irrigation practices and the potential for irrigation; (b) be for the reorganisation of lot boundaries that satisfies all of the following: (i) provides for the operation of an agricultural use, having regard to: a. not materially diminishing the agricultural</p>	<p>(i) As detailed above, the productive capacity of the Class 4 land will be enhanced through this subdivision proposal and its ability to access irrigation.</p> <p>The balance 15ha will remain pastured with no access to irrigation. This land will remain under the current land use of occasional grazing and will be unaffected by the proposed excision as the different land uses are subdivide and adhered for productive capacity and management efficiency.</p> <p>It is not considered that the agricultural productivity of 580 Dawson Road will be materially diminished.</p> <p>(ii) The new lots will result in enhanced capacity for productive</p>

	<p>productivity of the land;</p> <p>b. the capacity of the new lots for productive agricultural use;</p> <p>c. any topographical constraints to agricultural use; and</p> <p>d. current irrigation practices and the potential for irrigation;</p> <p>(ii) all new lots must be not less than 1ha in area;</p> <p>(iii) existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2;</p> <p>(iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; and</p> <p>(v) it does not create any additional lots; or</p> <p>(c) be for the excision of a use or development existing at the effective date that satisfies all of the following:</p> <p>(i) the balance lot provides for the operation of an agricultural use, having regard to:</p> <p>a. not materially diminishing the agricultural productivity of the land;</p> <p>b. the capacity of the balance lot for productive agricultural use;</p> <p>c. any topographical constraints to agricultural use; and</p>	<p>horticultural uses on 575 Dawson road for the reasons outlined in 21.5.1 P1 (a) (i).</p> <p>(iii) The proposal provides a more appropriate division of land use classes given the existing supporting infrastructure that is required for horticultural production. As both properties will retain their relevant infrastructure to continue their respective enterprise operations after the completion of the boundary adjustment, it is considered that this proposal meets the requirements of 21.5.1 P1 (a) (iii).</p> <p>(iv) Irrigation is available to 575 Dawson Road and Sunray Strawberries are developing the neighbouring property predominantly for runner production on the basis of large water rights from the Derwent River. The adherence to the neighbouring property is the best option to enable irrigation for the land satisfying the requirement of 21.5.1 (a) (iv).</p>
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<p>A2. Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>d. current irrigation practices and the potential for irrigation;</p> <p>(ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;</p> <p>(iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and</p> <p>(iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use</p> <p>P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the distance between the lot or building area and the carriageway;</p> <p>(c) the nature of the road and the traffic, including pedestrians; and</p> <p>(d) the pattern of development existing on established properties in the area.</p>	<p>Each lot will retain existing accesses.</p> <p>This proposal meets the requirements of 21.5.1 A2.</p>
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Summary

Sections 20 and 21 of the TPS address development of land in the Rural and Agriculture Zones to among other things protect land for the use or development for agricultural use. The following points are observed:

1. The reason for the subdivision proposal is for Sunray Strawberries to purchase a 9.20ha paddock adjacent to their property. This land is classified as Class 4 that continues into 575 Dawson Road. This property is currently being transformed from forestry to intensive horticultural production. The utilisation of water rights and infrastructure that Sunray possesses enables this portion of land to also be developed. It is currently under-utilised as dry-land grazing.
2. This proposal meets the requirements of 20.5.1 P1 (a), (b), (c) and 21.5.1 P1 (a) i, ii, iii & iv. The subdivision proposal will not materially diminish the agricultural productivity of the land. In fact, the productive capacity of 575 Dawson Road will be enhanced as access to irrigation and management resources will be applied. The agricultural productivity of the 15ha balance will remain unaffected as it can continue as dryland pasture based grazing system.
3. This proposal also meets the requirements of 20.5.2 A2 and 21.5.2 A2. Both properties will maintain current road accesses sufficient for intended land uses.
4. No news lots will be created under this proposal.

CODE ASSESSMENT – TASMANIAN PLANNING SCHEME – CENTRAL HIGHLANDS

C7.0 Natural Assets Code

The application of this Code applies to development on land within a Waterway & Coastal Protection Area and a Priority Vegetation within both the Rural and Agriculture Zones.

<p>C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area That:</p> <p>(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>Officer Comment</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:</p> <p>(a) be for the creation of separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</p> <p>(a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a</p>	<p>A small section of 580 Dawson Road on the northern boundary is within the Priority Vegetation Area. A section of the Balance lot is within the Waterway & Coastal Protection Area.</p> <p>As there is no works proposed within these areas, the proposal meets the Acceptable Solution A1.</p>

<p>(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.</p>	<p>future coastal refugia area; and (b) future development likely to be facilitated by the subdivision.</p>	
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C13.0 Bushfire Prone Area Code

This code applies to subdivision of land that is located within a bushfire-prone area, which the property is located within.

A Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan for the proposed defacto subdivision (boundary adjustment), has been prepared by David Lyne (certificate No. 1501/24), dated April 2024 (version 2.0) 2023, was provided with the Development Application. This report makes several recommendations which form a part of the planning conditions of the permit and which must be completed prior to Council sealing the final plan of survey.

The assessment against the relevant development standards of the code is provided in the following tables.

<p>C13.4 Use or Development Exempt from this Code</p>		
<p>C13.4.1 The following use or development is exempt from this code:</p>		
<p>(a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures; and (b) adjustment of a boundary in accordance with clause 7.3 of this planning scheme</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1 N/A</p>	<p>P1 N/A</p>	<p>The proposal generally accords with the provisions of Clause 7.3 insofar as no additional lots are to be created, however it has been determined the reconfiguration does not constitute ‘...only a minor change to the relative size, shape and orientation of the existing lots.’</p> <p>The provided Report/Certificate confirms the following: ‘Insufficient increase in risk.’</p>

Development Standards - Subdivision
C13.6.1 Provision of hazard management areas

<p>Objective: That subdivision provides for hazard management areas that:</p> <p>(a) facilitate an integrated approach between subdivision and subsequent building on a lot;</p> <p>(b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</p> <p>(c) provide protection for lots at any stage of a staged subdivision.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all</p>	<p>P1</p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p> <p>(a) the dimensions of hazard management areas;</p> <p>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS.</p>	<p>A Bushfire Hazard Assessment Report is provided with a Certificate under Section 51 (2) (d) of the Act that requires the Planning Authority <u>must accept</u> any certificate issued by an accredited person that certifies the plans provided are acceptable to manage/mitigate risk or that the development will result in an insufficient risk from the hazard.</p> <p>The provided Report/Certificate confirms the following: <i>'Insufficient increase in risk.'</i></p> <p>The proposal therefore complies with Acceptable Solution A1.</p>

<p>the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.6 of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone Areas; and</p> <p>(c) if hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan</p>		
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Development Standards - Subdivision
C13.6.2 Subdivision: Public and fire-fighting access

Objective:
 Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, firefighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire-fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>P1</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>(a) appropriate design measures, including:</p> <ul style="list-style-type: none"> (i) two way traffic; (ii) all weather surfaces; (iii) height and width of any vegetation clearances; (iv) load capacity; (v) provision of passing bays; (vi) traffic control devices; (vii) geometry, alignment and slope of roads, tracks and trails; (viii) use of through roads to provide for connectivity; (ix) limits on the length of cul-de-sacs and dead-end roads; (x) provision of turning areas; (xi) provision for parking areas; (xii) perimeter access; and (xiii) fire trails; <p>(b) the provision of access to:</p> <ul style="list-style-type: none"> (i) bushfire-prone vegetation to permit the undertaking of hazard management works; and (ii) fire-fighting water supplies; and <p>(c) any advice from the TFS.</p>	<p>The provided Report/Certificate confirms the following: <i>'Insufficient increase in risk.'</i></p> <p>The proposal therefore complies with Acceptable Solution A1 (a).</p>

Development Standards - Subdivision C13.6.3 Subdivision: Provision of water supply for fire-fighting purposes		
<p>Objective: Adequate, accessible and reliable water supply for the purposes of fire-fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire-fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	<p>P1 No Performance Criterion.</p>	<p>N/A as the subject site is not serviced.</p>
<p>A2 In areas that are not serviced by reticulated water by the water corporation:</p> <p>(a) The TFS or an accredited person</p>	<p>P2 No Performance Criterion.</p>	<p>The provided Report/Certificate confirms the following: <i>'Insufficient increase in risk.'</i></p> <p>The proposal therefore complies with Acceptable Solution A2 (a).</p>

<p>certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire-fighting purposes;</p> <p>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire-fighting, will be provided and located compliant with Table E5; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>		
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C15.0 Landslip Hazard Code

The purpose of this code is to ensure a tolerable risk can be achieved and maintained for the type, scale and intensity of use or development on land within a landslip hazard area.

The proposal is exempt from this code, as the development is subdivision within a low landslip hazard band and does not involve significant works.

CONCLUSION

The report has assessed a Development Application (DA2024/03) for subdivision (boundary adjustment) on land at 575 and 580 Dawson Road, Ouse owned by RL & KL Crawford and Sunray Strawberries P/L.

No representations were received.

The proposal has been found to comply with all the relevant standards of the Rural and Agriculture Zones and the applicable Codes.

It is recommended that the application be approved and a permit issued with conditions and advice.

PLANNING COMMITTEE CONSIDERATION

This item was considered at the Planning Committee Meeting held on Tuesday 08th October 2024 with the Planning Committee making the following recommendation to Council acting as the Planning Authority.

13. ORDINARY COUNCIL MEETING RESUMED**RECOMMENDATION 12/10.2024/C****Moved:** Cr**Seconded:** Cr

THAT Council no longer act as a Planning Authority and resume the Ordinary Council Meeting.
Nil

14. MONTHLY MAYORAL AND ELECTED MEMBERS ACTIVITY**RECOMMENDATION 13/10.2024/C****Moved:** Cr**Seconded:** Cr

THAT the Council notes the Mayoral and Elected Members Activities.

PURPOSE

This report aims to provide an overview of the Mayor and Elected Member's monthly activities.

BACKGROUND

The Mayor and Elected members can provide an activity report each month summarising any civic events they attend.

DISCUSSION

The Mayor and Elected Members represent the council at public and civic events and are the political interface between other bodies, governments, and the Council. In accordance with the Local Government Act 1993, the Mayor is designated as the spokesperson for the Council as well as a representative for the Council on regional organisations and at intergovernmental forums at regional, state, and federal levels. Reports below are provided outside the general functions of a Councillor, whereby Councillors meet with ratepayers and attend workshops.

11 September 2024 to 9 October 2024

Mayor Loueen Triffitt

13 September 2024	Southcentral Workforce Network 4 th Birthday, Ratho Bothwell
17 September 2024	Ordinary Council Meeting, Hamilton
23 September 2024	Meeting with Brian Mitchell MP
7 October 2024	Swimming Pool Meeting, Bothwell
8 October 2024	Planning Meeting and Workshop, Bothwell

- Business of Council x **12**
- Ratepayer and community members – communications **6**
- Elected Members - communications **18**
- Council Management communications **7**

Deputy Mayor J Allwright

17 September 2024	Ordinary Council Meeting, Hamilton
8 October 2024	Planning Meeting and Workshop Bothwell

Cr A Archer

17 September 2024	Ordinary Council Meeting, Hamilton
8 October 2024	Planning Meeting and Workshop Bothwell

Cr A Bailey

17 September 2024 Ordinary Council Meeting, Hamilton
8 October 2024 Planning Meeting and Workshop Bothwell

Cr R Cassidy

17 September 2024 Ordinary Council Meeting, Hamilton
8 October 2024 Planning Meeting and Workshop Bothwell

Cr J Hall

17 September 2024 Ordinary Council Meeting, Hamilton
8 October 2024 Planning Meeting and Workshop Bothwell

Cr J Honner

17 September 2024 Ordinary Council Meeting, Hamilton
8 October 2024 Planning Meeting and Workshop Bothwell

Cr D Meacheam

7 October 2024 Audit Committee meeting, Hamilton
8 October 2024 Planning Meeting and Workshop Bothwell
Completed the Beta testing module 6, learning package 3, Office of Local Government "Learning to Lead" program during the month

Cr Y Miller

17 September 2024 Ordinary Council Meeting, Hamilton
8 October 2024 Planning Meeting and Workshop Bothwell

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY WELL-BEING)

Build capacity to enhance community spirit and sense of wellbeing

- 1.1 Continue to upgrade existing public open spaces and sporting facilities and encourage community use
- 1.2 Advocate for improved health, education, transport and other government and non-government services within the Central Highlands
- 1.3 Continue to strengthen partnerships with all tiers of government
- 1.4 Support and encourage social and community events within the Central Highlands
- 1.5 Provide support to community organisations and groups
- 1.6 Foster and develop an inclusive and engaged community with a strong sense of ownership of its area
- 1.7 Foster and support youth activities in the Central Highlands

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

Due to Staff Leave during September 2024 a report has not been provided this month

15.2 ESTABLISHMENT OF A CENTRAL HIGHLANDS NEIGHBOURHOOD HOUSE (ASH COTTAGE)

RECOMMENDATION 14/09.2024/C

Moved: Cr

Seconded: Cr

THAT Council support the submission to the State Government by the Health Action Team Central Highlands to establish Ash Cottage as a Neighbourhood House base on council providing Ash Cottage rent free.

REPORT BY Stephen Mackey, Acting General Manager

The Health Action Team Central Highlands (HATCH) is proposing to make a submission to the State Government to establish Ash Cottage as a Neighbourhood House subject to agreement from the Central Highlands Council.

PROPOSED REQUEST FOR SUPPORT

The Central Highlands Council endorse the use of Ash Cottage as a Neighbourhood House and continue to provide the cottage for community use as part of the Tasmanian neighbourhood House network on a rent-free basis (including ongoing maintenance.) should the application by HATCH be successful.

RATIONAL FOR REQUEST

HATCH has recently become reinvigorated and has ten members who meet monthly. The organisation has undertaken some initial planning of its direction and activities and will undertake a full strategic planning process in November. The group is actively engaging with, and promoting to communities across the Central Highlands including convening two recent health expos held in Ellendale and Bothwell. It has also applied to become an incorporated body.

HATCH is now pursuing fulfilment of a recommendation of the 2023 evaluation of Highlands Health Connect (HHC) The evaluation found HHC to be a highly effective community led programs that contributed to improve physical activity, healthy eating and social connections across the Central Highlands. The evaluator recommended consideration of Ash Cottage as a Neighbourhood House to provide a more sustainable approach to gains made by HHC and to leave the community less exposed to short-term funding.

About Neighbourhood Houses

Neighbourhood houses are a network of 35 organisations across Tasmania funded by the State Government to support and coordinate local community development. There is no Neighbourhood House in Central Tasmania.

Neighbourhood Houses are organisations offering accessible, locally driven programs which respond to community needs and provide a soft-entry point to community and service systems. They connect to communities in a variety of ways.

- Providing information and referrals
- Developing and maintaining partnerships
- Running community events
- Providing opportunities for socialising, learning and skills development
- Providing access to everyday literacy, financial, life, communication and employment skills.

The priority focus of the Houses is low socio-economic community members. The Neighbourhood Houses Program Strategic Framework 2018-2023 states: *“As an overriding principle, Communities Tasmania [now the Department of Premier and Cabinet] will target funding of new Houses to priority geographic areas of highest need as defined by agreed needs-based demographic funding criteria.”*

The Central Highlands can demonstrate a high level of community need. Its SEIFA, a measure of socio-economic disadvantage, is 911, well below that for the whole of Tasmania at 966; almost half the population is aged over 55; and the median household income is 25 per cent lower in the Central Highlands than for Tasmania. These and other indicators will support the HATCH submission for Neighbourhood House status.

ABOUT ASH COTTAGE

Ash Cottage is a community asset in Ouse provided by the Central Highlands Council that serves the wider Central Highlands community. It currently hosts social events, craft activities, training courses, meal delivery program, food hub and community op shop, and serves as the base for the local Tasmanian Health Service (THS) Health Promotion Coordinator (Tracey Turale). Council contributes eight hours per week funding to support a community administrator (Catherine Watson) at Ash Cottage – this contribution supplements the eight hours funding provided under the HHC program which will expire in June 2025.

The continuation of both these roles, and for Ash Cottage to continue as a community asset and connector, is not guaranteed. The conclusion of HHC funding means a halving of Catherine's capacity to organise and support activities at Ash Cottage, while Tracey has been requested by THS to move to the Central Highlands Community Health Centre. The continuation of the THS Health Promotion Coordinator role in the Central Highlands is also not guaranteed should Tracey choose to retire.

While HATCH members currently volunteer and support activities at Ash Cottage, repurposing the Cottage to a Neighbourhood House would provide significantly increased capacity and a widening of the range of activities that could be offered there. Houses are typically funded to employ around 2.0 FTEs, and attract a range of external service providers with programs like 26TEN (literacy and numeracy), early childhood learning activities and facilitation of no interest loans (NILS). Some Houses provide, for example, transport options, low or no cost food items, learn to drive programs, and after school/youth activities.

PROGRESS TO DATE

1. HATCH has engaged Fae Robinson (Fae Robinson Futures) to work with them to develop a business case for Ash Cottage to become a Neighbourhood House. Our research reveals that the most effective process for pursuing this outcome is through the State Government's Budget Priority Statement (BPS) process which is part of its annual budget cycle that provides the opportunity for not-for-profit organisations to submit a budget bid.
2. HATCH has submitted an application for incorporation with a view to being the "*viable Board of Governance representative of a diversity of interests in the community*". (Strategic Framework 2018-2023)

NEXT STEPS

1. Central Highlands Council support – we are seeking a resolution from Council as described in this report for Ash Cottage to be repurposed as a Neighbourhood House on a rent-free basis should the submission to government be successful, and for Council to agree to providing a letter of support for the submission which sets out your commitment.
2. Production of a Strategic Plan to form a key part of the business case and HATCH submission.

3. Advocacy to Members of Parliament to bring the submission, and the community benefits of a Neighbourhood House, to the attention of decision makers and to encourage these representatives to advocate to Treasury and the government for funding of a Neighbourhood House in Ouse.
4. Submission of the business case through the BPS process in accordance with budget timelines. These are yet to be announced but our understanding is submissions will likely be due in early December.
 - Providing information and referrals

MANAGEMENT COMMENT

A meeting was held on Wednesday with Tracy Turale Rae Ferguson Katrina Brazendale and the Acting General Manager Stephen Mackey to discuss the proposal. They were advised that we would provide positive commit supporting their proposal on the basis that they were aware that we could not give a long-term commitment for the use of Ash Cottage and that the maintenance arrangement that currently stands would continue. That Council only maintains the grounds i.e. mowing.

15.3 TOWNSHIPS STRUCTURE PLANNING PROJECT – PROGRESS UPDATE

RECOMMENDATION 15/10.2024/C

Moved: Cr

Seconded: Cr

THAT the update on the Central Highlands Townships Structure Planning Project be noted and that:

- A. The draft Structure Plans for Bothwell, Hamilton & Ouse, and the associated supporting reports, be progressed to the community consultation phase in November.
- B. Councillors and council officers to provide any amendments to the draft Structure Plans by close of business Thursday 10 October to the Project Manager, who is to assess and collate the amendments and provide them to the consultants for the production of the final drafts for community consultation.
- C. Community consultation to proceed generally in accordance with the outline proposed in this report.

REPORT BY Damian Mackey, Council Planning Consultant (SMC)

Attachments

- Bothwell Structure Plan Draft
- Hamilton Structure Plan Draft
- Ouse Structure Plan Draft
- Appendix A: Background Report
- Appendix B: Consultation Summary
- Appendix C: Economic Report

PURPOSE

The purpose of this report is to progress the draft Structure Plans for the townships of Bothwell, Ouse & Hamilton to the final community consultation phase.

BACKGROUND

The project to develop Structure Plans for the townships of Bothwell, Hamilton and Ouse has progressed to the point of having draft plans and accompanying supporting documents (refer enclosed) in preparation for the last community consultation phase.

This work has been ongoing since early 2024 and has involved a number of Councillor workshops and an extensive initial community consultation phase involving an online survey, intercept surveys, interviews with key stakeholders & community groups including Bothwell School, and a community workshop in each town. Details of the community consultation undertaken to date is provided in the enclosed Consultation Summary, (Appendix B).

The consultants, Niche and Urban Enterprise, have conducted significant research and data analysis, and have produce a Background Report (Appendix A) and an Economic Report (Appendix C). These, together with the community consultation outcomes, form the foundation of the draft Structure Plans.

Whilst Council has appointed a Project Steering Group to oversee the project, the Project Plan adopted at the beginning of the project by Council identifies 'key decision points' which are to be endorsed by Council. This includes the decision that the draft Structure Plans are suitable for community consultation.

THE DRAFT STRUCTURE PLANS

The three draft Structure Plans are enclosed for Councillor's consideration, along with the three supporting reports as appendices, (which are common to all three plans).

For each town the draft Structure Plans include opportunities & constraints, land use, hazards, infrastructure, community facilities, heritage, a proposed vision for each town, and draft implementation strategies.

It is considered that the draft Structure Plans and accompanying supporting documents are generally suitable for community consultation. However, it is evident that a number of minor amendments could be made to improve them, such as some factual omissions or corrections.

The consultants are awaiting feedback from Council regarding such amendments, which they will make to produce the final draft versions ready for community consultation. This needs to be held in November.

Due to time constraints, it is now not possible to hold a Project Steering Group workshop to garner Councillor and officer input regarding any amendments. It is therefore proposed that councillors and relevant officers provide any such amendments that they may identify to the Project Manager, (Damian Mackey), by close of business Thursday 17 October. He will then consolidate the suggested changes and provide them to the consultants.

COMMUNITY CONSULTATION

It is important that this last community consultation phase occurs in November. Experience has shown that December and January are not good months for community consultation, with December clashing with the lead-up to Christmas and the end of the year generally, and January clashing with the holiday period.

If consultation occurs in November, then Council and the consultants can work on analysing the feedback received and agreeing on any subsequent modifications, with a view to finalising the Structure Plans in February. Any regional-level ramifications contained in the plans could then be put forward for inclusion into the review of the Southern Tasmania Regional Land Use Strategy.

The following community consultation process outline is proposed:

- Start on Monday 4 November and end at close of business Friday 6 December.
- Information to be placed on Council's website and social media pages, with a link to the draft structure plan documents and supporting reports.
- Provision for the online lodgement of submissions, as well as acceptance of hard copy submissions at Council offices and by post.
- A standard submission form to be made available for those who wish to use it. (For convenience. Not mandatory).
- Displays to be established at Council's two offices, with hard copies of the documents for viewing.
- Posters on community notice boards, shops, usual places.
- Emails to be sent to all individuals, community groups and stakeholders who have already been involved.
- An article to be placed in the community newspaper.

- Information to be at Council's stall at BushFest on weekend of 23-24 November.
- Three 'information drop-in sessions', one in each town, to be held during the week commencing Monday 25 November. (Exact dates and times to be determined). These will be attended by the consultants and the Project Manager / council officers. Councillors welcome to attend.

Note that the Review of the Southern Tasmania Regional Land Use Strategy (STRLUS) is currently seeking input from the community. Council has previously determined that the information drop-in sessions for the draft Structure Plans can also include a section on the Review of STRLUS, as this will provide an opportunity to minimise potential confusion between the two processes within the community.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE AND FACILITIES

Manage Council’s physical assets in an efficient and effective manner	
2.1	Develop and implement a 10 year Asset Management Plan for all classes of assets
2.2	Continue to lobby at regional and state levels to improve transport and infrastructure
2.3	Seek external funding to assist with upgrading of existing infrastructure and funding of new infrastructure and facilities
2.4	Ensure that the standard of existing assets and services are maintained in a cost effective manner

16.1 WORKS & SERVICES MONTHLY REPORT – SEPTEMBER 2024

RECOMMENDATION 16/10.2024/C

Moved: Cr

Seconded: Cr

THAT the Works & Services monthly report for September 2024 be received.

REPORT BY Jason Branch, Works & Services Manager

BACKGROUND

The following activities were performed during **September 2024** by Works & Services –

Grading & Sheeting	Woodsprings Road, Waddamana Road, Hunterston Road, Flemming Road, Berry Drive, Langloh Road, Boomer Road
Maintenance Grading	Jean Banks Road, Cider Gum Road, Theissen Crescent, Todds Corner Road, Warners Road, Mt Adelaide and unsealed roads in Bothwell, Woodmoor Road, Norley Road, Mark tree Road, Hamilton Plains Road, Dry poles Road, Coopers Road, Wiggs Road, Jones River Road
Potholing / shouldering	Dennistoun Road, Morass Bay, Todds corner Road, Strickland Road, Dawson Road, Rockmount Road
Spraying:	Footpaths Bothwell township Ouse township
Culverts / Drainage:	Clean drains at Haulage Road Drainage at Brandum Bay Install new culvert pipe Thiessen Crescent Drainage Flemming Drive Extend culvert Todds Corner Drainage Johnsons Road Clean culverts and drainage McGuires Road Clean culverts Tor Hill Road

	<p>Clean culverts start of Lanes Tier Road Clean and patch footpath Ellendale Remove fallen tree from Belchers Road</p>
Occupational Health and safety	<p>Monthly Toolbox Meetings Day to day JSA and daily prestart check lists completed. Monthly workplace inspections completed. Playground inspections Annual play ground audit also undertaken</p>
Bridges:	
Refuse / recycling sites:	<p>Cover Hamilton Tip twice weekly</p>
Other:	<p>Repair flood damage Mackersey Head Road Re-gravel bin site at Wilberville and place rocks Drairage Arthurs Lake Road, Wilberville Replace Glovers Road sign (stolen) Replace speed limit signs Wilberville (worn out, faded) Replace Wilberville signs (worn out, faded) Replace Bannister Road street blade (stolen) Repair shove in Arthurs Lake Road Remove fallen trees Waddamana Road Remove fallen tree Interlaken Road Rock line storm water outlet into Clyde River after flooding Cold mix holes Bothwell township Cold mix holes Ouse township Cold mix holes Pelham Road Cold Mix holes Ellendale Road 7mm metal and emulsion works Hollow Tree, Pelham Road Build a tank stand for Steppes Hall Clean town drains Wayatinah Clean up and chip fallen trees from around Wayatinah Village</p>
Slashing:	<p>Wayatinah Road</p>
Municipal Town Maintenance:	<p>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</p>
Buildings:	
Plant:	<p>PM654 New Holland tractor new front tyres PM843 Toyota Hilux service PM821 Komatsu grader serviced PM757 JCB Backhoe hose repair</p>

<p>Private Works:</p>	<p>R.D Cain gravel delivery M.J Housego gravel D.Jones gravel delivery R.A.Bowerman gravel Kevin Towns gravel delivery David Madden gravel delivery State Wide Earthworks gravel supply Ratho gravel delivery Grahams plumbing gravel delivery B.Speed gravel delivery</p>
<p>Casuals</p>	<p>Toilets, rubbish and Hobart Hamilton general duties</p>
<p>Program for next 4 weeks</p>	<p>Repair flood damage to road and bridge at Gowen Brea Repairs to defects Hollow Tree Road and Dennistoun Road Upgrades to Softfall areas Queens Park and Hamilton Park Repair squashed storm water pipe Ellendale Road Roadside spraying General town spraying</p>

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – FINANCIAL SUSTAINABILITY)

Manage Council's finances and assets to ensure long term viability and sustainability of Council

- 3.1 Manage finances and assets in a transparent way to allow the maximisation of resources to provide efficient and consistent delivery of services
- 3.2 Review annually, Councils Long Term Financial Management Plan and Council's Long Term Asset Management Plan
- 3.3 Where efficiency gains can be identified, resource share services with other local government councils
- 3.4 Endeavour to, and continue to lobby for, an increase in the level of grant income
- 3.5 Encourage development to expand Council's rate base
- 3.6 Identify revenue streams that could complement/substitute for existing resources
- 3.7 Develop and maintain sound risk management processes

17.1 MONTHLY FINANCE REPORT TO 30 SEPTEMBER 2024

RECOMMENDATION 17/10.2024/C

Moved: Cr

Seconded: Cr

THAT the Monthly Finance Report to 30 September 2024 be received.

REPORT BY

Zeeshan Tauqeer, Accountant

BACKGROUND

The following Finance reports are tabled for period ending **30 September 2024**. Further reports will be sent prior to the meeting.

Bank Reconciliation as at 30th SEP 2024

	2023	2024
Balance Brought Forward	\$10,058,014.94	\$7,101,181.19
Receipts for month	\$747,345.97	\$414,674.81
Expenditure for month	\$1,095,209.85	\$955,990.10
	<hr/>	<hr/>
Balance	\$9,710,151.06	\$6,559,865.90
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Represented By:		
Balance Commonwealth Bank	\$2,512,880.17	\$1,341,932.37
Balance Westpac Bank	\$801,020.35	\$429,234.16
Investments	\$6,395,700.54	\$4,788,149.37
Petty Cash & Floats	\$550.00	\$550.00
	<hr/>	<hr/>
	\$9,710,151.06	\$6,559,865.90
Plus Unbanked Money	\$0.00	
	<hr/>	<hr/>
	\$9,710,151.06	\$6,559,865.90
Less Unpresented Cheques	\$0.00	\$0.00
Unreceipted amounts on bank statements	\$0.00	
	<hr/>	<hr/>
	\$9,710,151.06	\$6,559,865.90
	<hr/> <hr/>	<hr/> <hr/>

BANK ACCOUNT BALANCES AS AT 30 Sep 2024

No.	Bank Accounts	Investment Period	Current Interest Rate %	Due Date	BALANCE	
					2023	2024
11100 Cash at Bank and on Hand						
11105	Bank 01 - Commonwealth - General Trading Account				2,512,880.17	1,341,932.37
11106	Bank 02 - Westpac - Direct Deposit Account				801,020.35	429,234.16
11110	Petty Cash				350.00	350.00
11115	Floats				200.00	200.00
11199 TOTAL CASH AT BANK AND ON HAND					3,314,450.52	1,771,716.53
11200 Investments						
11207	Bank 6	0	0.00	4/09/2023	1,069,276.14	0.00
11207	Bank 5	0	0.00	26/09/2023	3,067,638.05	0.00
11115	Bank 04	60 days	4.54%	28/10/2024	-	2,181,413.26
11110	Tascorp	92days	4.80%	27/09/2024	80,346.47	84,217.27
11115	Bank 16	30days	4.42%	16/10/2024	2,178,439.88	2,522,518.84
11299 TOTAL INVESTMENTS					6,395,700.54	4,788,149.37
TOTAL BANK ACCOUNTS AND CASH ON HAND					9,710,151.06	6,559,865.90

Rates Reconciliation as at 30 Sep 2024

	<u>2023</u>	<u>2024</u>
Rates in Debit 30th September	\$135,606.82	\$196,877.36
Rates in Credit 30th September	-\$171,244.88	-\$145,341.00
Balance 30th September	-\$35,638.06	\$51,536.36
Rates Raised	\$4,473,690.61	\$4,716,976.66
Penalties Raised	\$15,306.58	\$20,479.32
Supplementaries/Debit Adjustments	\$6,497.62	\$10,359.86
Total Raised	\$4,495,494.81	\$4,747,815.84
Less:		
Receipts to Date	\$2,048,455.59	\$2,054,718.64
Pensioner Rate Remissions	\$117,580.84	\$127,622.65
Remissions/Supplementary Credits	\$8,168.44	\$8,695.75
Balance	\$2,285,651.88	\$2,608,315.16

17.2 BOTHWELL TOWN HALL FLOOR RESTORATION

RECOMMENDATION 18/10.2024/C

Moved: Cr

Seconded: Cr

THAT Council engage Electrodry to undertake the surface works at the Bothwell Town Hall as per their quote.

REPORT BY Graham Rogers, Manager DES

As part of Council's Building Maintenance Schedule, and the continuous use of the Bothwell Town Hall, a quote has been obtained to restore/ maintain the surface of the Bothwell Town Hall, being \$4,500.00 from Electrodry.

The Bothwell Town Hall has currently had minor floor repairs to the surface due to high usage of this facility. The current timber restoration figure of \$4,500 has not been included in the 2024/2025 Budget, hence the port coming to Council for consideration.

Whilst the restoration works are being undertaken, we will endeavour to move the bookings to the Bothwell Football Club and Community Centre.

If Council decides to wait until the 2025/2026 Budget, the costs would be increased as the attached quote is valid for 60 days only.

Hi Jodie / Central Highlands,

Thanks for having Trevor out to quote the Timber Restore system on your timber floors at **19 Alexander St, Bothwell TAS 7030.**

Electrodry's Timber Restore Service is the only way to effectively coat and seal your floor without the cost and inconvenience of sanding. Our unique system allows our trained technicians to build semi-transparent stains into the sealing coats to even out the colours in your floor and hide imperfections.

Your timber restore service Includes:

1. We clean and prepare your floor with tailored cleaning solutions and abrasive pads
2. We add colour to the worn areas of your floor and
3. Multiple coats of our proprietary 2-pack polyurethane sealer are applied to your floor
4. Our colour blending process minimises any colour variations in the floor
5. A durable, scratch resistant 2-pack polyurethane top coat is applied in your choice of finish; Gloss, Semi-gloss, Satin, Matt or Ultra Matt

The cost to restore your floor (130 sqm) is \$4500.

** All prices include GST.*

** This quote is valid for 60 days only.*

Additional Notes: We are likely to achieve a very presentable floor with a uniform sheen level courtesy of a high-density polyurethane finish, however deep scratches will still be visible.

17.3 DEVELOPMENT & ENVIRONMENTAL SERVICES

RECOMMENDATION 19/10.2024/C

Moved: Cr

Seconded: Cr

THAT the Development & Environmental Services Report be received.

REPORT BY Graham Rogers, Manager DES

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
2024/00052	R M C G	189 Dennistoun Road, Bothwell (CT106748/2 & CT 139963/1), Highland Lakes Road, Bothwell (CT 46289/1) & Highway Lakes Road, Bothwell (CT225285/1 & CT 225286/1)	Spreading of Biosolids

DISCRETIONARY

DA NO.	APPLICANT	LOCATION	PROPOSAL
2024/00053	P A Davis	27 Wallace Road, Doctors Point	Relocation of Outbuilding

ANIMAL CONTROL

Total Number of Dogs Registered in 2023/2024 Financial Year – 998

Total Number of Kennel Licences Issued for 2023/2024 Financial Year – 29

2024/2025 Dog Registration Renewal have been issued and are due by 31 July 2024.

Statistics as of 04 October 2024	
Number of Dogs Impounded during last month	0
Number of Dogs Currently Registered	914
Number of Dogs Pending Re-Registration	24
Number of Kennel Licence Renewals	33

17.4 RECOMMENDATIONS FROM THE AUDIT PANEL

RECOMMENDATION 20/10.2024/C

Moved: Cr

Seconded: Cr

1. **THAT** Council approve draft Policy No. 2015 - 41 Risk Management Policy and Strategy subject to input from Council's Independent Advisor Mr West to consider if psychosocial hazards that may arise at work should be included in the policy;
2. **THAT** Council approve draft Policy No. 2013 – 05 Use of Council Vehicles;
3. **THAT** Council approve draft Policy No. 2016 - 44 Purchasing & Payments Control Policy; and
4. **THAT** Council adopts the draft Audit Panel Charter.

REPORT BY Adam Wilson, Deputy General Manager

Attachments

Risk Management Policy

Use of Council Vehicles Policy

Purchasing & Payments Control Policy

BACKGROUND

At the Audit Panel Meeting held on Monday 7 October 2024 the committee reviewed the Risk Management Policy, Use of Council Vehicles Policy and Purchasing & Payments Control Policy.

A copy of the draft policies are included in the attachments and the committee made the following resolutions listed below -

RESOLUTION 1

Moved: Cr D Meacheam

Seconded: Deputy Mayor J Allwright

THAT Council approve Policy No. 2015 - 41 Risk Management Policy and Strategy subject to input from Council's Independent Advisor Mr West to consider if psychosocial hazards that may arise at work should be included in the policy.

CARRIED

For the Motion: Mr I McMichael (Chair); Deputy Mayor J Allwright; and Cr D Meacheam

RESOLUTION 2**Moved:** Deputy Mayor J Allwright**Seconded:** Cr D Meacheam**THAT** Council approve Policy No. 2013 – 05 Use of Council Vehicles.**CARRIED****For the Motion:** Mr I McMichael (Chair); Deputy Mayor J Allwright; and Cr D Meacheam**RESOLUTION 3****Moved:** Cr D Meacheam**Seconded:** Deputy Mayor J Allwright**THAT** Council approve Policy No. 2016 - 44 Purchasing & Payments Control Policy.**CARRIED****For the Motion:** Mr I McMichael (Chair); Deputy Mayor J Allwright; and Cr D Meacheam

The Audit Panel also reviewed the Audit Panel Charter and recommended the following alterations:

- Audit Panel comprise of three Councillors and one independent member;
- Audit Panel members be appointed for a period of four years;
- Include an additional function – to consider alternative revenue sources;
- That the Audit Panel meet at least six times per year, once every two months; and
- The Quorum of an Audit Panel meeting increase to three members, including an independent member.

A copy of the draft Audit Panel Charter is included in the attachments and the committee made the following resolution -

RESOLUTION 4**Moved:** Deputy Mayor J Allwright**Seconded:** Cr D Meacheam**THAT** Council adopts the draft Audit Panel Charter.**CARRIED****For the Motion:** Mr I McMichael (Chair); Deputy Mayor J Allwright; and Cr D Meacheam

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – NATURAL ENVIRONMENT)

Encourage responsible management of the natural resources and assets in the Central Highlands.

- 4.1 Continue to fund and support the Derwent Catchment Project
- 4.2 Continue with existing waste minimisation and recycling opportunities
- 4.3 Promote the reduce, reuse, recycle, recover message
- 4.4 Continue the program of weed reduction in the Central Highlands
- 4.5 Ensure the Central Highlands Emergency Management Plan is reviewed regularly to enable preparedness for natural events and emergencies
- 4.6 Strive to provide a clean and healthy environment
- 4.7 Support and assist practical programs that address existing environmental problems and improve the environment

18.1 DERWENT CATCHMENT PROJECT

RECOMMENDATION 21/10.2024/C

Moved: Cr

Seconded: Cr

THAT the Derwent Catchment Project Report for June 2024 be received.



Derwent Catchment Project Monthly Report for Central Highlands Council September 10th – October 10th, 2024

General business

Last month has been a busy start to the season with the challenges of extreme weather events. We have been in communication with various people and groups to discuss the impacts of flooding and what we can do to be better prepared.

The AGM was postponed due to weather, but a new date (Saturday the 9th of November) has been decided upon. Please reach out if you are interested in coming along. It has been a difficult time of year to organise a new time.

The crew have had a challenging start to the season with the weather but there is always lots to do, and we are eager to get on with it.

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 ground crew have been out surveying weeds around the area and developing a schedule of works. Morgan has been in discussions with TasNetworks, Hydro, and Sustainable Timbers Tas to lock in a program to deliver landscape wide success. Dee Lagoon and Tarraleah broom projects are already underway, and we are satisfied with the results. Orange hawkweed will have reduced resources this year however, the core sites will have continued surveying treatment.



Agriculture

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

Derwent Pasture Network - funded by the Derwent Catchment Project

Peter has been raving the pasture trial site at Westerway and measuring the changing composition between desired pasture species. Whilst Phalaris is showing desired outcomes there are challenges in how best to replicate this across multiple sites. Peter has been collecting information from the program to help develop a field day presentation to help spread the knowledge. An initial field day has been delivered already.

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.

Platypus walk

Luckily there was no major damage at Platypus Walk although the river was high. The crew have been back there to continue with the maintenance of the site and infilling the plantings where possible. They will be up there in the coming week to spray the walking track and a few woody weeds.



Flooding on the Tyenna River 2024.

Willow Warriors – Tyenna River

A survey was conducted to assess the impacts of the floods and whilst there were not huge impacts, multiple locations have had minor to medium erosion. The new planting at Maydena has survived the flooding and the first Willow Warrior worming bee will go there to expand the plantings and treat pine trees.

Nursery expansion

The expansion of the nursery has achieved another milestone with the completion of the warm house. Karen is already prepping the warm house with heat beds and is excited to get cuttings organised and growing. Plant sowing is underway, and Karen is pricking out specialty species that have been in waiting for over 18 months to germinate. The next stage of the expansion will be increasing the footprint of the growing area and shade house.



Newly completed hot house, Hamilton.

Grant applications

Disaster Ready Fund – Australian Government through DPAC Tasmania - \$1.97 million – full approval

This project will build on significant stormwater upgrades in Bothwell and two bridge infrastructure projects on the Clyde River being undertaken by Council to reduce flood risk. The project will remove 20 km of willows in 2 phases: 1) targeted control through the townships of Hamilton and Bothwell and 2) drill and fill and/removal of willows at 5 pinch points along the Clyde River on farming land. Willow control will be followed by strategic revegetation efforts to improve riverbank stability. Individual flood plans will be developed in consultation with key landholders to improve community preparedness.

Grassroots drought resilience extension in the Derwent Catchment – The Tas Farm Innovation Hub - \$120,000 – pending

This application is for funding to continue provide drought resilience ag-extension support through workshops/seminars, field days, small group meetings and through one-on-one sessions with targeted farmers that do not attend events.

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

Yours Sincerely,
The Derwent Catchment Team

19. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ECONOMIC DEVELOPMENT)

Encourage economic viability within the municipality

- 5.1 Encourage expansion in the business sector and opening of new market opportunities
- 5.2 Support the implementation of the Southern Highlands Irrigation Scheme
- 5.3 Continue with the Highlands Tasmania and Bushfest branding
- 5.4 Encourage the establishment of alternative industries to support job creation and increase permanent residents
- 5.5 Promote our area's tourism opportunities, destinations and events
- 5.6 Support existing businesses to continue to grow and prosper
- 5.7 Develop partnerships with State Government, industry and regional bodies to promote economic and employment opportunities
- 5.8 Work with the community to further develop tourism in the area

19.1 DRAFT LUPA AMENDMENT (DEVELOPMENT ASSESSMENT PANEL) BILL 2004

RECOMMENDATION 22/10.2024/C

Moved: Cr

Seconded: Cr

THAT the information be received, and any comments on the draft Land Use Planning and Approval Amendment (Development Assessment Panel) Bill 2024 be forwarded to the Planning Officer by close of business on Monday 11th November 2024.

REPORT BY Graham Rogers, Manager DES

Attachments

Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2004.

PURPOSE

The purpose of this report is to advise Councillors the consultation period on the draft Land Use Planning and Approval Amendment (Development Assessment Panel) Bill 2024.

BACKGROUND

In July 2023, the Premier announce the development on new legislation to allow certain types of development applications to be determined by independent Development Assessment Panel (DAP), appointed by Tasmanian Planning Commission.

This was initiated after the Government's enquiry into the performance of Local Government back in 2022, where one of the issues that was discussed at length was how controversial planning

applications were dealt with.

A Position Paper on a proposed DAP framework was opened for consultation from the 19 October to 30 November 2023 (540 submissions were received).

The draft Land Use Planning and Approval Amendment (Development Assessment Panel) Bill 2024 is on consultation for 5 weeks from 7 October to 12 November 2024.

19.2 DEVELOPMENT & ENVIRONMENTAL SERVICES

RECOMMENDATION 23/10.2024/C

Moved: Cr

Seconded: Cr

THAT the Development & Environmental Services Report be received.

REPORT BY Graham Rogers, Manager DES

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
2024/00052	R M C G	189 Dennistoun Road, Bothwell (CT106748/2 & CT 139963/1), Highland Lakes Road, Bothwell (CT 46289/1) & Highway Lakes Road, Bothwell (CT225285/1 & CT 225286/1)	Spreading of Biosolids

DISCRETIONARY

DA NO.	APPLICANT	LOCATION	PROPOSAL
2024/00053	P A Davis	27 Wallace Road, Doctors Point	Relocation of Outbuilding

ANIMAL CONTROL

Total Number of Dogs Registered in 2023/2024 Financial Year – 998

Total Number of Kennel Licences Issued for 2023/2024 Financial Year – 29

2024/2025 Dog Registration Renewal have been issued and are due by 31 July 2024.

Statistics as of 04 October 2024	
Number of Dogs Impounded during last month	0
Number of Dogs Currently Registered	914
Number of Dogs Pending Re-Registration	24
Number of Kennel Licence Renewals	33

20. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GOVERNANCE AND LEADERSHIP)

Provide governance and leadership in an open, transparent, accountable and responsible manner in the best interests of our community

- 6.1 Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
- 6.2 Ensure that Council members have the resources and skills development opportunities to effectively fulfil their responsibilities
- 6.3 Ensure appropriate management of risk associated with Council's operations and activities
- 6.4 Provide a supportive culture that promotes the well-being of staff and encourages staff development and continuous learning
- 6.5 Provide advocacy on behalf of the community and actively engage government and other organisations in the pursuit of community priorities
- 6.6 Consider Council's strategic direction in relation to resource sharing with neighbouring councils and opportunities for mutual benefit
- 6.7 Support and encourage community participation and engagement
- 6.8 Ensure that customers receive quality responses that are prompt, accurate and fair
- 6.9 Council decision making will be always made in open council except where legislative or legal requirements determine otherwise.

20.1 REPORT BY INDEPENDENT ADVISOR

RECOMMENDATION 24/10.2024/C

Moved: Cr

Seconded: Cr

THAT Council:

- a. receive and note the Independent Advisor's report; and
- b. noting the advice of the Acting Director of Local Government that he is satisfied with the content of the Statement of Expectations, and that each Councillor has signed the declaration to acknowledge agreement to abide by it, the Statement of Expectations be included on Council's website.

REPORT BY Paul West, Independent Advisor

BACKGROUND

The Council at a Special Meeting on 30 July 2024 unanimously determined to appoint Paul West of River Road Consulting Pty Ltd as Independent Advisor in accordance with agreed Terms of Reference.

As part of the role the Independent Advisor is to provide a monthly progress report to the Council (included on the meeting agenda).

REPORT

To: Central Highlands Council
From: Independent Advisor – Paul West
Date: 11 September 2024

INTRODUCTION

The Acting Director Local Government recommended to Council that an Independent Advisor be engaged to assist the Council in addressing operational matters within the Central Highlands Council.

The Terms of Reference agreed by Council included the requirement that the Independent Advisor provide a monthly progress report to the Council for inclusion on the meeting agenda.

The agreed term of appointment was from 1 August 2024 until 31 October 2024, this is the third report provided to the Council by the Independent Advisor.

SUMMARY

This report updates the Council on activities undertaken in accordance with the approved Terms of Reference.

This report is structured in line with the Terms of Reference.

Respectful Relationships Policy

The Respectful Relationships Policy is to establish clear guidelines and expectations for interactions among councillors, between councillors and the General Manager, and between the Mayor and the General Manager.

- A draft of a Respectful Relationships Policy was presented to a Council Workshop on 10 September 2024.
- The draft policy was prepared using information which included the 'Model Councillor and Staff Interaction Policy' developed by the NSW Office of Local Government and the NRE Tasmania 'Workplace Behaviours Policy'.
- The Respectful Relationships Policy establishes clear guidelines and expectations among councillors, between councillors and the General Manager and between the Mayor and General Manager. It also details matters relating to requests for information by councillors from staff and the boundaries which apply.
- The Council at its meeting on 17 September 2024 resolved to:

(a) *adopts the Respectful Relationships Policy with immediate effect and commits to ensuring the intent of the Policy is upheld by all parties within Council.*

(b) provide a copy of the Respectful Relationships Policy to the Acting Director of Local Government for information and to demonstrate the Council is committed to addressing the concerns outlined in his letter dated 18 June 2024.

- The adopted Respectful Relationship Policy was extensively referenced in a Workshop with the Councillors on 8 October 2024.

Improving Communication

A requirement to address communication concerns and implementing improved communication processes within the Council.

The Council adopted a Respectful Relationships Policy and a Statement of Expectations at its meeting on 17 September 2024 which addressed a series of issues relating to the breakdown in communication.

- Council at a Workshop on 10 September were provided with a list of the issues raised with the Independent Advisor relating to issues believed to have contributed to the 'breakdown in communication' and accepted that with the current work being progressed these concerns may be resolvable.
- Councillors at a Workshop on 8 October participated in a 'mediation' session which addressed the following questions:
 - Why are we here?
 - What defines a good Council?
 - What makes a good Councillor?
 - What are the strengths of the Central Highlands Council?
 - What are Council's weak points?
 - What does the future look like?
- Councillors worked through and appeared to generally agree on what defines a good council:

A sense of team - the Mayor, Councillors and General Manager see themselves (and work together) as a team with a common purpose. There is a high degree of respect, trust, and openness.

Clearly understand roles and responsibilities - Councillors understand their role is to serve as policy makers and to represent the values, beliefs and priorities of their community and understand the General Manager is responsible for the day-to-day operations. The General Manager implements the policy objectives of the Council.

Good working relationships – Councillors building trust between each other and with the staff is vital if the Council is to operate successfully. Councillors treating each other and the staff with dignity and respect is vital. Councillors can respectfully disagree on issues but must always remember they are part of the team once a decision has been made.

Effective meeting procedures – Councillors are respectful of each other, the public and everyone's time; maintaining positive body language; making thoughtful and objective contributions to the debate; are prepared by reading the agenda and seeking further advice in advance (no surprises).

Providing Council is prepared to continue to work through issues constructively and professionally, the matters which gave rise to the Office of Local Government's intervention can hopefully be 'put behind it'.

Statement of Expectations

Council to prepare and adopt a 'Statement of Expectations' which is to be reviewed and agreed to by the Acting Director Local Government.

- A draft of a Statement of Expectations was presented to Councillors at a Workshop on 10 September 2024.
- The draft Statement of Expectations was prepared using similar documents previously in place at Glamorgan Spring Bay Council and Glenorchy City Council. with some modifications to make it relevant for the Central Highlands. The overall substance and intent are the same as the aforementioned documents as the issues are of a similar nature.
- The Council at its meeting on 17 September 2024 resolved to:
 - (a) *approve the Statement of Expectations and commits to ensuring the intent of the document is upheld by all parties within Council.*
 - (b) *refer the Statement of Expectations to the Acting Director of Local Government for review and to demonstrate the Council is committed to addressing the concerns outlined in his letter dated 18 June 2024.*
 - (c) *agree that each Councillor be requested to sign the Statement of Expectations document as a demonstration of their individual commitment to its intent.*
 - The Statement of Expectations document was provided to the Acting Director of Local Government for review and comment.
 - The Acting Director of Local Government on 2 October 2024 advised:
 - *The Statement looks comprehensive. I acknowledge Council's significant efforts and commitment in developing this and other documentation to support good governance and more effective relationships.*
 - *I have no comments to make on the document and I wish the Council well with its ongoing implementation.*
 - The Statement of Expectations was extensively referenced in the Workshop with Councillors on 8 October 2024.
 - Councillors have/will sign the below declaration committing to abide by the Statement of Expectations.

"We, the undersigned, endorse and agree with the principles and expectations set out in this Statement of Expectations and commit to ensuring we each uphold them to the best of our ability".

Workplace Culture, Health, and Safety

An independent review of workplace culture, health and safety is to be arranged with the aim of ensuring the Council is meeting its obligations under the *Work Health and Safety Act 2012* and associated Regulations with respect to the management of psychosocial risks.

- There has been recent media coverage relating to the management of psychosocial risks in local government more generally. This was considered as part of the review.
- A review of existing the existing Work Health and Safety Policy was undertaken. As a result the Work Health and Safety Policy was updated to incorporate psychosocial risk in the workplace. The draft of the amended Work Health and Safety Policy was discussed with Councillors at the Workshop on 8 October 2024.
- The draft amended Work Health and Safety Policy is listed on the Council meeting agenda for consideration, with the recommendation it be subject to a period of consultation with the workforce prior to being finalised.

Governance

Assistance to be provided to ensure good governance practices and procedures are in place at Central Highlands including reviewing the agenda preparation and reporting requirements, reviewing meeting procedures and processes, and supporting effective and transparent decision making.

- Assisted in ensuring the Performance Improvement Direction was included on the Council meeting agenda and subsequently uploaded to the Council's website in accordance with the Minister for Local Government's direction.
- Assisted the Mayor and Deputy Mayor in finalising the appointment of Stephen Mackey as the Acting General Manager.
- Identified that the Instrument of Delegations to the General Manager had not been updated since January 2017. As a result prepared a new Instrument of Delegations which was subsequently adopted by the Council at its meeting on 17 September.
- In consultation with the Acting General Manager prepared staff delegations, in accordance with s.64 of the *Local Government Act 1993*:

64. Delegation by general manager

- (1) *The general manager, in writing, may delegate to an employee of the council –*
 - (a) *any functions or powers under this or any other Act, other than this power of delegation; and*
 - (b) *any functions or powers delegated by the council which the council authorized the general manager to delegate.*
- (2) *The general manager is to –*
 - (a) *keep a register of any delegation; and*
 - (b) *make the register available for inspection at a public office of the council.*

- In accordance with a Council resolution at the 17 September 2024 meeting, assisted the Council in finalising the extended appointment of Mr Stephen Mackey as Acting General Manager. A separate report on this matter is referred to Council in the Closed Session.

Council Meeting processes

The Independent Advisor is to attend the August, September, and October 2024 Council meetings.

- As an outcome of attendance, the Council have been provided with advice/suggestions for improving the conduct of meeting processes.

Assistance and Advice

Support and assistance to be provided to the General Manager (or a person acting in the role).

- Numerous discussions with the Acting General Manager.
- General advice and support provided as required.

Reporting

The Terms of Reference requires that a monthly progress report is to be provided to the Council and included on the meeting agenda.

- Reports provided to the 21 August and 17 September 2024 meetings.
- This is the third and final report to be provided to Council under the agreed Terms of Reference.
- As part of this assignment regular updates/progress reports have been provided to the Director of Local Government.

Other

- Various other discussions relevant to the role.
- Spoke with a concerned resident regarding the Council's lack of response to an issue raised regarding Haulage Road. Reference to the Council's February 2024 meeting at which a deputation on behalf of residents provided a presentation and a subsequent report listed on the June 2024 agenda.

20.2 WORK HEALTH AND SAFETY POLICY

RECOMMENDATION 25/10.2024/C

Moved: Cr

Seconded: Cr

THAT Council in relation to its Work Health and Safety Policy:

- a. receive and note the report; and
- b. endorse the DRAFT for consultation purposes;
- c. request a further report on the outcome of the consultation be provided to the November 2024 Council meeting.

REPORT BY Paul West, Independent Advisor

Attachments

Work Health and Safety Policy (DRAFT)

Work Health and Safety Policy (Existing)

BACKGROUND

On 18 June 2024, the Acting Director of Local Government, wrote to the Council recommending several actions be taken to address identified acute areas of concern.

An action recommended by the Acting Director related to:

Under the Work Health and Safety Act 2012, Council is the PCBU (Person Conducting the Business or Undertaking) and has a range of responsibilities to provide a safe workplace and manage and mitigate workplace risks – these workplace risks extend to areas of psychosocial harm, including bullying and harassment. I make no observations on any apparent bullying or harassment but note the welfare of individual councillors has been raised in submissions. It is not apparent to me that Council is appropriately managing these risks.

For this reason, I recommend Council procure an independent review into workplace safety that investigates circumstances that are, or are likely to amount to, a breach of work health and safety requirements or other workplace laws and provides recommendations to Council in relation to appropriate measures to mitigate risks and/or resolve any breaches.

In a recent media article reference was made to concerns raised by Local Government Minister, Nic Street about the increase in bullying and harassment within local councils. The article suggested this was 'a clarion call for immediate cultural reform'.

DISCUSSION

Legislation requires that 'a PCBU (person conducting a business or undertaking) must ensure, so far as is reasonably practicable, workers and other persons are not exposed to risks to their psychological or physical health and safety.

A PCBU must eliminate psychosocial risks in the workplace, or if that is not reasonably practicable, minimise these risks so far as is reasonably practicable'.

Under the *Work Health and Safety Act 2012*, Council is a 'public authority' for the purposes of the Act. An 'officer' under the Act is defined under s.252 as 'a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of a public authority is taken to be an officer of the public authority for the purposes of this Act'.

The Act at s.5 outlines the meaning of a person conducting a business or undertaking – and s.5(5) states 'an elected member of a local authority does not in that capacity conduct a business or undertaking'. Therefore it stands that while the Council as the entity is a PCBU the General Manager is the responsible officer for the purposes of the Act.

New psychosocial safety laws were introduced in Tasmania in 2023 meaning Council now has a statutory responsibility for all persons (staff, councillors, contractors, volunteers, etc.) to ensure its business is conducted in a professional and respectful manner.

As discussed with Councillors at the Workshop on 8 October 2024:


- Psychosocial hazards can create stress. This can cause psychological or physical harm. Stress itself is not an injury. But if workers are stressed often, over a long time, or the level of stress is high, it can cause harm.
- Psychosocial hazards may interact or combine to create new, changed or higher risks. It is important to consider all the psychosocial hazards workers may be exposed to when managing psychosocial risks.
- A person conducting a business or undertaking (PCBU) (the Council) must eliminate psychosocial risks, or if that is not reasonably practicable, minimise them so far as is reasonably practicable.
- Councillors, workers and other persons at the workplace have a duty to ensure discrimination, harassment, bullying, sexual harassment, victimisation, and inappropriate workplace behaviour does not occur
- Everyone should take reasonable care for their own psychosocial health and safety, and the health and safety of others in the workplace

The 'Managing psychosocial hazards at work – Code of Practice states:

Psychosocial hazards are hazards that:

- *arise from or in relation to:*
 - *the design or management of work*
 - *the working environment*
 - *plant at a workplace, or*
 - *workplace interactions or behaviours; and*
- *may cause psychological and physical harm.*

Psychosocial hazards and the appropriate control measures may vary between workplaces and between groups of workers, depending on the work environment, organisational context and the nature of work.



Psychosocial hazards that may arise at work

- Job demands
- Low job control
- Poor support
- Lack of role clarity
- Poor organisational change management
- Inadequate reward and recognition
- Poor organisational justice
- Traumatic events or material
- Remote or isolated work
- Poor physical environment
- Violence and aggression
- Bullying
- Harassment including sexual harassment
- Conflict or poor workplace relationships and interactions

The review of the Council's Work Health & Safety Policy has identified several suggested improvements. It is important for Councillors to understand their collective and individual responsibility in relation to ensuring that a safe working environment is provided for all.

There is presently a state-wide focus on psychosocial risks in councils. LGAT and the Office of Local Government are preparing resources for councils which are expected to be rolled out later this year.

In the meantime an updated Work Health and Safety Policy has been prepared as an interim measure to provide a broader scope and to specifically cover psychosocial risks, with the Policy applying to all in the workplace, including Councillors.

Persons under the Policy can be referred to WorkSafe Tasmania for failure to comply with a health and safety duty.

CONCLUSION

The Council may vary, terminate, or replace its Work Health & Safety Policy from time to time. Before making changes to its Work Health and Safety Policy it is appropriate for consultation to occur.

It is recommended Council endorse the draft Work Health & Safety Policy for consultation purposes, noting that further changes may be necessary once the statewide resources are released.

20.3 RATING NON-HYDRO RENEWABLE ENERGY SITES

RECOMMENDATION 26/10.2024/C

Moved: Cr

Seconded: Cr

That Council approve the moving of the following motion at the Local Government Association meeting on the 21st November 2024.

THAT the Local Government Association of Tasmania pursue with the Tasmanian Government the necessary legislative changes required to implement the PILOR (Payment in lieu of rates) for solar and windfarms in Tasmania.

REPORT BY Stephen Mackey, General Manager

PILOR (Payment in Lieu of rates) has operated in Victoria for some years and is established under section 94 of the Electricity Industry Act 2000. The payment in lieu of rates (PiLoR) framework allows electricity generators to negotiate payments made to local councils.

It includes a methodology under section 94 (6A) to assist in calculating these payments. For most generators, the methodology includes both a fixed and variable component, the latter based on the nameplate capacity of the power station.

For community and smaller commercial solar and wind generators up to 25 MW capacity, the methodology sets a variable charge based on electricity generation sent to the grid (subject to minimum amount payable). This aims to encourage more community projects and lower access costs for smaller renewable generators, while ensuring councils receive enough revenue to help fund local services.

How the new methodology works

The PiLoR methodology sets a payment rate per megawatt hour (MWH) generated by a power station with a nameplate capacity of up to 25 MW, that is indexed to inflation. The established rates are as follows:

For a commercial solar or wind generator \$1.12 per KWH generated, or \$7,500, whichever is the greater in each year, or

For a community solar or wind generator: \$0.56 per KWH generated, or \$5,000, whichever is greater each year.

The minimum rate of \$7,500 for a commercial generator up to 25 MW capacity applies where actual generation is less than expected, for example in a year where a generator is offline. This ensures that councils still receive some revenue that contributes to local services.

To calculate expected payments for a relevant generator, an estimate of generation for the year is required at the beginning of the period, which will be reconciled with actual generation that occurs that year in the calculation for the next period.

Under this approach a rates notice should only need to be issued once for each period, and it will ensure that payments will be balanced from date of commission to decommission of a generator and compensate for any periods of inactivity or lower than expected generation.

Councils should seek an estimate of generation for the period from the generator, if the generator is unable to provide one, the council can calculate an estimate using the average capacity factor of the generator, or the industry average of the source.

Section 87 (1) c Land owned by the Hydro- Electric Corporation or land owned by a subsidiary within the meaning of the Government Business Enterprise Act 1995, of the Hydro-Electric Corporation on which assets or operations relating to electricity infrastructure, within the meaning of the Hydro-Electric Corporations Act 1995, other than wind-power developments are located.

20.4 GOVERNMENT BUSINESS ENTERPRISES RATE EQUIVALENT PAYMENTS

RECOMMENDATION 27/10.2024/C

Moved: Cr

Seconded: Cr

That Council approve the moving of the following motion at the Local Government Association meeting on the 21st November 2024.

THAT the Local Government Association of Tasmania pursue with the Tasmanian Government the following:

Funds received by the State Government from Government Business Enterprise as Rate Equivalent payments be in the most part distributed to Local Government.

REPORT BY Stephen Mackey, General Manager

BACKGROUND

Competitive neutrality reform

The competitive neutrality reform program was a commitment under clause 3 of the Competitive Principles Agreement. Under clause 7 of the Competitive Principles Agreement, states and territories committed to also apply this reform at local government level.

The Australian Government and the state and territory governments undertook to ensure that their publicly owned businesses did not enjoy any net competitive advantage simply because they are publicly owned. For significant government businesses, government undertook to adopt a corporatisation model where appropriate and to impose on the business full taxes or tax equivalents and debt guarantee fees to offset advantages from government guarantees, and to apply to the business regulations normally applying to private sector businesses.

In 1996, each government published a competitive neutrality policy statement, outlining its implementation program and mechanism for handling complaints that significant businesses were not appropriately applying competitive neutrality principles. Government also issued a policy statement that addressed the application of this principle to local governments.

Governments published annual National Competition Policy progress reports addressing implementation progress, including allegations of non-compliance, over the life of the National Competition Policy.

Each of the National Competition Council's annual progress assessments considered competitive neutrality implementation.

Related reform – electricity

Arising from the Competition Principles Agreement and the Agreement to Implement the National Competition Policy and Related Reforms, governments undertook to :

- Restructure their electricity sector, apply competitive neutrality and review electricity regulation that restricts competition (Competition Principles Agreement) and
- Introduce fully competitive National Electricity Market (NEM) in southern and eastern Australia, extend competition in supply so that all consumers could have choice of supplier and provide for specific bodies to have operational responsibility in the market (1994) intergovernmental electricity agreement).

Under the intergovernmental electricity agreements governments undertook, prior to joining the NEM, to structurally separate the monopoly electricity transmission function and competitive generation activities, and ring-fence retail and distribution businesses.

The major undertaking was the agreement to establish the National Electricity Market (NEM) in southern and eastern Australia. The NEM was to have been implemented from 1 July 1995, or on such other date agreed by the parties. In December 1996, the implementation date was changed to early 1998. The NEM commenced on 13 December 1998.

The NEM operates in New South Wales, Victoria, Queensland, South Australia, Tasmania and the Australian Capital Territory. Western Australia and the Northern Territory are not part of the NEM because of the distances between their local centres and the interconnected electricity network in the southern and eastern states, but both jurisdictions committed to apply all other electricity sector reforms.

The electricity agreements set the following objectives for the competitive electricity market.

- The ability for customers to choose the supplier, including generators, retailers and traders, with which they will trade (full contestability)
- Non-discriminatory access to the interconnected transmission and distribution network
- No discriminatory legislative or regulatory barriers to entry for new participants in generation or retail supply and
- No discriminatory legislative or regulatory barriers to interstate and/or intrastate trade.

There are now numerous councils in Tasmania separately dealing with options to receive income from these business with some success. But it is now in Local Governments best interests to formalize a process of rating these developments or for councils to receive (PiLOR) payment in lieu of rates which is the case in Victoria.

Recently The West Coast Council again attempted to bring this matter to a head by commenting on the rate equivalent received by the state Government. At that point it was stated that Hydro Tasmania pays \$5.7 million as a rate equivalent over and above it normal

dividend payment. Hydro Tasmania stated that these funds are paid to Local Government, yet a government spokesperson stated it went into consolidated revenue not to Local Government.

Local Government Act 1993 states as follows under exemptions from rates.

Section 87 (1) c Land owned by the Hydro- Electric Corporation or land owned by a subsidiary within the meaning of the Government Business Enterprise Act 1995, of the Hydro-Electric Corporation on which assets or operations relating to electricity infrastructure, within the meaning of the Hydro-Electric Corporations Act 1995, other than wind-power developments are located.

21. CONSIDERATION OF SUPPLEMENTARY AGENDA ITEMS TO THE AGENDA

22. CLOSURE

Mayor Triffitt thanked everyone for their contribution and declared the meeting closed at _____
am/pm.